

Public Document Pack



To: Councillor McRae, Chairperson; and Councillors Farquhar, Lawrence, Macdonald (for items and Radley).

Town House,
ABERDEEN 09 January 2024

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet remotely on **MONDAY, 15 JANUARY 2024 at 11.00 am.**

JENNI LAWSON
INTERIM CHIEF OFFICER – GOVERNANCE (LEGAL)

Members of the Public can observe the meeting via Microsoft Teams [here](#).

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 (FOR ALL THREE REVIEWS)

2.1 Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 2 people (retrospective) - 11 Park Place Aberdeen - 230902

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 230902.

- 2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 7 - 34)
- 2.3 Planning Policies Referred to in Documents Submitted (Pages 35 - 36)
- 2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 37 - 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

REVIEW TWO

- 3.1 Extension to existing garage to form equipment store - Newmill Farmhouse, North Deeside Road, Peterculter - 230645
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 230645.
- 3.2 Delegated Report, Original Application Form and Decision Notice (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 - 98)
- 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

REVIEW THREE

- 4.1 Demolition of existing guesthouse and erection of dwellinghouse - 1B Skene Place Dyce - 230596

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 230596.

4.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 99 - 134)

4.3 Planning Policies Referred to in Documents Submitted (Pages 135 - 136)

4.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 137 - 152)

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 Lynsey McBain on lymcbain@aberdeencity.gov.uk / tel 01224 067344

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LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

PROCEDURE NOTE


GENERAL

1. The Local Review Body of Aberdeen City Council (the LRB) must at all times comply with (one) the provisions of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 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>
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Site Address:	First Floor Right, 11 Park Place, Aberdeen, AB24 5JW
Application Description:	Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 2 people (retrospective)
Application Ref:	230902/DPP
Application Type:	Detailed Planning Permission
Application Date:	27 July 2023
Applicant:	Watson Property And Construction Ltd
Ward:	George Street/Harbour
Community Council:	Castlehill and Pittodrie
Case Officer:	Roy Brown

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site comprises a 1st floor flat in a 2½ storey granite-built building of residential flats in a residential area. The building has a north facing principal elevation that fronts Park Place. The property is accessed from the side (western gable) of the building via a communal stairwell and the application property shares this solely with one other mainstream residential flat, First Floor Left, whose private doorway is directly opposite that of the application property at the top of the stairwell. The First Floor Left flat is noted as having three bedrooms. The third property, 9 Park Place, is a four bedroom House in Multiple Occupation (HMO) occupies the ground floor level and is accessed via its own door on the principal elevation. There is a shared garden to the rear of the site, which serves all three properties and is accessed via the path at the side of the building. The application property comprises one bedroom, a living room / kitchen and a bathroom.

Relevant Planning History

None.

APPLICATION DESCRIPTION

Description of Proposal

Detailed Planning Permission is sought, retrospectively, for the change of use of the property from a residential flat to Short Term Let (STL) accommodation (both sui generis) with a maximum occupancy of 2 people at any given time.

The applicant advises that occupants would have a minimum stay duration of 2 nights. The property would operate as an STL on a permanent basis. It is stated that those staying at the property would park in the communal residential car park, the property would be cleaned after each booking and the individual waste bins serving the property would be utilised for the disposal of waste.

It has been stated that the property has been operating as a Short Term Let for 4 years.

Amendments

The application has been revised since submission in that the maximum number of occupants proposed has been reduced from four to two. An additional supporting statement has also been provided.

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=RyB096BZLPT00>

- Planning Information Supporting Checklist
- Supporting Statement
- Design Statement

CONSULTATIONS

Roads Development Management Team – No roads concerns - The site is located within the inner city boundary and lies within Controlled Parking Zone (CPZ). The change of use would not result in an increase in traffic and, as such there are no roads concerns.

Waste and Recycling Service – The development is classified as commercial and would therefore receive a business waste collection. General advice regarding business waste requirements has been provided.

Environmental Health Service – No concerns or observations.

Castlehill and Pittodrie 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 making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Development Plan

National Planning Framework 4

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan.

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 14 (Design, Quality and Place)
- Policy 13 (Sustainable Transport)
- Policy 30 (Tourism)

Aberdeen Local Development Plan 2023 (ALDP)

- Policy H1 (Residential Areas)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy VC2 (Tourism and Culture)

Other National Policy and Guidance

Scottish Government publications:

- Circular 1/2023: Short-Term Lets and Planning
- Short Term Lets: Business and regulatory impact assessment (November 2021)
- Research into the impact of short-term lets on communities across Scotland (October 2019)

EVALUATION

Key considerations

The key determining material consideration in the assessment of this planning application for the change of use of the property to STL accommodation is the conflict the proposed use could have with the Development Plan due to the potential harm to the amenity of the occupants of the adjoining mainstream residential flat via impacts on the privacy and sense of security, whether actual or perceived, through having to share a residential communal hallway solely with the frequently changing transient non-residents that would access and occupy the STL accommodation.. The evaluation is set out in detail below, and these matters are considered in detail and on balance with the other relevant material considerations.

Provision of Short Term Let Accommodation and Impacts on Amenity and Character

Paragraph (e) of Policy 30 (Tourism) of National Planning Framework 4 (NPF4) states:

e) Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

- i. *An unacceptable impact on local amenity or the character of a neighbourhood or area; or*
- ii. *The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.*

Impact on Amenity of the Area

The application site is zoned in the Proposals Map of the Aberdeen Local Development Plan 2023 (ALDP) under Policy H1 (Residential Areas). Policy H1 states that proposals for non-residential uses will be supported if:

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

Policy 14 (Design, Quality and Place) of NPF4 requires development to be *'Healthy: Supporting the prioritisation of women's safety and improving physical and mental health'*. This includes (in Appendix D 'Six Qualities of Successful Places' of NPF4) *'designing for lifelong wellbeing through ensuring spaces, routes and buildings feel safe and welcoming e.g. through passive surveillance'*. The qualities of successful places referred to in Policy D1 (Quality Placemaking) of the ALDP seek development to be safe and pleasant, in terms of avoiding unacceptable impacts on adjoining uses, including invasion of privacy. Policy D2 (Amenity) of the ALDP seeks residential developments to ensure occupiers are afforded adequate levels of privacy.

In this instance, the property shares an entrance door and stairwell with just one other residential property. The Planning Service identifies that the use of the property as an STL could result in increased harm to the amenity of the neighbouring property within the building, beyond that which would typically be expected from a property in mainstream residential use, particularly from the following:

- The potential for the disturbance of privacy and the impact, either real or perceived, on other residential properties in terms of safety and security resulting from the use of the communal stairwell and garden ground by frequently changing transient persons unknown to permanent residents; and
- The potential for noise from customer activities within the property and in the curtilage, particularly in the quieter, more sensitive late evening and early morning periods – especially if used as a 'party flat'.

It is considered that the impact on amenity from the use of the First Floor Right flat as an STL would arise from the impact on safety and security, either actual or perceived, and the potential disturbance of privacy on the First Floor Left flat from that property sharing what is a residential communal hallway and stairwell solely with the transient non-residents and cleaners using the space during and after each visit, thus presenting an increase in activity and coming and goings by frequently changing people unknown to the residents, compared to mainstream residential use. The communal stairwell is shared with one residential flat, First Floor Left, which is in mainstream residential use (the HMO property, 9 Park Place, at ground floor level is accessed separately and those occupants would not need to access this space). The stairwell is internal, relatively large, has multiple landings and is secluded from the street. The two entrances are thus distant from the main door and the entrance into First Floor Left is directly opposite the entrance of the application property. It is considered that the use of this space by frequently changing transient persons staying on a non-

residential basis, unknown to the occupants of the only residential flat would have an adverse impact on their amenity through the loss of privacy and a sense of safety and security, either actual or perceived, compared to if it were to revert to mainstream residential use. Considering the requirements of Policy 14 of NPF4 and D1 of the ALDP, which require proposals to be designed for lifelong wellbeing through ensuring spaces, routes and buildings feel safe, as well as development to be safe and pleasant, it is considered that the resulting arrangement would conflict with the aims of these policies, as well as the aims of Policy D2 of the ALDP.

It is recognised that in terms of noise transmission through the floor, ceiling and walls, the proposal could result in the increased probability of noise emissions affecting the occupants of the other flat from regular arrivals and departures by customers via noise transmission through the ceiling and walls, taking into account that there would be a cumulative noise arising from the property being in STL use and the ground floor property is in use as an HMO. However, as the proposal would be small-scale in nature (with a maximum of two customers when in use and periods of time when the property will likely not be in use), it would be unlikely that the property would be used for the hosting of parties or other events of an anti-social nature that could harm the amenity of neighbouring properties in terms of noise from activities within the property during the more sensitive late night and early morning periods. Such activities could also take place in the property if operated as mainstream residential accommodation.

As such, the adverse impact on the amenity from its use would arise through the significant adverse impact on the loss of privacy and a sense of safety and security to the other residential flat, as set out above, rather than direct noise impact.

It must be noted that whilst the occupants of the STL could potentially use the shared rear curtilage, it is unlikely given the entranceway to the stairwell is on the side of the building and thus the occupants would not need to enter the rear curtilage to access the STL unit. The gate would likely discourage the occupants of the STL by having the appearance that it is a private / neighbouring garden. Even if it were used by the occupants of the STL, the rear curtilage is already shared with the ground floor HMO property and, given the low number of occupants that would stay in this STL unit, the garden would unlikely become a place of congregation for prolonged periods of time whereby there would be any significant noise or privacy disturbance to the adjacent residential properties.

With respect to impacts on the character of the surrounding area, it can be noted that it is residential in nature, and given Park Place is not a through-road, it is quiet in terms of traffic and footfall despite the relatively high density of the area and it only being an approximate c.100m walk from the City Centre boundary and c.150m from King Street. No physical development is proposed and it is thus considered the principle of an STL accommodation unit with a stated maximum of 2 occupants in this context would not alter the existing residential character of the area in any significant way.

However, the specific but potentially significant adverse impact on the privacy and security, whether actual or perceived, of the residential occupants of the First Floor Left flat from having to share a communal hallway with the transient guests of the STL unit, would be such that this proposal would have a significant adverse impact on the residential amenity of the remaining mainstream residential flat in the building. The proposal would therefore adversely affect the residential amenity of the surrounding area, in conflict with Policies 14 (Design, Quality and Place) of NPF4 and Policies H1 (Residential Areas), D1 (Quality Placemaking) and D2 (Amenity) of the ALDP. The proposal would furthermore conflict with Policy 30 (Tourism) e) i) of NPF4 in that the proposal is for the reuse of an existing property for short term holiday letting, which would have an unacceptable impact on local amenity.

Provision of Short Term Let Tourist Accommodation and Local Economic Benefits

Policy VC2 (Tourism and Culture) of the ALDP states that:

'Proposals for new, or expansion of existing, visitor attractions and facilities capable of strengthening the appeal and attraction of Aberdeen to a wide range of visitors will be supported.'

'Proposals should complement existing visitor facilities and be sequentially located in the city centre, or on a site allocated for that use in this Plan, unless activity and locality specific issues demonstrate that this is impracticable.'

The use of the property as an STL would offer a different type of visitor accommodation to hotels and guesthouses that could be more attractive for certain visitors, particularly families and business travellers / contract workers who could be staying in the city for several weeks.

The Scottish Government's publication on 'Short Term Lets: Business and regulatory impact assessment' from November 2021 states:

- *'Short-term lets make an important contribution to the tourist economy because they can:*
- *offer visitors a unique tourist experience through a host's local knowledge, increasing the attractiveness of Scotland as a place to visit,*
- *offer accommodation in places not served by hotels and hostels, for example, and therefore help with dispersal of visitors from "hotspot" areas,*
- *offer more affordable accommodation, helping to attract tourists that may have a lower budget, and*
- *provide additional capacity to accommodate tourist or other visitor demand in areas with a high demand over a short period of time (for example, to accommodate tourists during the Edinburgh Festival or the Open golf tournament).'*

Although it is not possible to precisely quantify or demonstrate the local economic benefits that would be derived from the use of this application property as an STL, as required by Policy 30(e)(ii) of NPF4, given the likely use of the property by tourists and/or business travellers, it is envisaged that customers of the property would likely spend money in the local tourism and hospitality sectors, to the benefit of those businesses. This is supported in general terms by the Scottish Government's 'Research into the impact of short-term lets on communities across Scotland' publication, produced in October 2019, which states in Key Findings - Chapter 5:

'The positive impacts of STLs most commonly identified related to the local economic impacts associated with the tourism sector.'

Given that the proposal would comprise a tourism facility that would not be in the city centre, the proposal would have tensions with Policy VC2 (Tourism and Culture) of the ALDP. In assessing the magnitude of this tension, it is acknowledged that the site is a very short walking distance to the city centre, as well as the various businesses and amenities on King Street. The proposed STL use would be compliant with the aims of Policy VC2 (Tourism and Culture) of the ALDP in that it would not undermine the sequential spatial strategy to direct visitor facilities into the city centre by any significant degree.

Whilst housing is in need in Aberdeen, there is not currently understood to be any significant pressure placed on local housing need from the number of STLs in Aberdeen, as is experienced

elsewhere in Scotland (such as in Edinburgh and the Highlands and Islands). It is therefore considered that the loss of residential accommodation resulting from the use of the property as an STL would not have any significant impact on local housing need. As such, the STL use would be generally compliant with the aims of Policy 30(e)(ii) of NPF4. However, it is recognised that housing need and demand can be subject to significant change over time, as demonstrated by such matters being periodically reviewed and quantified through Housing Need and Demand Assessments and addressed through the Development Plan process. In relation to the duration of planning permissions for Short Term Lets, the Scottish Government Circular 1/2023 (Short-Term Lets and Planning) notes that:

'4.14 Planning authorities can impose a condition when granting planning permission to require the permitted use to be discontinued after a specified period – this is known as “planning permission granted for a limited period”.

4.15 Planning authorities may consider applying a discontinuation condition of 10 years, or such other time period as they consider appropriate, when granting planning permission for short term letting in a control area (or outside, if they see fit).'

The use of the property as an STL on a permanent basis would result in the permanent loss of residential accommodation in a sustainable location in a residential area. As such, had the Planning Authority been minded to grant planning permission, it would have been considered necessary in this instance to grant it for a time-limited period of five years, which is the time period between the publication of Housing Need and Demand Assessments:

- To ensure that local housing need, demand and supply can be considered for any future applications for the continued use of the property as an STL;
- To allow for the site to be automatically returned to residential use upon the expiry of the permission (unless a new consent is granted in the meantime); and
- To further consider the demonstrable local economic benefits of its use as an STL at the time of any further planning application.

It is recognised in general terms that the location of this Short Term Let accommodation unit would likely have local economic benefits in that it would provide tourist accommodation in close proximity to the city centre, the amenities and businesses of King Street and it is in a location that is accessible via public transportation. Additionally, a condition could have been used to address the long-term impact on housing supply. However, the specific circumstances of this site and the proposal are such that it would result in an unacceptable impact on the local amenity of the area to degree that would significantly outweigh any local economic benefit that would arise from this one Short Term Let accommodation unit. The proposal would therefore conflict with the aims of Policy 30 (Tourism) of NPF4.

Transport and Accessibility

Policy 13 (Sustainable Transport) on NPF4 and Policy T2 (Sustainable Transport) of the ALDP promote and encourage the use of sustainable and active modes of travel where possible, as opposed to private vehicle trips. As above, the site is c.100m from the City Centre boundary and is c.150m walk from the nearest bus stop on King Street, thus the development would be within 400m of the nearest bus stop, in accordance with Policy T2 of the ALDP. It is close to local amenities and businesses and the tourism uses of the city centre. It is anticipated that many of the customers staying at the property on a short-term basis would likely be tourists or business travellers arriving to the city by public transport and that they would access the property sustainably, not generating

any traffic or car parking demand. Given the maximum number of occupants would be two and on-street parking in the area is controlled by way of a Controlled Parking Zone, the proposal would have a negligible impact on parking provision in the area and the local transport network compared to its authorised use as a flat. The proposal would therefore be compliant with Policies 13 of NPF4 and T2 and T3 of the ALDP.

Waste Storage and Collection

Policy 12 (Zero Waste) of NPF4 and Policy R6 (Waste Management Requirements for New Development) of the ALDP both require developments that generate waste and/or recyclables to have sufficient space for the appropriate storage and subsequent collection of that waste and recyclable materials. It has been noted by the Waste and Recycling Service that the existing communal domestic on-street bins could be used for this proposal. It is understood that the business owner can pay a financial contribution towards the collection of the waste, via a business waste contract with the Council in lieu of not paying Council Tax. Therefore, waste and recyclables generated by the customers of the property could be adequately stored and collected, in accordance with Policies 12 of NPF4 and R6 of the ALDP.

Tackling the Climate and Nature Crises, Climate Mitigation and Biodiversity

Policy 1 (Tackling the Climate and Nature Crises) of National Planning Framework 4 (NPF4) requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals. Policy 2 (Climate Mitigation and Adaptation) requires development proposals to be designed and sited to minimise lifecycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change. Policy 3 (Biodiversity) of NPF4 requires proposals for local development to include measures to conserve, restore and enhance biodiversity, proportionate to the nature and scale of development.

The development, comprising the change of use of an existing property, is sufficiently small-scale such that it would not have any material impact on the global climate and nature crises, climate mitigation and adaptation, nor are there any opportunities that can be identified to minimise greenhouse gas emissions given the nature of the proposal. The proposal is compliant with Policies 1 and 2 of NPF4. Whilst this proposal would not include measures to enhance biodiversity, which would have minor tensions with Policy 3 of NPF4, the proposal is a change of use, small-scale and does not offer the opportunity for meaningful biodiversity enhancements.

Matters Raised in the Supporting Information

The Supporting Statement and Design Statement submitted with this application note that the property has been in use as an STL since 2019 and the applicant has set out the measures by which they intend to manage the letting of the property in a responsible manner. Whilst there are no reasons to doubt these intentions, as an application for planning permission, the Planning Authority can place very limited weight on them. The planning permission would apply to the property regardless of its ownership. Whilst the applicant may have no intention of selling the property at present, they would be free to do so and in that event the management of the property could change. The Planning Authority must evaluate the material planning considerations and impact on the surrounding area arising from the material change of use of the property from a flat to Short Term Let accommodation. It is not an evaluation of the management / operation of the business.

DECISION

Refuse

REASON FOR DECISION

It is considered that the change of use of the property to Short Term Let accommodation would have a significant adverse impact on the amenity of the occupants of the neighbouring residential flat, First Floor Left, 11 Park Place. This is because the occupants of the neighbouring flat would have to share the communal residential hallway and stairwell solely with frequently changing transient guests and cleaners of the proposed Short Term Let accommodation unit, who would be unknown to them. Taking into account the specific context of the hallway layout, its secluded nature, the multiple landings and that the entrances to each property are directly opposite each other, this would result in a significant adverse impact on the privacy and sense of security, whether actual or perceived, on the occupants of the neighbouring flat, compared to if the application property was in residential use. The proposal would therefore adversely affect the residential amenity of the surrounding area, contrary to the aims of Policy 14 (Design, Quality and Place) of National Planning Framework 4 (NPF4), and Policies H1 (Residential Areas), D1 (Quality Placemaking) and D2 (Amenity) of the Aberdeen Local Development Plan 2023.

It is recognised in general terms that the location of this Short Term Let accommodation unit would likely have local economic benefits in that it would provide tourist accommodation in close proximity to the city centre, the amenities and businesses of King Street and it is in a location that is accessible via public transportation. However, the specific circumstances of this site and the proposal are such that it would result in an unacceptable impact on the local amenity of the area to a degree that would significantly outweigh any local economic benefit that would arise from the use of the property as a Short Term Let accommodation unit. The proposal is therefore also contrary to the aims of Policy 30 (Tourism) of NPF4.

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100636714-001

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

Type of Application

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

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

Description of Proposal

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

Change of Use of Flat to Short Term Let Accomodation

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): *

01/07/2019

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

Apartment has been run as a short term let since 2019. With the new short term let licences coming into place, we requested advise from the planning on the 2nd of May on whether planning permission is required. We have been advised that planning permission is required.

Applicant or Agent Details

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

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Windyedge Croft"/>
First Name: *	<input type="text" value="Susan"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Watson"/>	Address 1 (Street): *	<input type="text" value="Aberchirder"/>
Company/Organisation	<input type="text" value="Watson Property and Construction Ltd"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Huntly"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Aberdeenshire"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB54 7QP"/>
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="FIRST FLOOR RIGHT"/>
Address 2:	<input type="text" value="11 PARK PLACE"/>
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="AB24 5JW"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="806679"/>	Easting	<input type="text" value="394539"/>
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Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

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

4th of May - Planning Supporting Information Checklist sent 9th June - Confirmation given that planning permission is required
12th June - Email sent as per conversation to advise if it is likely a planning application would be approved. 17th July - Email reply given advising of a pre-application required.

Title:	<input type="text" value="Mr"/>	Other title:	<input type="text"/>
First Name:	<input type="text" value="Roy"/>	Last Name:	<input type="text" value="Brown"/>
Correspondence Reference Number:	<input type="text" value="45908"/>	Date (dd/mm/yyyy):	<input type="text" value="04/05/2023"/>

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

Site Area

Please state the site area:

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)

2019 - now = Short Term Let Accomodation, pre 2019 = Residential Flat

Access and Parking

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

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

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

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

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

19

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)? *

19

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

Water Supply and Drainage Arrangements

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

Yes No

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

Yes No

Note:-

Please include details of SUDS arrangements on your plans

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

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

Yes

No, using a private water supply

No connection required

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

Assessment of Flood Risk

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

Yes No Don't Know

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

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

Yes No Don't Know

Trees

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

Yes No

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

Waste Storage and Collection

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

Yes No

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

Existing Bin Store to be used, location marked on location plan.

Residential Units Including Conversion

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

Yes No

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

All Types of Non Housing Development – Proposed New Floorspace Details

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

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

Don't Know

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

47

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

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

Convert 47m2 flat into short term let accomodation

Schedule 3 Development

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

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Mrs Susan Watson

On behalf of:

Date: 24/07/2023

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

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

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

Provide copies of the following documents if applicable:

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

Declaration Date: 24/07/2023

Payment Details

Online payment: ABSP00009831
Payment date: 24/07/2023 14:56:00

Created: 24/07/2023 14:56

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Watson Property And Construction Ltd
Mrs Susan Watson
Windyedge Croft
Aberchirder
Huntly
Aberdeenshire
AB54 7QP

With reference to your application validly received on 27 July 2023 for the following development:-

Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 2 people (retrospective) at First Floor Right, 11 Park Place

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
SLP	Location Plan
PL-01	Elevations and Floor Plans (Proposed)
230902/2	Short Term Let Planning Supporting Information Checklist

DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION

The application has been revised since submission in that the maximum number of occupants proposed has been reduced from four to two. An additional supporting statement has also been provided.

REASON FOR DECISION

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

It is considered that the change of use of the property to Short Term Let accommodation would have a significant adverse impact on the amenity of the occupants of the neighbouring residential flat, First Floor Left, 11 Park Place. This is because the occupants of the neighbouring flat would have to share the communal residential hallway and stairwell solely with frequently changing transient guests and cleaners of the proposed Short Term Let accommodation unit, who would be unknown to them. Taking into account the specific context of the hallway layout, its secluded nature, the multiple landings and that the entrances to each property are directly opposite each other, this would result in a significant adverse impact on the privacy and sense of security, whether actual or perceived, on the occupants of the neighbouring flat, compared to if the application property was in residential use. The proposal would therefore adversely affect the residential amenity of the surrounding area, contrary to the aims of Policy 14 (Design, Quality and Place) of National Planning Framework 4 (NPF4), and Policies H1 (Residential Areas), D1 (Quality Placemaking) and D2 (Amenity) of the Aberdeen Local Development Plan 2023.

It is recognised in general terms that the location of this Short Term Let accommodation unit would likely have local economic benefits in that it would provide tourist accommodation in close proximity to the city centre, the amenities and businesses of King Street and it is in a location that is accessible via public transportation. However, the specific circumstances of this site and the proposal are such that it would result in an unacceptable impact on the local amenity of the area to a degree that would significantly outweigh any local economic benefit that would arise from the use of the property as a Short Term Let accommodation unit. The proposal is therefore also contrary to the aims of Policy 30 (Tourism) of NPF4.

Date of Signing 29 November 2023



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 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A review request must be made using the 'Notice of Review' form available from <https://www.eplanning.scot/>.

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

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

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Consultee Comments for Planning Application 230902/DPP

Application Summary

Application Number: 230902/DPP

Address: First Floor Right 11 Park Place Aberdeen AB24 5JW

Proposal: Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people

Case Officer: Roy Brown

Consultee Details

Name: Mr Mark Nicholl

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

Email: Not Available

On Behalf Of: ACC - Environmental Health

Comments

no concerns or observation.

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Consultee Comments for Planning Application 230902/DPP

Application Summary

Application Number: 230902/DPP

Address: First Floor Right 11 Park Place Aberdeen AB24 5JW

Proposal: Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people

Case Officer: Roy Brown

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 Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people. The site is located in the inner city, within a controlled parking zone.

.The proposed change of use would not result in an increase in traffic and, as such, there are no Roads concerns.

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Aberdeen City Council – Development Management Team Consultation Request

Response for Application 230902 11 Park Place

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.	Y
Object to the application (please specify reasons below).	

COMMENTS

The following development is classified as commercial and therefore receives a business waste collection.

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

See below for general comments:

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

For further independent guidance about waste and recycling provision, storage and collection please refer to the following document:
http://www.lgcplus.com/Journals/3/Files/2010/7/14/ADEPTMakingspaceforwaste_000.pdf and additional Trade Waste information can be found in the Waste Supplementary Guidance available at <https://www.aberdeencity.gov.uk/sites/default/files/2020-07/7.1.PolicySG.ResourcesForNewDevelopmentUpdateJuly2020.pdf>

Responding Officer: L Todd

Date: 07/08/2023

Email: wasteplanning@aberdeencity.gov.uk

Application 230902/DPP

Development Plan

National Planning Framework 4

[Supporting documents - National Planning Framework 4: revised draft - gov.scot \(www.gov.scot\)](https://www.gov.scot/supporting-documents-national-planning-framework-4-revised-draft)

- 1. Tackling the climate and nature crises
- 2. Climate mitigation and adaptation
- 3. Biodiversity
- 13. Sustainable transport
- 14. Design, Quality and Place
- 30. Tourism

Aberdeen Local Development Plan 2023

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

- H1 Residential Areas
- D1 Quality Placemaking
- D2 Amenity
- R5 Waste Management Requirements for New Development
- VC2 Tourism and Culture
- T2 Sustainable Transport
- T3 Parking

Other Material Considerations- National Policy and Guidance

Scottish Government publications:

- Circular 1/2023: Short Term Lets and Planning [Planning circular 1/2023: short-term lets and planning - gov.scot \(www.gov.scot\)](https://www.gov.scot/supporting-documents-national-planning-framework-4-revised-draft)
- Short Term Lets: Business and regulatory impact assessment – November 2021 [G. Wider economic context - Short-term lets: business and regulatory impact assessment - gov.scot \(www.gov.scot\)](https://www.gov.scot/supporting-documents-national-planning-framework-4-revised-draft)
- Scottish Government – Research into the impact of short-term lets on communities across Scotland – October 2019 [people-communities-places-research-impact-short-term-lets-communities-scotland.pdf \(www.gov.scot\)](https://www.gov.scot/supporting-documents-national-planning-framework-4-revised-draft)

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100636714-002

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

Applicant or Agent Details

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

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Windyedge Croft"/>
First Name: *	<input type="text" value="Susan"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Watson"/>	Address 1 (Street): *	<input type="text" value="Aberchirder"/>
Company/Organisation	<input type="text" value="Watson Property and Construction Ltd"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="[REDACTED]"/>	Town/City: *	<input type="text" value="Huntly"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Aberdeenshire"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB54 7QP"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

FIRST FLOOR RIGHT

Address 2:

11 PARK PLACE

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB24 5JW

Please identify/describe the location of the site or sites

Northing

806679

Easting

394539

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 of flat to Short Term Let Accomodation (sui generis) with maximum occupancy of 2 people (retrospective)

Type of Application

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

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

What does your review relate to? *

Refusal Notice.

Grant of permission with Conditions imposed.

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

Statement of reasons for seeking review

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

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

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

Statement included in supporting documents section

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

Yes No

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

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

Design Statement Email from applicant to planning officer sent prior to decision notice Supporting Statement Floor plan and elevations Location Plan Short Term Let Planning Supporting Information Checklist Supporting Statement for Notice of Review

Application Details

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

230902

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

24/07/2023

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

29/11/2023

Review Procedure

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

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

Yes No

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mrs Susan Watson

Declaration Date: 07/12/2023

SUPPORTING STATEMENT FOR NOTICE OF REVIEW FOR APPLICATION – 230902/DPP

While I acknowledge the concerns raised in the decision to refuse the change of use of the property to Short Term Let (STL) accommodation, there are aspects that warrant reconsideration.

Firstly, it should be noted that the property, originally a single house, has been subdivided into three flats. The proposed STL is a one-bedroom flat sandwiched between a 4-bedroom House in Multiple Occupation (HMO) housing students, and a 3-bedroom residential flat (located on the first and second floors) housing men, so the one bedroom flat comprises of only approximately 13% of the building's total floor space. It is small in size at only 43sqm and can only accommodate a maximum of 2 people at any one time.

The impact on the privacy and security of the neighbouring residential flat, First Floor Left, has been highlighted as a significant concern. However, the proposed STL unit's small-scale nature, with a maximum occupancy of two people and a stated minimum stay of two nights, suggests a limited and controlled flow of transient guests. The shared communal space, while acknowledged, can be managed effectively through operational measures, as detailed in the supporting statement. The proposal includes steps such as a minimum stay requirement, guest communication, and terms and conditions, all aimed at ensuring responsible use and minimizing disruption to permanent residents.

Then, the decision emphasizes the potential for noise disturbances, especially during late evening and early morning periods. However, the nature of the proposed STL unit, with a focus on short-term stays for a maximum of two occupants, makes it less likely to be used for parties or events that could disrupt the quiet nature of the residential area. The commitment of the property owner to avoid such situations and the absence of external alterations further support the case for minimal impact on noise levels.

Regarding economic benefits, the decision acknowledges the potential positive contribution of the STL unit to the local tourism and hospitality sectors. However, it concludes that the impact on local amenity outweighs these benefits. It's important to consider the potential economic advantages, especially in providing an alternative accommodation option for visitors, supporting local businesses, and contributing to the overall appeal of Aberdeen as a tourist destination.

In summary, the concerns raised in the decision to refuse the application should be weighed against the operational measures proposed by the applicant to mitigate potential issues. With responsible management, the small-scale nature of the STL unit, and the potential economic benefits to the local community, there is a case for

reconsideration of the refusal decision. It's crucial to find a balance that supports both the residential amenity and the economic vitality of the area.

Short Term Let Accommodation

Planning Supporting Information Checklist Rev A



Property Address and Floor Level:

What is the maximum number of occupants that would be allowed to stay in the property?	2
How many bedrooms and beds would there be?	1 bed
What is the minimum duration of stays for customers? Please also state the maximum duration of stay, if applicable.	2 nights Regularly get week long and month stays.
Would there be any car parking available for customers? If yes, how many spaces and what type? (i.e. dedicated off-street space, on-street etc)	There is a communal residential car park that always has spaces and also parking for 2 vehicles located outside. Approx 11 in total.
Would the property be in use as a Short Term Let (STL) on a permanent basis, or would it only be available to hire for certain periods of the year only? If not permanent, please provide further details	Permanent basis
What would the check-in and check-out times be and would customers be met or would they collect the keys from a key box or similar?	Check in 11am, Check out 3pm. Key box at front entrance
Please advise what the arrangements would be, including frequency, for cleaning the property and how would waste be disposed of?	The property is cleaned after every guest and if they stay for a month, will get a mid stay clean. Waste is disposed of via the properties individual waste bins
Does the property share a communal access with any other properties and if so, how many?	Shares an entrance with 1 other property.
Does the property have access to any communal amenities, including garden ground or roof terraces? If so, provide details	Communal garden to rear that I do not advertise
If known, how many other properties in the building are currently in use as Short Term Let accommodation?	none
If the application seeks permission retrospectively, how long has the property been in use as Short Term Let accommodation? Please provide any existing online links to view & book the accommodation, if available:	4 years See link on next page.

[https://www.airbnb.co.uk/rooms/51728568?adults=1&children=0&enable_m3_private_r
oom=true&infants=0&pets=0&check_in=2023-05-18&check_out=2023-05-
24&federated_search_id=bc2deece-f5b6-48c2-ac39-
7842a2fa1aba&source_impression_id=p3_1683192902_E%2BO4Dcb5yhGQk1x6](https://www.airbnb.co.uk/rooms/51728568?adults=1&children=0&enable_m3_private_room=true&infants=0&pets=0&check_in=2023-05-18&check_out=2023-05-24&federated_search_id=bc2deece-f5b6-48c2-ac39-7842a2fa1aba&source_impression_id=p3_1683192902_E%2BO4Dcb5yhGQk1x6)

From: Susan Watson [REDACTED]
Sent: Wednesday, November 8, 2023 12:36 PM
To: Roy Brown <RoyBrown@aberdeencity.gov.uk>
Subject: Re: Comments from the Planning Service - First Floor Right, 11 Park Place (Re: 230902/DPP)

Hi Roy,

Further to my other reply email with the revised form, could I just make a couple of points in support of the application please.

The building is split into 3 properties. The ground floor is a 4 bedroom HMO used by students, the neighbouring flat is 3 bedrooms and ours is 1 bedroom. I realise that the HMO is still classed as residential but both first floor flats can hear everything that goes on due to them being directly below both flats and they have been much noisier than our flat has ever been. We have terms and conditions in place that allows me to remove any guest who makes noise after 11pm. I also phone any bookings where the guest is coming from Aberdeen to check their reason for staying to eradicate anyone wanting to use it as a party flat. In 4 years, we have never had a party and the flat has been kept in top condition as a result.


I thank you for taking the above points into consideration.

Kind Regards

Susan Watson
Architectural Technologist (BSc Hons)

Watson Property and Construction Ltd
[REDACTED]

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

Site Address:	Newmill Farmhouse, North Deeside Road, Peterculter, AB14 0NB
Application Description:	Extension to existing garage to form equipment store
Application Ref:	230645/DPP
Application Type:	Detailed Planning Permission
Application Date:	26 May 2023
Applicant:	Mr & Mrs Leetham
Ward:	Lower Deeside
Community Council:	Culter
Case Officer:	Jane Forbes

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site is located to the west of Peterculter, on the edge of the city boundary and adjacent to the main A93 Aberdeen to Banchory road where it lies within an elevated position above the road level. The site extends to an area of some 0.25 hectares and comprises a former traditional granite farmhouse with 2 storey and conservatory extension to its northern gable resulting in a largely L-shaped residential dwelling which is centrally positioned close to the eastern boundary of the site. A single storey detached double garage with pitched slated roof, finished in a rough render with traditional granite stone frontage (east elevation) and single rooflights on both roofslopes is located within an area of garden to the south of the dwelling. The garage lies between the house and the boundary with the public road, where it is set back some 1.2m from the site boundary which is delineated by a low level (800mm high) drystone dyke beyond which is a sloping grass bank and the A93 road. The residential site is largely landscaped with trees and bushes across the garden grounds including along the boundaries, with at least a dozen of these mature trees which were located immediately to the west of the existing garage having recently been felled. The site is accessed via a driveway off the main road with the entrance shared with the two neighbouring houses located to the east and south east. To the north and west of the application site is agricultural land.

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought to extend the existing single storey double garage, which measures 7.6m long x 5.9m wide x 5m high, to form an equipment store. The proposed extension, which would project from the existing western gable end of the garage and occupy an area of garden ground which has recently been cleared of mature trees and which drops in ground level from east to west, would measure 7.6m in length, 5.9m in width and rise to a height of 5m, thereby doubling the size of the existing garage building. The proposed width, eaves and ridge height of the extension would all tie in with the dimensions of the existing garage. The proposed extension would be finished in grey dry dash render with slated roof and incorporate a single entrance door and double garage doors in timber and three rooflights, all to the north elevation. The resulting garage/storage building, which would lie at 1.2m from the southern boundary of the site, would have a total length of 15.2 metres and would see the existing garage footprint doubling to an area of some 90m².

Amendments

At the request of the Planning Service that detail be provided on the existing trees in relation to the application site and proposed development the existing and proposed location plans were amended to show the location of a number of trees within the site.

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=RV97HDBZJWN00>

CONSULTATIONS

Culter Community Council – No comments received.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Development Plan

National Planning Framework 4

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan. The relevant provisions of NPF4 that require consideration in terms of this application are –

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 6 (Forestry, Woodland and Trees)
- Policy 8 (Green Belts)
- Policy 14 (Design, Quality and Place)
- Policy 16 (Quality Homes)

Aberdeen Local Development Plan 2023

- Policy NE1 (Green Belt)
- Policy D1 (Quality Placemaking)
- Policy NE5 (Trees and Woodland)

Interim Aberdeen Planning Guidance (APG)

Aberdeen Planning Guidance is Interim Planning Guidance. The documents hold limited weight until they are adopted by the Council. The weight to be given to Interim Planning Guidance prior to its adoption is a matter for the decision maker. The following guidance is relevant –

- Householder Supplementary Guide
- Trees and Woodlands

EVALUATION

Principle of Development and National Planning Framework 4 (NPF4)

The application site lies within an area which is designated as green belt and therefore zoned under Policy NE1 (Green Belt) of the Aberdeen Local Development Plan 2023 (ALDP). Policy NE2 of the ALDP states that *‘The aim of the Green Belt is to maintain the distinct identity of Aberdeen, and the communities within and around the city, by defining their physical boundaries clearly. Safeguarding the Green Belt helps to avoid coalescence of these settlements and sprawling development on the edge of the city, maintain Aberdeen’s landscape setting, and provide access to open space. The Green Belt directs planned growth to the most appropriate locations and supports regeneration’*. The policy outlines that development in areas defined as Green Belt on the Proposals Map will not be supported but does identify exceptions to this general presumption which includes where a proposal *‘is associated with existing activities in the Green Belt and is within the boundary of that activity, is small-scale, does not significantly increase the intensity of the activity and the proposed built construction is subordinate to what already exists (including extensions to existing dwellings)’*. In considering this current proposal against the criteria above, it is apparent that the specific purpose of Green Belt policy to maintaining the City’s landscape setting is of particular relevance in this instance and is a key determining factor in assessing the impact of the proposal on the Green Belt.

In terms of National Planning Framework 4 (NPF4), Policy 8 (Green Belt) outlines that development proposals within a green belt designated within the LDP will only be supported for certain types of development, including the *‘intensification of established uses, including extensions to an existing building where that is ancillary to the main use’* and provided certain requirements are met, notably: *‘that the purpose of the green belt at that location is not undermined; that the proposal is compatible with the surrounding established countryside and landscape character; and that the proposal has been designed to ensure it is of an appropriate scale, massing and external appearance, and uses materials that minimise visual impact on the green belt as far as possible’*.

The current proposal is for the extension of an existing ancillary building (double garage) and where the proposed development would remain within the boundary of the residential curtilage. In this instance the scale of development being sought is such that it would double the size of the existing

garage building, resulting in a total length of development adjacent to the southern boundary of the site of 15.2m and an overall footprint of some 90m² which is comparable in scale to a 2/3 bed house, with housebuilders typically providing a floor area of between 80-110m² for a 3 bedroomed dwelling. The proposed footprint would also exceed the original footprint of the former farmhouse. As previously indicated the proposed extension would be located within an area of the site which has very recently been cleared of a number of mature trees, where those trees served as a backdrop to the existing garage and partially screened this area of the site from the main A93 road. Bearing in mind that one of the fundamental roles of Green Belt policy is to protect the existing landscape setting, then it is apparent that not only has the recent loss of these trees adversely affected the character of this part of the site, but given its now open aspect and elevated position when viewed from the A93 Aberdeen to Banchory road, a gateway route for the city, then such is the significant scale and massing of development that would result from the proposal, that it would only serve to further detract and devalue that landscape setting.

It is noted that the two neighbouring dwellings to the application property are themselves visible from the public road, however the converted steading which lies due east of the former farmhouse is set back some 30 metres from the shared access off the A93 and benefits from a degree of natural screening from the existing boundary treatment and mature trees. Whilst the second property within this grouping, lying to the south east of the converted steading and comprising a modern detached dwelling, is undoubtedly more prominent than the converted steading when viewed on approaching the wider site along the main, it is nonetheless set back by a minimum of 11 metres from the verge of the public road and clearly provides an active frontage, including its main entrance door and numerous window openings which face south towards the road and incorporates an area of landscaped garden ground, all of which is considered more appropriate in the context of this setting than the proposed development.

It is apparent that the development which is being proposed would not be subordinate to the existing garage building and would be far in excess of what could be deemed small-scale. Furthermore, given the resulting massing of the proposed development which would lie in such a prominent, elevated position within the site, coupled with the blank and featureless expanse of its south elevation fronting the public road, it is considered that the proposed extension would have a significant adverse effect on the character of the Green Belt and would clearly fail to protect the existing landscape setting, and particularly so given the adverse impact which has already resulted from the recent loss of trees within this very location. Taking all of the above into account it is considered that the proposal would be contrary to the requirements of Policy 8 (Green Belt) of NPF4 and Policy NE1 (Green Belt) of the ALDP.

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 states that when considering all development proposals, significant weight will be given to the global climate and nature crises. Policy 2 (Climate Mitigation and Adaptation) encourages, promotes and facilitates development that minimises emissions and adapts to the current and future impact of climate change. In terms of this application, whilst it is not considered to have a significantly adverse risk of or impact on climate change, the proposed development would nevertheless result in embedded carbon emission as part of the construction process of the equipment store extension and with no justification having been given for the considerable scale of the extended ancillary building, there is a degree of tension with NPF4 Policies 1 and 2.

Policy 14 (Design, Quality and Place) and Section (g) of Policy 16 (Quality Homes) of NPF4 advise that householder development proposals will be supported where they deliver well designed development that does not have a detrimental impact on the character of the home or the surrounding area. Concerns relating to the adverse impact of the proposal on the character of the surrounding area have been outlined above and are discussed further in the evaluation below.

Proposed Scale and Design of Development

To determine the effect of the proposal on the character of the area it is also necessary to assess it in the context of Policy D1 (Quality Placemaking) of the ALDP which recognises that not all development will be of a scale that makes a significant placemaking impact but does recognise that good design and detail adds to the attractiveness of the built environment. In addition to this, the Council's Interim APG '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 APG highlights that such buildings are traditionally single storey in height, with either a flat or pitched roof. The guidance 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 and as previously outlined, the proposed extension, which would be located adjacent to the southern boundary of the site, would measure 7.2m long x 5.9m wide x 5m high and lead to the existing garage building doubling in size with the footprint rising from 45m² to 90m². The proposed extension which is identified as an equipment store would incorporate two sets of doors on the north elevation which faces into the site and rooflights on both roof slopes. The southern elevation and western gable end would have no window/door openings. The proposed finish would include a dry dash render and slated roof to match the existing. As already stated above the resulting scale of the extended ancillary building would be similar to the size of an independent house, with its footprint exceeding that of the original former farmhouse building. It would appear highly visible and particularly dominant from outwith the site, and whilst in terms of the proposed material finish this would reflect the existing garage building, its scale and design would fail to respect the context of the site and that of the surrounding area.

At no point has it been demonstrated that there is any specific or justifiable need for ancillary accommodation either of this scale or in this particular location and whilst identified as an equipment store in the relevant plans, it is clearly relevant that the application relates to development associated to a domestic property which lies within a residential curtilage of landscaped garden grounds. No indication has been provided as to the type of equipment for which this scale of building extension would likely be necessary and therefore taking into account the obvious conflict with Policy NE1 as well as NPF4, there appears to be no basis on which an exception could be made in this instance based on any specific and justifiable need. It is considered that the proposal has failed to address the requirements of Policy D1 (Quality Placemaking) of the ALDP and on the basis that the proposed development would have an adverse effect on the character of the area then it would also conflict with Policy 14 (Design, Quality and Place) and Policy 16 (Quality Homes) of NPF4.

Impact of Development on Trees

Policy 6 (Forestry, Woodland and Trees) of NPF4 states its intent as that of '*protecting and expanding forests, woodland and trees*' and for trees on development sites to be sustainably managed. Policy NE5 (Trees and Woodlands) of ALDP meanwhile states that '*Developments should not result in the loss of, or damage to, trees and woodlands.*' and further outlines that '*Where tree removal takes place or is necessary for good arboricultural reasons, replacement planting will be required to ensure an overall net gain in tree cover. Development that does not achieve this will not be supported.*' It does also state that '*Buildings and infrastructure should be sited to allow adequate space for a tree's natural development, taking into account the predicted mature height, canopy spread and future rooting environment.*'

The planning application form submitted for this proposal indicated that there were no trees on or adjacent to the application site, however this is clearly not the case, with a significant number of

established trees across the site. Whilst it became apparent following a site visit that a number of mature trees close to the existing garage had recently been felled and specifically within the area where the proposed extension would be sited it was also noted that there remained trees which would be in relatively close proximity to the development footprint. As a result of this, additional information was sought by the Planning Service to accurately identify the trees within the site and the relevant root protection areas. Revised location plans (existing/proposed) were submitted which identified a number of trees within the site but which did not include their root protection areas, as had been requested.

The revised plans were nevertheless fully considered, including by colleagues in the Natural Environmental Policy team, who did highlight in terms of the Council's Interim APG on Trees and Woodlands that there is in fact an expectation where trees are removed in association with development that developers will generally be expected to provide compensatory planting. Beyond this it was established that the detail provided within the plans submitted did not suitably demonstrate that the trees on site would not be harmed as a result of the proposed development. The agent has questioned the need for any tree report and stated that this is not required and would not be submitted, but has nonetheless been advised that a tree report with relevant arboricultural assessment by an independent arboriculturist on behalf of the applicants would indeed be necessary in order to allow an appropriate assessment of the impact of the proposal on the trees.

Taking the above into account and on the basis that it has not been demonstrated that trees identified within the revised location plans submitted would not be harmed or lost as a result of the proposed development, then the proposal does not currently address the expectations of either Policy 6 (Forestry, Woodland and Trees) of NPF4 or Policy NE5 (Trees and Woodland) of the ALDP.

DECISION

Refuse

REASON FOR DECISION

The proposed garage extension is considered to be of an inappropriate scale, footprint, massing and design which does not reflect the typical proportions of a domestic ancillary building. It would appear overly dominant, including from outwith the site, fails to respect the context of the existing site and surrounding area and would have a considerable negative visual impact on the established character of the Green Belt. Taking into account the prominent and elevated position of the area of site where the proposed extension would be located, next to the A93 Aberdeen to Banchory Road, a main arterial route providing access to the city, then it is considered that the significant scale and massing of the proposed development would have a particularly negative effect on the landscape setting along this important gateway route for the city. The proposal is therefore deemed contrary to the requirements of Policy NE1 (Green Belt) and Policy D1 (Quality Placemaking) of the Aberdeen Local Development Plan 2023 and to the requirements of Policy 8 (Green Belts), Policy 14 (Design, Quality and Place) and Policy 16 (Quality Homes) of National Planning Framework 4.

In addition to the above, the impact of the proposed development on existing trees within the site has not been suitably demonstrated and with recent felling of mature trees already having taken place within the footprint of the proposed development, it is apparent that any additional loss of trees within this sensitive and highly prominent location has the potential to further impact on and negatively affect visual amenity and landscape character. As a result the proposal is considered to be contrary to the requirements of Policy NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan 2023 and Policy 6 (Forestry, Woodland and Trees) of National Planning Framework 4.

Finally, there is also considered to be a degree of conflict with Policy 1 (Tackling the Climate and Nature Crises) and Policy 2 (Climate Mitigation and Adaptation) of National Planning Framework 4.

There are no material planning considerations which would warrant approval of planning permission in this instance.

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100630005-001

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)

Extension to existing 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:	AK Architecture		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Ashley	Building Name:	
Last Name: *	Keenon	Building Number:	100
Telephone Number: *	01224 789715	Address 1 (Street): *	Union Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	Scotland
		Postcode: *	AB10 1QR
Email Address: *	admin@ak-architecture.co.uk		

Page 1 of 5

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
	<input type="text"/>	Building Name:	<input type="text" value="Newmill Farmhouse"/>
Other Title: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Mr & Mrs Leetham"/>	Address 1 (Street): *	<input type="text" value="North Deeside Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Peterculter"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB14 0NB"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

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="NEWMILL FARMHOUSE"/>
Address 2:	<input type="text" value="A93 NORTH DEESIDE ROAD"/>
Address 3:	<input type="text" value="PETERCULTER TO ABERDEENSHIRE BOUNDARY WEST OF PETERCULTER"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="PETERCULTER"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="800983"/>	Easting	<input type="text" value="383217"/>
----------	-------------------------------------	---------	-------------------------------------

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: Mr Ashley Keenon

On behalf of:

Date: 26/05/2023

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

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

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

Continued on the next page

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

You can attach these electronic documents later in the process.

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

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

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

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

Declare – For Householder Application

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

Declaration Name: Mr Ashley Keenon

Declaration Date: 26/05/2023

Payment Details

Online payment: ABSP00009633
Payment date: 26/05/2023 07:06:00

Created: 26/05/2023 07:06

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

AK Architecture
100 Union Street
Aberdeen
AB10 1QR

on behalf of **Mr & Mrs Leetham**

With reference to your application validly received on 26 May 2023 for the following development:-

**Extension to existing garage to form equipment store
at Newmill Farmhouse, North Deeside Road, Peterculter**

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
0192-01-01-02-001 P01	Location Plan
0192-01-01-02-004 P01	Site & Roof Plan (Proposed)
0192-01-01-02-005 P01	Floor & Roof Plans (Proposed)
0192-01-01-02-006 P01	Multiple Elevations (Proposed)

DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION

At the request of the Planning Service for detail to be provided on the existing trees in relation to the application site and proposed development the existing and proposed location plans were amended to show the location of a number of trees within the site.

REASON FOR DECISION

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

The proposed garage extension is considered to be of an inappropriate scale, footprint, massing and design which does not reflect the typical proportions of a domestic ancillary building. It would appear overly dominant, including from outwith the site, fails to respect the context of the existing site and surrounding area and would have a considerable negative visual impact on the established character of the Green Belt. Taking into account the prominent and elevated position of the area of site where the proposed extension would be located, next to the A93 Aberdeen to Banchory Road, a main arterial route providing access to the city, then it is considered that the significant scale and massing of the proposed development would have a particularly negative effect on the landscape setting along this important gateway route for the city. The proposal is therefore deemed contrary to the requirements of Policy NE1 (Green Belt) and Policy D1 (Quality Placemaking) of the Aberdeen Local Development Plan 2023 and to the requirements of Policy 8 (Green Belts), Policy 14 (Design, Quality and Place) and Policy 16 (Quality Homes) of National Planning Framework 4.

In addition to the above, the impact of the proposed development on existing trees within the site has not been suitably demonstrated and with recent felling of mature trees already having taken place within the footprint of the proposed development, it is apparent that any additional loss of trees within this sensitive and highly prominent location has the potential to further impact on and negatively affect visual amenity and landscape character. As a result the proposal is considered to be contrary to the requirements of Policy NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan 2023 and Policy 6 (Forestry, Woodland and Trees) of National Planning Framework 4.

Finally, there is also considered to be a degree of conflict with Policy 1 (Tackling the Climate and Nature Crises) and Policy 2 (Climate Mitigation and Adaptation) of National Planning Framework 4.

There are no material planning considerations which would warrant approval of planning permission in this instance.

Date of Signing 18 September 2023



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 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A review request must be made using the 'Notice of Review' form available from <https://www.eplanning.scot/>.

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

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

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Application 230645/DPP

Development Plan

National Planning Framework 4

[Supporting documents - National Planning Framework 4: revised draft - gov.scot \(www.gov.scot\)](https://www.gov.scot/supporting-documents-national-planning-framework-4-revised-draft)

- 1. Tackling the climate and nature crises
- 2. Climate mitigation and adaptation
- 6. Forestry, Woodland and Trees
- 8. Green Belts
- 14. Design, quality and place
- 16. Quality homes

Aberdeen Local Development Plan 2023

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

- NE1 Green Belt
- NE5 Trees and Woodland
- D1 Quality Placemaking

Other Material Considerations

Aberdeen Planning Guidance

Aberdeen Planning Guidance (APG)

- [Householder Development Guide](#)
- [Trees and Woodland](#)

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100630005-003

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="AK architecture"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Ashley"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Keenon"/>	Building Number:	<input type="text" value="100"/>
Telephone Number: *	<input type="text" value="01224789715"/>	Address 1 (Street): *	<input type="text" value="100 Union Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="AB10 1QR"/>
Email Address: *	<input type="text" value="admin@ak-architecture.co.uk"/>		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Newmill Farmhouse"/>
First Name: *	<input type="text" value="Richard"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Leetham"/>	Address 1 (Street): *	<input type="text" value="North Deeside Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Peterculter"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen City"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB14 0NB"/>
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="NEWMILL FARMHOUSE"/>
Address 2:	<input type="text" value="A93 NORTH DEESIDE ROAD"/>
Address 3:	<input type="text" value="PETERCULTER TO ABERDEENSHIRE BOUNDARY WEST OF PETERCULTER"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="PETERCULTER"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="800983"/>	Easting	<input type="text" value="383217"/>
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Description of Proposal

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

Extension to existing garage

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 statements.

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)

Communication with the planning department was difficult as explained in the supporting statement, we believe there was several elements that could have been discussed should the planning department have been easily contactable and open to discussions.

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)

SUPPLEMENTARY PLANNING STATEMENT APPLICANT STATEMENT Drawing submitted to planning department

Application Details

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

230645/DPP

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

26/05/2023

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

18/09/2023

Review Procedure

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

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

Yes No

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mr Ashley Keenon

Declaration Date: 08/12/2023

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20/11/2023

Richard & Claire Leetham
Newmill Farmhouse
North Deeside Rd
Peterculter
AB14 0NB

Personal Letter in Relation to Planning Refusal:
APPLICATION REF NO. 230645/DPP

To whom it may concern,

As a resident deeply rooted in the heart and soul of Newmill Farmhouse, my appeal to you today is not just about a building an extension to our existing garage; it's about preserving a way of life that honours our home's history and our commitment to the environment. Since 1989, this property has been more than just a residence; it has been a canvas upon which my family and I have painted our respect for tradition, nature, and community.

Our proposed garage/store extension, a topic of much consideration and planning, stems from a genuine need to harmonise our living space with our lifestyle. The essence of this extension is not merely functional; it is a continuation of our journey in this cherished home. We seek to use the new space to store essential equipment that supports our sustainable living practices, including tools and equipment for maintaining the land and the property.

This need for additional storage space has become increasingly pressing as we strive to use our existing garage for its original purpose – to house our cars and beloved bicycles. As a keen cyclist, the bicycle holds not just recreational value but represents a sustainable mode of transport that is in line with our environmental ethos. The current garage, a structure we built with the same care and respect for local architecture as the rest of the house, needs to revert to its intended use to protect these vehicles from the elements and to support our environmentally friendly transportation choices.

Every decision we've made, from the careful pruning and felling of trees for safety to the design of the proposed extension, has been imbued with a deep respect for the land and the community. We have not taken these decisions lightly, and we understand the importance of balance – between progress and preservation, change and tradition.

In responding to the Planning Department's concerns, I want to emphasise our commitment to maintaining the character of Newmill Farmhouse and its surroundings. The scale of the proposed development needs to be functional yet sympathetic. It plays a crucial role in allowing us to live sustainably and harmoniously with our environment. The additional storage space will enable us to manage our property better and continue our local wildlife conservation and sustainable living efforts.

We are fully committed to adhering to the relevant policies and guidelines, and our proposal to plant new native trees is a testament to our dedication to enhancing the local ecosystem. This extension is not just a building project but an essential step in our ongoing journey to live responsibly and respectfully in this beautiful part of Scotland.

Your support in this matter would enable us to continue living in a way that honours our home's heritage and natural beauty and helps us set an example of sustainable and respectful living. We hope you will consider our appeal with an understanding of the depth of our commitment to this land and our community.



Richard Leetham (20th Nov 2023)

Newmill Farmhouse, North Deeside Rd, Peterculter AB14 0NB



SUPPLEMENTARY PLANNING STATEMENT
PLANNING APPLICATION 230645/DPP

**ERECTION OF SINGLE-STOREY GARAGE EXTENSION TO THE REAR OF EXISTING
GARAGE**

Newmill Farmhouse
North Deeside Road
Peterculter
Aberdeen
AB14 0NB



address: **AK architecture**

100 Union Street
Aberdeen
AB10 1QR

telephone: 01224 789715

mobile: 07399 873227

email: info@ak-architecture.co.uk

website: www.ak-architecture.co.uk



1 Introduction

1.2 Planning application reference 230645/DPP, lodged with Aberdeen City Council on 26 May 2023, seeks permission for a garage extension at Newmill Farmhouse, North Deeside Road, Peterculter, Aberdeen AB14 0NB. This application, deemed refused, has encountered challenges pertaining to its scale, design, and environmental impact.

1.3 First the handling of this application by the planning department has been marked by a series of shortcomings.

Firstly, the case officer's reliance on Google Street View for their initial assessment was a critical oversight.

Moreover, the process was further marred by missed deadlines. The initial application deadline passed without any formal extension being granted or agreed upon, leading to the determination date lapsing without resolution.

Efforts to communicate with the planning department have been consistently thwarted. Phone calls routinely ring out, without an option to leave messages. Attempts at email correspondence seemingly vanished into the ether. This lack of responsiveness has significantly hindered progress and the ability to work with the council to come to a satisfactory resolution.

In discussions between the applicant and the case officer, there was an expectation that additional time would be retrospectively allowed for a thorough assessment and decision-making on the application rather than appealing against a non-determination. Yet, this expectation was met with further delays as correspondence and assessment deadlines were repeatedly missed, prompting a formal complaint to the team leads, which proved pointless.

Overall, the performance of the planning department on this application has been unsatisfactory. The lack of effective communication channels, coupled with missed deadlines and a reliance on outdated information sources, has significantly impacted the progression of this application.

1.4 This supplementary statement elaborates on the application's compliance with local and national planning policies, highlighting measures to ensure alignment with the environmental and aesthetic values of the area.

1.5 In response to the concerns raised by Aberdeen City Council's planning department regarding the proposed garage extension at Newmill Farmhouse, this statement presents a series of counter-arguments addressing the issues of scale, footprint, massing, and design.

1.6 Our approach meticulously considers the proportionality of the extension within the Green Belt, its architectural harmony with the existing farmhouse, and its minimal impact on the landscape character and visual amenity.

1.7 Regarding the proximity to the A93 Aberdeen to Banchory Road, the extension is mostly concealed and designed to blend seamlessly with the existing building, adhering to local and national planning policies, including Policy NE1 (Green Belt), Policy D1 (Quality Placemaking), and others in the National Planning Framework 4. This response aims to clarify and justify the proposed development's alignment with the essential principles of sustainable design and environmental stewardship.

1.8 This is in response to concerns regarding the proposed garage extension at Newmill Farmhouse and its alignment with Policy 1 (Tackling the Climate and Nature Crises) and Policy 2 (Climate Mitigation and Adaptation) of the National Planning Framework 4. The response and counter-argument outline our comprehensive approach that underscores a commitment to environmental sustainability and climate resilience.

1.9 Following the application, expert consultations confirmed that the proposed development would not impact trees. The commitment to environmental care is further evidenced by planned tree management practices aligning with responsible arboriculture, ensuring safety, and maintaining landscape character. These efforts demonstrate a strong commitment to enhancing the site's biodiversity and visual appeal in line with relevant local and national policies.

- 1.10 The design lays the foundations for future stages to incorporate energy-efficient features and sustainable materials, with future plans to install solar panels demonstrating the applicant's dedication to climate mitigation.
- 1.11 The project's proactive environmental strategy includes planting 50 new native trees and enhancing local biodiversity and ecological value.
- 1.12 These initiatives, coupled with responsible tree management, ensure that the development not only aligns with but actively supports the objectives of addressing climate change and enhancing natural habitats, firmly positioning the extension within the sustainable and environmentally conscious development framework.

2 Background and Justification

2.2 Property History and Development:

Newmill Farmhouse, acquired in 1989, encompasses a traditional cottage with a large garden spanning 0.625 acres. Over a decade, the property underwent significant renovations, including the construction of a double garage, restoration of dry-stone walls, driveway installation, house extension, and comprehensive landscaping, which included planting over 25 trees and establishing a small orchard.

The garage and farmhouse extension, harmoniously built with granite and reclaimed Welsh slate, were designed to align with the original structure's aesthetic.

The applicant's property was the farm's main house and owned all the surrounding land. Subsequently, some of the land and farm buildings (now Newmill Steading) had been previously sold.

2.3 Extended Land Ownership and Environmental Management:

The adjacent 13-acre field, originally part of the farm, was reacquired in 2017.

Upon the owners'/applicants' return in 2022, extensive redevelopment of both the plot and field was undertaken.

This included weed and debris clearance, reseeding, new fencing, and establishing a flock of approximately 80 sheep. A significant portion of the field was also dedicated to rewilding, highlighting the owners' commitment to environmental stewardship.

2.4 Tree Management and Safety Measures:

Proactive tree management has been a key focus, including significant pruning of fruit trees and removing trees that pose risks to the property due to overcrowding, instability, or damage to infrastructure, such as drainage pipes and overhead wires.

2.5 Historical Context of Tree Felling:

Before considering the garage extension, several trees were felled for safety reasons, including those overhanging the A93 road, refer to Appendix 1 which posed an immediate danger. These actions were not related to the development plans but were crucial for maintaining safety standards.

2.6 Arboricultural Consultation and Planning:

Following the application submission and refusal, a consultation with arboricultural, ecological, and landscape experts confirmed that the proposed development would not impact existing trees which are sufficiently far enough away from the development and also on a lower plane down an embankment.

2.7 Future Environmental Enhancements:

The owners are prepared to formalise a report confirming these findings, contingent on planning approval.

This includes committing to planting 50 new native trees in the adjacent field, addressing both carbon footprint concerns and tree replacement within the plot. This would have been discussed with the planner should communication have been easier or a site visit arranged with clients.

2.8 Design and Sustainability Aspects:

The proposed garage extension, occupying a footprint of 40 m² (1.6% of the total land area), is designed to match the existing garage structure in size, style and symmetry.

Plans for future installation of solar panels demonstrate a forward-thinking approach to sustainability. However, solar panels on the existing garage alone would not suffice as justification for the cost to install vs ROI.

2.9 Site Utilisation and Solar Panel Installation:

The proposed extension site has historically been used for the storage of scrap materials and garden waste disposal. This position is an optimal location for development to store equipment required for maintaining the land so the existing garage can be used for vehicles and bicycles.

The orientation and roof slope are ideal for solar panel installation, aligning with climate mitigation goals.

3 Policy Context and Compliance

3.1 Location within the Planning Framework:

Newmill Farmhouse is situated within an area characterised by its blend of residential properties, farm buildings, commercial buildings and green spaces.

The proposed garage extension, located adjacent to the A93 Aberdeen to Banchory Road, is designed to harmonise with the area's residential character and the surrounding Green Belt.

3.2 Scale, Footprint, and Massing:

The proposed garage extension at Newmill Farmhouse has been meticulously designed to be proportionate to the overall property/site and mirror symmetry with the existing garage. Occupying just 1.6% of the total land area, the extension's scale and footprint align with typical proportions for domestic ancillary buildings in the region based on plot size.

The planner's approach to comparing the size of the proposed garage extension with that of a 2/3 bedroom house is not an appropriate measure for the following reasons:

- **Different Functional Purposes (Policy D1 - Quality Placemaking of ALDP):** The proposed garage extension serves a fundamentally different purpose from a residential dwelling. While a house is designed for living and accommodates a range of domestic activities, the garage and its extension are intended for storage and maintenance tasks associated with a residential property that is not an average size and is larger than most. This difference in function makes direct size comparisons irrelevant. The design and scale of the extension align with Policy D1, focusing on enhancing the property's utility and appearance.
- **Contextual Suitability (Policy 14 - Design, Quality and Place of NPF4):** In the context of the property, the scale of the garage extension is tailored to the specific needs of the homeowner, including storage for larger equipment. This contextual suitability should be the primary measure of appropriateness rather than a comparison to the standard sizes of new build homes, as supported by Policy 14 of NPF4.
- **Proportionality to Plot Size and Main Dwelling:** The extension's scale must be evaluated concerning the overall plot size and the main dwelling. Larger residential properties often require proportionately larger ancillary structures to meet their functional needs. The extension's size, when considered in relation to the entire property, is appropriate and does not constitute overdevelopment.
- **Non-Standardisation of Ancillary Structures:** Unlike residential houses, where size can often be standardised, ancillary structures like garages are bespoke in nature and tailored to fit the specific requirements of the property they serve. As such, comparing them to the standard sizes of houses is not a practical or relevant approach.
- **Local Character and Precedence (Policy NE1 - Green Belt of ALDP):** The local area character and the existing precedent for ancillary building sizes should guide the evaluation of the proposed extension. In many cases, larger plots in the area feature ancillary buildings of various sizes, which are considered appropriate within the context of their

respective properties and align with Policy NE1, focusing on maintaining the distinct identity of Aberdeen and its communities.

In conclusion, the direct comparison of the proposed garage extension's size to that of a 2/3 bedroom house is not applicable due to the different functions, contexts, and standards of ancillary structures compared to residential dwellings. The extension should be evaluated based on its suitability to the property's specific needs, its proportionality to the plot and main dwelling, and its compliance with relevant local planning policies. In order to store all the equipment, the appellant first considered multiple timber sheds throughout the property that does not require planning but felt that this would detract from the functionality and look of the site and therefore concluded that a garage extension would consolidate this need and provide continuity.

The planner's observation regarding the proposed garage extension's footprint exceeding that of the original farmhouse is an important consideration, which can be contextualised within the broader scope of the property's development history, the size of the plot, and compliance with planning policies:

- **Historical Context and Policy Compliance:** Previous extensions to the property have been consented to in accordance with planning regulations, demonstrating compliance with policies such as Policy D1 (Quality Placemaking) of the Aberdeen Local Development Plan (ALDP) and Policy (Design, Quality and Place) of the former National Planning Framework. These policies advocate for developments that respect and enhance the character of the home and the surrounding area. This approach has been consistently applied in the development history of the property.
- **Proportionality with Plot Size and Policy NE1 (Green Belt) of ALDP:** Considering the substantial size of the plot, the proposed garage extension, alongside the existing building footprint, aligns with Policy NE1, which focuses on maintaining the distinct identity and physical boundaries of Aberdeen by directing planned growth to appropriate locations. The extension does not compromise the open character of the site or the surrounding Green Belt area.
- **Compliance with Planning Guidelines:** The scale of the extension has been carefully considered to comply with local planning guidelines, ensuring that it does not lead to an over-concentration of development on the site. This approach aligns with Policy D1 of the ALDP, emphasising quality placemaking through design that adds to the attractiveness of the built environment.
- **Overall Site Utilisation and Policy NE5 (Trees and Woodlands) of ALDP:** With the proposed garage extension, the overall site utilisation remains within acceptable limits for residential properties of this size. The development, including existing structures and the extension, remains proportionate and appropriate, ensuring no detrimental impact on the existing landscape and trees, in line with Policy NE5. The development will not impact trees currently on site.
- **Enhancing Property Functionality Without Overdevelopment:** The extension is intended to enhance the property's functionality, providing necessary storage space that the main house cannot accommodate. This addition aligns with the expectations for residential properties with similar plot sizes. It does not lead to an excessive increase in built form, resonating with the principles of Policy 16 (Quality Homes) of NPF4.

In conclusion, the proposed garage extension's scale is a proportionate and appropriate development for the size of the plot. The extension's design and purpose align with local and national planning policies, including Policies D1, NE1, NE5, 14, and 16, enhancing the functionality of the property without compromising the character and integrity of the site.

Addressing the planner's concerns regarding the proposed garage extension at Newmill Farmhouse requires a response grounded in relevant planning policies:

- **Functional Purpose and Policy D1 (Quality Placemaking) of the ALDP:** The extension, while consistent in size with the existing garage, is specifically designed for storage, a distinct function from the garage. This functional differentiation aligns with Policy D1, which emphasises quality placemaking through design that adds to the attractiveness of the built environment.

- **Harmonious Relationship with Main Dwelling and Policy 14 (Design, Quality and Place) of NPF4:** The design of the property, inclusive of the extensions, maintains a subordinate and harmonious relationship with the main dwelling. This approach is in line with Policy 14 of NPF4, which advocates for developments that enhance the character of the home and the surrounding area.
- **Integration into Landscape and Policy NE1 (Green Belt) of ALDP:** The extension's integration into the landscape has been carefully planned to respect the character of the Green Belt (Policy NE1). The selection of materials and landscaping ensures that the extension blends with its surroundings, preserving the aesthetic integrity of the site by blending materials and maintaining existing screening and planting of further shrubs. The proposed extension would look considerably better than timber sheds and thus integrate into the landscape.
 - o A case and point of this justification as to why a garage extension would integrate better than a timber shed can be witnessed at a property located East towards Peterculter, where a timber structure has been built on an embankment that is located in a more prominent location than the applicant site.
- **Environmental Enhancements and Policy NE5 (Trees and Woodlands) of ALDP:** A formal landscaping plan, including additional planting can be finalised and we would suggest is a condition of approval. This approach aligns with Policy NE5, ensuring a net gain in tree cover and contributing positively to the area's environmental quality.
- **Design Sensitivity and Policy 16 (Quality Homes) of NPF4:** The proposed extension is designed with sensitivity to the site's elevated position and landscape character, in accordance with Policy 16. It provides functional benefits to the property without and compromising the visual amenity or the established character of the Green Belt.

In summary, the proposed garage extension at Newmill Farmhouse, being consistent in size with the existing garage, aligns with local and national planning policies, including Policies D1, NE1, NE5, 14, and 16. It is designed to meet specific storage needs while maintaining harmony with the main dwelling and integrating sensitively into the landscape, thereby enhancing the overall character and functionality of the property. Despite the costs of the garage extension amounting to more than 5x that of timber sheds, it is important to recognise the appellant's dedication to enhancing the site's overall character and quality. Demonstrating a clear preference for quality over cost, the appellant is committed to investing in a structure that not only harmonises with the existing environment but also elevates the aesthetic appeal of the site. This approach, favouring a well-integrated and visually appealing development over more economical but less congruent alternatives like timber sheds, reflects a deep-seated respect for the site's character and a commitment to maintaining its integrity and beauty.

3.3 Design and Visual Impact:

The proposed garage extension at Newmill Farmhouse exemplifies good design and quality, thoughtfully aligned with its specific purpose and the overall context of the site. The extension, meticulously planned to mirror the materials and design of the existing garage and farmhouse, achieves architectural harmony and complements the character of the property.

Its scale and functionality, tailored to provide essential storage space for equipment like ride-on lawnmowers and quad bikes, are proportionate to the needs of a large residential property. The strategic orientation, screening by dense vegetation, and consideration of the visual perspectives from nearby footpaths and the A93 road all contribute to minimising its visual impact.

This approach respects the surrounding landscape and the Green Belt policy, ensuring the extension integrates seamlessly into the local environment. Overall, the proposed development not only meets the functional requirements of the property but also enhances its aesthetic quality, adhering to local and national planning policies that emphasise quality placemaking, design, and the preservation of landscape character.

- **Design Harmony and Materials (Policy D1 - Quality Placemaking of ALDP and Policy 14 - Design, Quality and Place of NPF4)**
 - o **Justification:** The extension's careful use of materials and roof design, mirroring the existing garage/farmhouse, achieves architectural harmony. This design

approach respects and enhances the existing site's context, complying with Policy D1 and Policy 14, and counters perceptions of visual dominance.

- **Visual Impact and Natural Screening (Policy NE1 - Green Belt of ALDP);**
 - o **Justification:** The garage, effectively screened by dense vegetation, particularly to the west, has minimal visibility, especially from the lightly used footpath serving only a few houses. This ensures seamless integration into the landscape and minimal visual impact in accordance with Policy NE1.
- **Contextual Integration and Setting (Policy 14 - Design, Quality and Place of NPF4);**
 - o **Justification:** The adjacent agricultural field with an existing large building places the garage extension within an evolving landscape character. This context makes the visual impact of the garage comparatively minimal, aligning with Policy 14.
- **Orientation, Visibility, and Road Speed Consideration;**
 - o **Justification:** The garage's strategic orientation and linear elevation, relative to the direction of travel on the A93 road with a 60mph speed limit, ensure it is not visually prominent. The front and rear elevation provides a natural visual buffer, minimising the visual impact from the road in the direction of travel.
- **Privacy and Quality of Life Enhancement (Policy 16 - Quality Homes of NPF4);**
 - o **Justification:** Enhancing the residents' quality of life, which is a key consideration under Policy 16. It addresses the functional needs for additional storage while contributing to the residential environment's overall quality.

The proposed garage extension at Newmill Farmhouse is a thoughtful and contextually appropriate development. Its design, orientation, and landscaping are carefully planned to minimise visual impact and enhance the property's functionality and privacy. The extension aligns with local and national planning policies, such as Policies D1, NE1, 14, and 16, and respects the character and aesthetic integrity of the surrounding landscape. Its integration into the setting, considering the limited use of the nearby footpath and the nature of the A93 road, ensures that it remains a harmonious addition to the area.

3.4 Specific or Justifiable Need for Ancillary Accommodation:

The planner's assertion that there is no demonstrated specific or justifiable need for the proposed ancillary accommodation is completely their lack of understanding and willingness to engage in this planning application. It overlooks several critical aspects of the application process and the actual requirements of the property:

- **Lack of Direct Inquiry and Reliance on Google Street View:**
 - o **Point:** The planner's assessment was primarily based on Google Street View, which is an inadequate method for understanding the specific needs and context of a property. This approach failed to capture the current state of the site and its requirements.
 - o **Policy Implication:** This oversight hinders a comprehensive evaluation under policies such as Policy D1 (Quality Placemaking) of ALDP, which necessitates a detailed understanding of the property's context for quality development.
- **Missed Deadlines and Communication Challenges:**
 - o **Point:** The application process was marred by missed deadlines and a lack of formal extensions, leading to lapses in determination dates. Efforts to communicate with the planning department were consistently unsuccessful, with phone calls and emails left unanswered.
 - o **Policy Implication:** This lack of responsiveness prevented an open dialogue that could have facilitated a mutual understanding of the project's alignment with local planning policies.
- **Unawareness of Site Visit and Lack of Engagement:**
 - o **Point:** The client was unaware of any site visit by the planner and did not have an opportunity to discuss the specific needs and justification for the extension on-site.
 - o **Policy Implication:** Such engagement is crucial for an accurate assessment under Policy 14 (Design, Quality and Place) of NPF4, which emphasises developments that are contextually appropriate.
- **Specific Need for Ancillary Accommodation:**

- **Point:** The specific need for the extension, as an equipment store for necessary maintenance tools for the landscaped garden grounds, was not adequately communicated or explored due to the planning department's approach.
 - **Policy Implication:** Understanding this need is essential under Policy 16 (Quality Homes) of NPF4, which supports developments that improve the quality and functionality of residential environments.
- **Ineffective Communication and Impact on Application Progression:**
- **Point:** The unsatisfactory performance of the planning department, characterised by ineffective communication channels and a reliance on outdated information, significantly impacted the progression and resolution of this application.
 - **Policy Implication:** Effective communication is pivotal for ensuring developments meet the standards set out in local planning policies and contribute positively to the local built environment.

The specific and justifiable need for the proposed garage extension, as an integral part of the residential property, was not effectively assessed due to the planning department's reliance on insufficient assessment methods, missed deadlines, and poor communication. This approach failed to consider the detailed requirements under ALDP and NPF4 policies. A more thorough and engaged evaluation process would likely have demonstrated the extension's alignment with these policies, its necessity for the property, and its appropriateness within the local context.

3.5 Counter-Argument - Impact of Development on Trees:

To address the planner's concerns regarding the impact of the proposed development on trees and to align with the stipulations of Policy 6 (Forestry, Woodland and Trees) of NPF4 and Policy NE5 (Trees and Woodlands) of the ALDP, the counter-argument as follows:

- **Compliance with Policy 6 (NPF4) and Policy NE5 (ALDP):**
 - **Justification:** The development plan acknowledges the importance of protecting and expanding forests, woodland, and trees, as stated in Policy 6 of NPF4 and Policy NE5 of ALDP. The initial application's indication of no trees on the site was based on the current state of the plot, not considering the previously felled trees (due to rot and safety concerns, as explored later in this statement).for arboricultural reasons, and no trees would be impacted by the proposed development.
- **Tree Removal and Replacement Planting:**
 - **Justification:** The recent felling of trees close to the existing garage was carried out for valid arboricultural reasons, including the safety and health of the trees. In response to this, a comprehensive plan would be formed for replacement planting will be implemented to ensure an overall net gain in tree cover, adhering to the requirements of Policy NE5 and would suggest this be a planning approval condition as to remove the cost burden from the appellant at this present moment.
- **Consideration of Trees in Proximity to Development:**
 - **Justification:** The revised location plans acknowledge the presence of trees within the site. To ensure compliance with the policies. If required, a detailed arboricultural assessment will be conducted by an independent arboriculturist. It would suggest this be a planning approval condition as to remove the cost burden from the appellant at this present moment. This assessment will identify the root protection areas and ensure that the remaining trees are not harmed by the development, aligning with the best practices for sustainable management of trees on development sites.
- **Commitment to Compensatory Planting and Sustainable Tree Management:**
 - **Justification:** Recognising the importance of tree cover, the development includes a commitment to compensatory planting in line with the Council's Interim APG on Trees and Woodlands. This approach ensures a net gain in tree cover and the sustainable management of trees, fulfilling the expectations of both Policy 6 (NPF4) and Policy NE5 (ALDP).

The proposed development at Newmill Farmhouse is committed to complying with Policy 6 of NPF4 and Policy NE5 of ALDP concerning forestry, woodland, and trees. The development's approach to tree management, including replacement planting and a detailed arboricultural assessment, ensures that the trees on the site are sustainably managed and protected. This approach demonstrates a responsible and policy-compliant development strategy, addressing

the planning department's concerns and contributing positively to the environmental quality of the area.

3.6 Further addressing concerns on;

- **Policy NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan 2023**
- **Policy 6 (Forestry, Woodland, and Trees) of National Planning Framework 4**

The case officer expressed concerns about the impact of the proposed development on trees based on an assessment conducted via Google Street View and did not attend a physical site visit during initial correspondence.

Had the case officer attended a site visit, they would have found that several trees were historically removed before a garage extension had been considered or the application submitted. Refer to Appendix 3.

3.7 The client was within their right to remove these trees based on the exemption, and those sites were within a private residential garden space. Refer to Appendix 4 for evidence.

- The trees (a hedge when owners departed in 2003) were originally planted too close together and suffered from a lack of stability.
- A vast amount was under 10cm in diameter.
- Dying and rotting.
- Hence, they were a risk to the garage. Roof damage had previously occurred, and the garage skylight smashed from a falling branch. Note: The existing garage was built in 1992 – at this point, the hedge was of no consequence.
- Roots were at risk of damaging garage foundations.
- Roots were at risk of damaging the boundary wall.
- Trees were a risk to overhead wires.
- A single large mature tree on the edge of the embankment overhung the main A93 road, on which, after a storm earlier in the year, several branches had fallen onto the main A93 Road.
- If a larger tree or branch fell, as this point is on a bend on a fast road, drivers would have little opportunity to avoid it. The owner considered this to be an immediate danger, and hence, the trees fell.

3.8 Since the application was submitted, the applicant has engaged with an arboricultural, ecological & landscape consultant who has attended the site and indicated that the development would have no impact on the existing trees due to the distance and height elevation of the embanked area and if required would provide the following reports.

- Site visit, numbering of trees Survey of trees to BS5837, 2012, to include diameter, canopy, height, maturity, and health.
- Produced a tree report detailing site assessment and schedule of trees along with an arboricultural assessment plan detailing tree constraint, including arboricultural impact assessment and arboricultural method statement, along with a tree protection plan to inform planning application.

3.9 The applicant would be happy to formalise this report to substantiate and would suggest this be a planning approval condition as to remove the cost burden from the appellant at this present moment.

3.10 In addressing the concerns raised about the impact of tree management on the visual amenity and landscape character, it's crucial to clarify the nature of the tree management activities conducted on the property. These activities, which were implemented prior to this planning application, were driven by a commitment to environmental care and the overall health of the property's natural setting.

3.11 The management of the trees was conducted in a manner consistent with responsible arboricultural practices, focusing on selective pruning and essential maintenance. This approach was vital for ensuring safety, preventing potential risks from unstable trees, and managing tree growth to avoid overcrowding. It contributed positively to the health and longevity of the tree population.

- 3.12** It is important to emphasise that these tree management actions were not initiated to facilitate the proposed garage extension. The extension has been carefully designed to fit seamlessly into the existing natural environment, negating the need for further tree removal. This approach aligns with our commitment to preserve and enhance the site's landscape character.
- 3.13** Moreover, the assertion made by the case officer regarding the necessity of felling additional trees for the proposed development is incorrect and unsubstantiated. Our plans have been meticulously crafted to ensure the development complements the existing landscape without necessitating further tree felling. The trees and shrubs are at a suitable distance where no root damage would be caused by the development. Refer to Appendix 5 for reference.
- 3.14** In addition, our commitment to environmental stewardship extends to planting 50 new native trees in the adjacent field. This initiative is a testament to our dedication to enhancing the site's biodiversity and visual appeal, further aligning our practices with the principles of Policy NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan 2023 and Policy 6 (Forestry, Woodland and Trees) of the National Planning Framework 4.
- 3.15** In light of these considerations, the tree management activities undertaken should be viewed as a positive contribution to the site's visual amenity and landscape character rather than as a detracting factor.
- 3.16 Addressing Concerns Related to Climate and Nature Policies:**
- **Policy 1 (Tackling the Climate and Nature Crises) and**
 - **Policy 2 (Climate Mitigation and Adaptation) of National Planning Framework 4.**

3.17 Alignment with Climate and Nature Crises Policy:
The proposed garage extension has been designed with a strong focus on environmental responsibility.

This development is not merely a structural addition but a conscious effort to enhance the property's resilience to climate change.

The design includes materials that reduce environmental impact by reuse of materials and no offsite disposal of waste materials from excavation, thereby aligning with Policy 1's objective of tackling climate and nature crises.

3.18 Commitment to Climate Mitigation and Adaptation:
The design and construction of the extension incorporate sustainable practices. These include using locally sourced, sustainable materials and techniques that minimise carbon footprint.

In a phased approach, the intention is to install a solar array on the existing and proposed garage; this demonstrates a commitment to renewable energy sources, directly supporting Policy 2's focus on climate mitigation and adaptation.

This commitment would not be possible based on the size of the existing garage.

3.19 Enhancing Biodiversity and Ecological Value:
Beyond the construction, the project involves planting 50 new native trees, significantly enhancing the site's ecological value and biodiversity. This initiative not only compensates for any environmental impacts from the development but also contributes positively to the local ecosystem, supporting the objectives of both policies.

3.20 Proactive Environmental Management:
The project's approach to tree management, focusing on health, safety, and longevity, ensures the property's landscape is maintained and improved. This proactive environmental stewardship aligns with the broader goals of tackling climate and nature crises by preserving and enhancing natural habitats.

3.21 Synergy with National Planning Framework Goals:
The extension's design and associated environmental initiatives demonstrate a holistic approach to development that is in harmony with the goals of the National Planning Framework 4.



The project embodies a balance between development needs and environmental sustainability, showcasing how modern construction can contribute positively to addressing climate change and ecological concerns.

4 Conclusion

4.1 The detailed examination of the proposed garage extension at Newmill Farmhouse reveals a project deeply rooted in the principles of sustainable development, environmental stewardship, and architectural sensitivity. This application, while facing initial refusal, presents a compelling case for approval based on its meticulous alignment with local and national planning policies and its demonstrable commitment to enhancing the environmental and aesthetic quality of the area.

The proposed development is not merely an addition to an existing structure but a thoughtful integration that respects and enhances the character of Newmill Farmhouse and its surroundings. The design's careful consideration of scale, footprint, and massing ensures that the extension complements the existing farmhouse while its location and orientation minimise visual impact and maintain the integrity of the Green Belt.

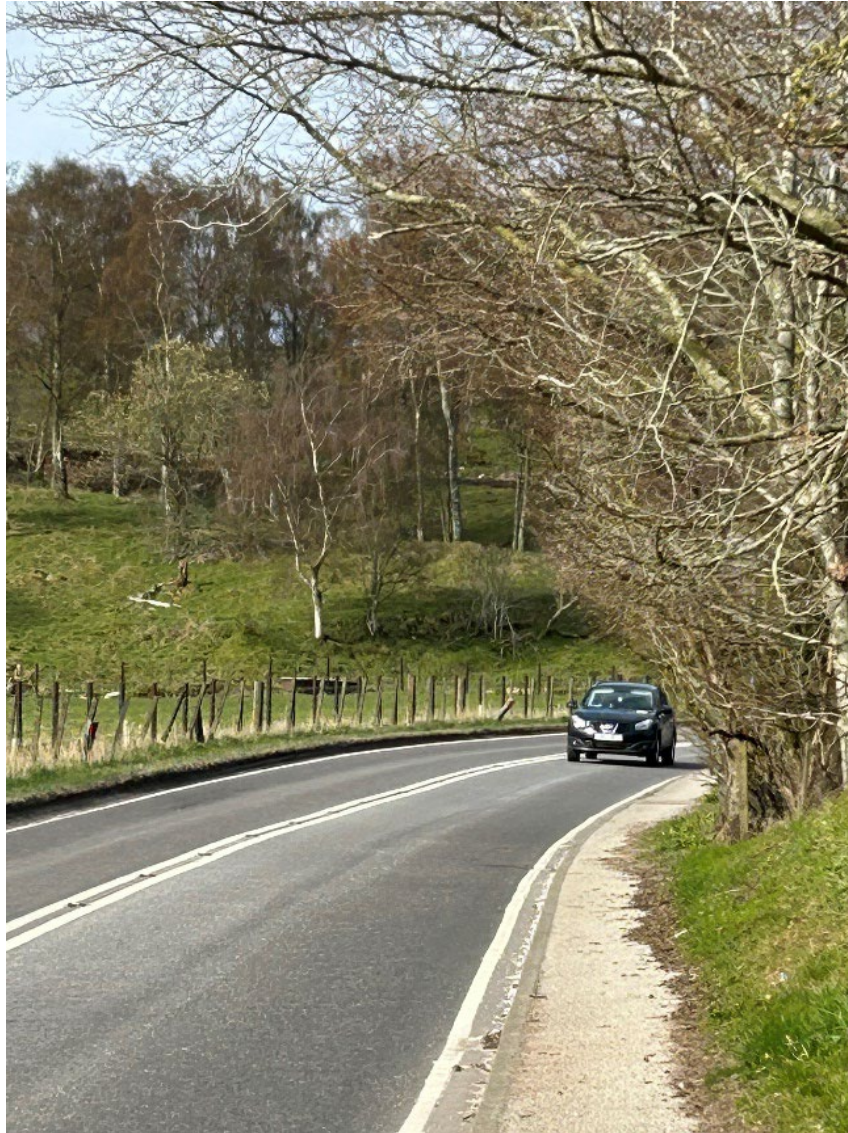
Moreover, the proactive environmental measures proposed, including the planting of 50 native trees and responsible arboricultural practices, go beyond mere compliance with planning policies. These initiatives demonstrate a deep-seated commitment to ecological enhancement, biodiversity, and climate resilience, aligning with the objectives of the National Planning Framework 4.

The challenges encountered during the application process, including miscommunications and procedural oversights, should not overshadow the merits of this project. The issues raised by the planning department have been addressed comprehensively, with counter-arguments and clarifications that underscore the project's viability and desirability.

In light of these considerations, it is evident that the refusal of planning permission for the garage extension at Newmill Farmhouse is a decision that warrants reconsideration. Approving this application would not only rectify an initial oversight but also endorse a project that exemplifies sustainable, sensitive, and responsible development. It would signal Aberdeen City Council's support for projects that harmoniously blend modern living needs with environmental consciousness and architectural integrity.

Therefore, it is recommended that the initial decision be overturned and planning permission is granted for the garage extension at Newmill Farmhouse, acknowledging its contribution to the local community and its alignment with the overarching goals of sustainable development in Aberdeen.

Appendix One – Photograph showing a tree overhanging the A93.



Appendix Two – Photograph showing the direction of travel screening (without leaves winter).



The existing garage is obscured by trees and shrubs that will remain untouched by the development. During summer, the foliage cover is even more.



Appendix Three – Photograph showing the area to the rear of the garage.



Appendix Four – Photograph showing tree rot. Tree overhanging the A93.



Tree overhanging the A93.



Further Tree rot.



Shows the tree's diameter being under 10cm and demonstrates how closely they were planted together.



Appendix Four – Photograph showing space to the rear of the garage.




These trees and shrubs will not be affected by the proposed development.



Approximately 14m from the rear of the garage to the base of the tree to be retained, the tree is also at the lower side of the embankment approx. 1m elevation change.



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

Site Address:	1B Skene Place, Dyce, Aberdeen, AB21 7AY
Application Description:	Demolition of existing guesthouse and erection of dwellinghouse
Application Ref:	230596/DPP
Application Type:	Detailed Planning Permission
Application Date:	16 May 2023
Applicant:	Mr Norman Hunter
Ward:	Dyce/Bucksburn/Danestone
Community Council:	Dyce and Stoneywood
Case Officer:	Aoife Murphy

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The site is located to the south of Skene Place in the residential area of Dyce and accommodates a single storey guesthouse with attached garage. The property infills the majority of the site with a small area of open space to the south east, which appears to be shared with the attached property to the east, 1A Skene Place. The remainder of the site is bound by a car park to the west and an area of open space to the south.

While the property is noted as being a guesthouse on the application form which would fall under a Class 7 use (hotels and hostels), from the planning history, which is outlined below, it is not clear what the intended use class was for this property. Regardless, the property has been operating as a B&B for in excess of 10 years according to evidence and therefore is deemed to be that class.

Relevant Planning History

921939 – Detailed Planning Permission for a change of use of a single-storeyed shop unit to provide accommodation suitable for multiple occupancy – Refused 17.12.1992.

930095 – Detailed Planning Permission for a change of use of a shop to provide multiple-occupation accommodation primarily for oil workers staying overnight prior to flying offshore - Approved 12.05.1993.

221157/DPP – Detailed Planning Permission for demolition of existing guest house and erection of replacement dwelling – Withdrawn 30.11.2022.

APPLICATION DESCRIPTION

Description of Proposal

Permission is sought for the erection of a 1½ storey dwelling to replace the existing building. The dwelling would measure approximately 7.8m in height, 9.7m in length and 10.5m in width and would accommodate an office, lounge, WC, kitchen/dining area and utility on the ground floor and three bedrooms, two shower rooms and study on the first floor. The front and rear would be finished in grass, with the latter also having an area of paving, with the rear externally accessed via a communal path between the existing and proposed dwellings. It is presumed that the garden would be communal, as there are no boundary treatments proposed between the two, however this is not clear from the submitted plans. A 1.8m high boundary wall is proposed along the western boundary, but the plans do not show what the treatments would be for the north and south boundaries. Access to the property would be from Skene Place to the north.

Amendments

The parking space to the front has been removed from the proposal and no longer forms part of this application.

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=RUQZXEBZJKN00>

Noise Impact Assessment

CONSULTATIONS

ACC - Environmental Health – has reviewed the submitted noise impact assessment and while the Service does not object to this proposal and accepts the findings in relation to the internal noise levels, in relation to external amenity, the Service notes that conflict with Policy B3 (Aberdeen International Airport and Perwinnes Radar) of the Aberdeen Local Development Plan as the external space will not achieve the external noise limit of 55dB LAeq 16 Hour or the 57dB LAeq 16 Hour. While the assessment notes the use of an acoustic pod, this is not considered to be appropriate mitigation as it is not external amenity space and it does not provide external acoustic conditions for future occupants. The Service does therefore not accept this mitigation. While the Service does not propose to object to the proposal, should the application be approved, despite the conflict from Policy B3, the Service would recommend that noise mitigation contained within section 6.1 and appendix H1 of the assessment should be conditioned and that the acoustic pod should not form part of this mitigation.

ACC - Roads Development Management Team – initially requested further information in relation to the parking space to the front, however upon receiving confirmation from the agent that the parking space will no longer form part of the proposal and with the re-introduction of the footway frontage, the Roads Team had no further comment to make on this proposal.

ACC - Waste and Recycling – has no objection to the proposal, but notes the waste requirements for such a proposal.

Aberdeen International Airport – has examined the proposal from an aerodrome safeguarding perspective and advised that it does not conflict as such there is no objection. However, given the nature of the proposed development, it is possible that a crane may be required and therefore the applicant should be aware of the British Standard Code of Practice for the safe use of Cranes.

Dyce and Stoneywood Community Council – has advised that it is neither objecting or supporting the proposal, but notes the following;

The design is improved since the previous submission under 221157/DPP, however the footprint is still greater than 33% as advised in the Sub-division and Redevelopment of Residential Curtilages Aberdeen Planning Guidance. Requires careful consideration to ensure proposal is not inconsistent with Policy D1 (Quality Placemaking) and Policy H1 (Residential Areas) of the Aberdeen Local Development Plan.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Development Plan

National Planning Framework 4

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan. The relevant provisions of NPF4 that require consideration in terms of this application are –

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaption)
- Policy 3 (Biodiversity)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)

Aberdeen Local Development Plan 2023

- Policy WB3 (Noise)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy R5 (Waste Management Requirements from New Developments)
- Policy R6 (Low and Zero Carbon Buildings and Water Efficiency)
- Policy H1 (Residential Areas)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy B3 (Aberdeen International Airport and Perwinnes Radar)

Interim Aberdeen Planning Guidance

Aberdeen Planning Guidance is Interim Planning Guidance. The documents hold limited weight until they are adopted by the Council. The weight to be given to Interim Planning Guidance prior to its adoption is a matter for the decision maker. The following guidance is relevant –

- The Sub-division and Redevelopment of Residential Curtilages
- Transport and Accessibility
- Resources for New Development

- Noise
- Amenity

EVALUATION

Principle of Development

The site is located within a residential area, as such Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP) is relevant. However, while the site is within a residentially zoned area, other policies, in addition to Policy H1, will be used to assess the principle of development, these include Policy WB3 (Noise), Policy D1 (Quality Placemaking), Policy D2 (Amenity) and Policy B3 (Aberdeen International Airport and Perwinnes Radar). These will be considered in the subsequent paragraphs.

Policy H1, advises that within existing residential areas proposals for new development will be supported if it does not constitute over development, does not have an adverse impact on residential amenity and the character and appearance of an area; and does not result in the loss of open space. In respect to the final point, the proposal is within a private curtilage and therefore would not result in the loss of open space. Matters relating to over development, character and impact on amenity will be considered below.

Over development and character

In respect to the above, in order to consider one aspect, the Planning Service also need to consider the other, given that they largely relate to each other. To support Policy H1, the Sub-division and Redevelopment of Residential Curtilages Interim Aberdeen Planning Guidance (APG) requires to be considered. This APG advises that the density of the surrounding area should be reflected in the development proposals for the new and existing property. The APG does provide a general guide for development, in that no more than a third (33%) of the total site area for each individual curtilage should be built upon. In this case, it is hard to establish the general density of the surrounding residential plots as there is no established pattern in the immediate area, however residential plots generally provide sufficient garden ground to the side or rear. The only exception to this is the adjacent dwelling at 1A Skene Place, which is a 1½ storey dwelling within a similar sized plot. However, it is considered that these types of plots are few and far between.

Turning now to the built development, having carried out calculations of this site, the proposed dwelling would represent 45% of the site being developed in terms of built area, significantly higher than the maximum 33% allowed by APG. While the information in the APG is suggested as being a 'general rule' it has been included to ensure that any proposal reflects the general density of the surrounding area. In this case the plot is relatively small and a dwelling of this size would only leave a rear garden that is 59m², and from undertaking a desktop study of the surrounding area, this is small in scale and does not represent the norm. As mentioned, while the adjacent site at 1A, is similar in size, it does appear that this has some additional curtilage to the side, something that this proposed dwelling would not benefit from. Furthermore, it does appear that the proposed dwelling would result in a reduction in 1A's rear curtilage owing to its siting and this would not be appropriate or acceptable.

In light of the above, it is considered that while the site is located within a residential area and in that sense reflects the existing character, it is considered that the proposed dwelling would result in an unacceptable form of development, in that it does not respect the general pattern of development, would result in over development of the plot and would also result in a reduction in the rear curtilage of 1A Skene Place. It is for these reasons that the Planning Service are not in a position to support this aspect of the proposal.

Policy H1 also advises that any new proposal should not result in any negative impact on the appearance of an area. The APG goes on to advise that in terms of character, the scale and massing of the any new dwelling should complement the scale of surrounding properties and be reflective of the surrounding character with the ridge and wallhead heights of any new dwelling being no higher than the ridges or wallheads on adjoining dwellings, ensuring the character of the area is maintained. While this proposed dwelling is detached, the measurements and heights of neighbouring property is relevant and therefore will be considered in this evaluation. As mentioned, Policy D1 (Quality Placemaking) is also relevant and this policy expects high standards of design with a strong and distinctive sense of place which is a result of context appraisal.

In terms of its general appearance, the proposed dwelling does not raise any issues, its wall height and ridge levels are similar to that of 1A Skene Place, as is its general design. Overall, while there is some acceptability in terms of its design when viewed from the street, this does not negate the fact that the site is small and does not comfortably provide an acceptable level of development. In addition, there are lack of details with respect to boundary treatments to the front and rear of the site. However, owing to the unacceptability of the proposal due to overdevelopment of the site, it was not considered prudent to request any further information.

Amenity

With regards to amenity, both the impact on the future occupants of the proposed dwelling as well as the surrounding properties need to be considered. Therefore, in addition to Policy H1, Policy B3 (Aberdeen International Airport and Perwinnes Radar), Policy WB3 (Noise), and Policy D2 (Amenity) also need to be considered.

Policy D2, advises that new residential development must ensure that occupiers are afforded adequate levels of privacy; that there is adequate private external amenity space in terms of quantity and quality; that there is minimal shading of external private and public spaces; that all residents have access to usable open space; and have a private face to an enclosed garden or court to ensure a sense of safety and enclosure. Such matters will be considered below. First the Planning Service must review the potential conflict with Policy B3 owing to location of the site in relation to the airport.

Policy B3 states, in relation to noise, that applications for residential development in areas where aircraft noise levels are 57dB LAeq (the summer 16-hour dB LAeq measurement) or more as identified in the noise contour map will be refused, due to the inability to create an appropriate level of residential amenity, and the need to safeguard the future operation of Aberdeen International Airport. In response to this, the applicant was made aware that a Noise Impact Assessment would be required not only to satisfy Policy B3, but also Policy WB3 (Noise), in light of the significant exposure to noise, and this was duly requested via a Regulation 24 request. On receipt of the assessment, Environmental Health has been consulted and as noted above, while the Service accepts the findings in relation to the internal noise levels, the external amenity area is a concern and does conflict with Policy B3 as it would not achieve the external noise limit of 55dB LAeq 16 Hour or the 57dB LAeq 16 Hour. However, Environmental Health has not objected to this proposal but do not accept the use of an acoustic pod, as noted in the report as this is not considered to be appropriate mitigation as it is not external amenity space and it does provide external acoustic conditions for future occupants. In light of Environmental Health's comments and the clear conflict with Policy B3, it is for the Planning Service to consider whether there is any merit in departing from the aforementioned policy.

In response to this, the Planning Service can clearly see that the development would not have acceptable noise levels externally, however the location of the site also needs to be taken into account. In this case, the site is clearly within an established residential area, as such all properties within the area currently have what would be considered unacceptable external noise

levels. While this is not a reason to allow such a development it does offer some justification as to why the Planning Service would acknowledge the conflict and potentially allow a departure from Policy B3. However, owing to the issues highlighted above, relating to over development and issues relating to the existing pattern, there are no material planning considerations which would warrant a departure from Policy B3 in this instance. Furthermore, owing to the above, the proposal cannot be considered welcoming or pleasant as required by Policy D1. As such, it is clear that the proposal fails to comply with Policy B3 and Policy D1.

In terms of the other aspect of amenity, including any potential impact on amenity of the neighbouring property, owing to the proposed arrangement, it is not considered that there would be any impact in terms of overshadowing in respect to daylight and sunlight for 1A Skene Place or any impact on privacy for the dwelling itself. However, a concern, which has been highlighted above, is that the proposed dwelling does result in the reduction of the private garden ground associated with the existing dwelling at 1A, which is already smaller than those in the surrounding area. Adding to this is the fact that the rear cartilage of the proposed dwelling is also lacking in terms of its size and does not appear to be separated from 1A by any form of boundary treatment. This was highlighted to the agent, but no further information was submitted in respect to this. Overall, the proposal cannot be considered compliant with Policy D2.

Conclusion

In relation to Policy H1 (Residential Areas), it is considered that while the proposal does not result in the loss of open space, it is considered to constitute over development and does impact on the character of the area owing to the disruption to the pattern of development. While there would be no adverse impact on residential amenity in respect to sunlight or daylight, the proposal does result in a reduction to the private amenity space associated with 1A Skene Place. Additionally there is a lack of sufficient private garden ground directly related to the proposed development and further to this it will not be able to achieve acceptable external noise levels owing to its location, as such there would be an unacceptable amenity impact to future occupants. Overall, the proposal fails to comply with Policy H1 (Residential Areas), Policy B3 (Aberdeen International Airport and Perwinnes Radar), Policy D1 (Quality Placemaking) and Policy D2 (Amenity) of the ALDP.

Further to the above, the proposal is also not considered to be consistent with Policy 14 (Design, Quality and Place) of NPF4, in that it fails to meet the six qualities of successful places in that it would not be healthy, by not providing sufficient external amenity space and would not be pleasant owing to the fact that acceptable noise levels cannot be achieved externally.

The concerns of the Dyce And Stoneywood Community Council, as noted above have also been considered and as outlined, the Planning Service also has concerns regarding the proposals compliance with Policy D1 (Quality Placemaking) and Policy H1 (Residential Areas) of the ALDP.

Access and Parking

In terms of sustainable travel, the site is served by direct access onto publicly adopted footpaths on Skene Place, leading to Victoria Street which provides connectivity to the wider Dyce area. In terms of cycle access to the site this would be on-street until the connections with 'National Cycle Network – Route 1' along the old railway, referred to as Formartine and Buchan Way as well as this same route along Riverview Drive. This route provides connections directly into the City Centre and connections to other cycle infrastructure to other areas of the city. Furthermore, Victoria Street forms part of regular bus service routes in and out of the City, with bus stop provisions within approximately 210m of the site. Additionally, Dyce is served by its own rail station with regular services in and out of the city and other areas surrounding Aberdeen, with the station located within close proximity to the site. In light of this the proposal complies with Policy T2 (Sustainable Transport) of the ALDP and also Policy 13 (Sustainable Transport) of NPF4.

In relation to parking, Policy T3 (Parking) of the ALDP, none is proposed as part of the application and Roads Development Management has raised no concerns with regards to this. It is considered that there is sufficient off site parking which can serve the proposed dwelling.

Other Technical Matters

Policy R5 (Waste Management Requirements for New Developments) requires that all new developments should have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate. In this case, it is considered that there is sufficient space for bin storage within the site. ACC's Waste and Recycling Team has advised that it has no objection to the proposal, noting the storage facilities that would be required for a residential dwelling. Overall, it is considered that the proposal is compliant with Policy R5 of the ALDP and Policy 12 (Zero Waste) of NPF4.

In respect of Policy R6 (Low and Zero Carbon Buildings and Water Efficiency), full details of these aspects would be required and had permission been granted, a condition would have been attached ensuring that such information was submitted and approved by the Planning Service.

National Planning Framework 4

Policy 1 (Tackling the Climate and Nature Crises) and Policy 2 (Climate Mitigation and Adaptation) of NPF4 seek encourage, promote and facilitate development that addresses the global climate emergency and nature crisis and that minimises emissions and adapts to the current and future impacts of climate change, respectively. In this case, given that the development would see the demolition of an existing building and in light of this it is not clear what the impact on climate change would be, but owing to the scale of the development it is likely to be minimal. Therefore, the proposal is considered acceptable when assessed against Policy 1 and Policy 2 of NPF4.

With respect to Policy 3 (Biodiversity), given the proposed use, there is limited scope to include biodiversity enhancements, but that does not mean that enhancements cannot not be incorporated at a future date, such information could be the subject of condition had approval been granted. Regardless, the proposed development will not impact existing levels of biodiversity in compliance with Policy 3.

DECISION

Refuse

REASON FOR DECISION

The application has been assessed against the relevant policies of the Aberdeen Local Development Plan 2023 (ALDP) and National Planning Framework 4 (NPF4) and overall is considered to be unacceptable. In respect of Policy H1 (Residential Areas) of the ALDP, the proposal would result in over development of the site and does impact on the character of the area owing to the disruption to the pattern of development. Furthermore, there would be an impact on the amenity of 1A Skene Place due to the reduction in private garden ground and also an impact on the amenity of any future occupants of the proposed dwelling owing to an insufficiently sized private garden area and unacceptable external noise levels. As such, the proposal not only fails to comply with the criteria of Policy H1, its also fails to comply with Policy B3 (Aberdeen International Airport and Perwinnes Radar), Policy D1 (Quality Placemaking) and Policy D2 (Amenity) of the ALDP. The proposal is also not considered to be consistent with Policy 14 (Design, Quality and Place) of NPF4, in that it fails to meet the six qualities of successful places.

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100628691-001

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

Type of Application

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

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

Description of Proposal

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

Proposed demolition of existing Guest House and erection of new 3 bed house

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

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

No Yes – Started Yes - Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Derek L Young		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Derek	Building Name:	
Last Name: *	Young	Building Number:	32
Telephone Number: *	01224 647358	Address 1 (Street): *	Meikle Gardens
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Westhill
Fax Number:		Country: *	Aberdeenshire
		Postcode: *	AB32 6WN
Email Address: *	derek-young@btconnect.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: *	Norman	Building Number:	32
Last Name: *	Hunter	Address 1 (Street): *	Kirkhill Gardens
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Potterton
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB23 8ZR
Fax Number:			
Email Address: *	sales@affordableaberdeen.co.uk		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

1B SKENE PLACE

Address 2:

DYCE

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB21 7AY

Please identify/describe the location of the site or sites

Northing

812718

Easting

388575

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

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

Re submit application

Title:

Ms

Other title:

First Name:

Aoife

Last Name:

Murphy

Correspondence Reference
Number:

Date (dd/mm/yyyy):

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

Site Area

Please state the site area:

186.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

Guest House

Access and Parking

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

Yes No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

Yes No

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

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

0

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

0

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

Water Supply and Drainage Arrangements

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

Yes No

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

Yes No

Note:-

Please include details of SUDS arrangements on your plans

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

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

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

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

Assessment of Flood Risk

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

Yes No Don't Know

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

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

Yes No Don't Know

Trees

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

Yes No

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

Waste Storage and Collection

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

Yes No

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

Existing bins storage

Residential Units Including Conversion

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

Yes No

How many units do you propose in total? *

1

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

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

Schedule 3 Development

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

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

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

Yes No

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

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

or –

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

Name:

Mr Ben Lumsden

Address:

1A, Skene Place, Dyce, Scotland, AB23 8ZD

Date of Service of Notice: *

16/05/2023

(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: Derek Young

On behalf of: Mr Norman Hunter

Date: 16/05/2023

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

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

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement. *

Yes N/A

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

Existing site drainage

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 Derek Young

Declaration Date: 16/05/2023

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Derek Young
Derek L Young
32 Meikle Gardens
Westhill
Aberdeenshire
AB32 6WN

on behalf of **Mr Norman Hunter**

With reference to your application validly received on 16 May 2023 for the following development:-

Demolition of existing guest house and erection of dwelling house at 1B Skene Place, Dyce

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
1078 - 03PL	Location Plan
1078 - 02	Elevations and Floor Plans
TTG 100723A 2	Noise Assessment

DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION

None.

REASON FOR DECISION

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

The application has been assessed against the relevant policies of the Aberdeen Local Development Plan 2023 (ALDP) and National Planning Framework 4 (NPF4) and overall is considered to be unacceptable. In respect of Policy H1 (Residential Areas) of the ALDP, the proposal would result in over development of the site and does impact on the character of the area owing to the disruption to the pattern of development. Furthermore, there would be an impact on the amenity of 1A Skene Place due to the reduction in private garden ground and also an impact on the amenity of any future occupants of the proposed dwelling owing to an insufficiently sized private garden area and unacceptable external noise levels. As such, the proposal not only fails to comply with the criteria of Policy H1, its also fails to comply with Policy B3 (Aberdeen International Airport and Perwinnes Radar), Policy D1 (Quality Placemaking) and Policy D2 (Amenity) of the ALDP. The proposal is also not considered to be consistent with Policy 14 (Design, Quality and Place) of NPF4, in that it fails to meet the six qualities of successful places.

Date of Signing 26 October 2023



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 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A review request must be made using the 'Notice of Review' form available from <https://www.eplanning.scot/>.

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

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

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Comments for Planning Application 230596/DPP

Application Summary

Application Number: 230596/DPP

Address: 1B Skene Place Dyce Aberdeen AB21 7AY

Proposal: Demolition of existing guest house and erection of dwelling house

Case Officer: Aoife Murphy

Customer Details

Name: Dr Bill Harrison

Address: 16 Summer Place Dyce Dyce Aberdeen

Comment Details

Commenter Type: Community Councillor

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

Comment Reasons:

Comment: I am writing on behalf of Dyce and Stoneywood Community Council. We note this application, which seems to be slightly modified compared to 221157, which was withdrawn by the applicant. The design is improved but so far as we can judge, the footprint of the proposed house (88 m²) is still significantly greater than 33% of the plot area of about 216 m² (see ALDP supplementary guidance 2.2 "The Sub-Division and Redevelopment of Residential Curtilages" section 3.1). This should be carefully scrutinised by Planning to ensure that the proposal is not inconsistent with policies H1 (residential areas) and D1 (quality placemaking by design) of the Aberdeen Local Development Plan (2017).

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FAO Aoife Murphy
Aberdeen City Council

Via Email

ABZ Ref: ABZ3155

26th June 2023

Dear Aoife

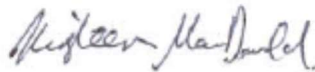
Ref: 230596/DPP | Demolition of existing guest house and erection of dwelling house | 1B Skene Place Dyce Aberdeen

I write in relation to the above application.

The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We, therefore, have no objection to this proposal.

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4 – Cranes (available at <https://www.aoa.org.uk/policy-campaigns/operations-safety/>).

Yours Sincerely



Kirsteen MacDonal

Safeguarding Manager
Aberdeen Airport
07808 115 881
abzsafeguard@aiairport.com

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Aoife Murphy

From: Mark Nicholl
Sent: 20 June 2023 11:59
To: Aoife Murphy
Subject: RE: E-Consultation Request Notification, Development Management , Application Ref: 230596/DPP

Good morning Aoife,

Please see the comments below relating to Planning Application 230596/DPP | Demolition of existing guest house and erection of dwelling house | 1B Skene Place Dyce Aberdeen AB21 7AY

COMMENTS

Regarding the above Detailed Planning Permission application an assessment by the Environmental Protection Section has been undertaken. The following areas have been evaluated and the associated comments are considered appropriate and proportionate;

Environmental Noise

The proposed site is located within the 2020 63dB LAeq 16 Hours Noise Contour. In addition to aircraft noise the proposed development has potential to be impacted upon by other existing noise sources including; road traffic noise from A947 to the east of the site and possibly railway noise from the west.

Due to the location of the proposed development with significant noise impact it is considered highly unlikely to achieve a reasonable level of outdoor amenity throughout the day, and compliance with the WHO Guideline Values for Community Noise, specifically, for 'Moderate Annoyance' a maximum LAeq (16 hours – day 07:00 to 23:00 Hours) of 50dB for external areas or the guideline value for significant annoyance of 55 dB LAeq. Additionally, in relation to aircraft alone, it is also unlikely to achieve the relevant 57dB LAeq 16 Hours limit. Policy B4 of the 2017 Local Development plan states 'Applications for residential development in areas where aircraft noise levels are in excess of 57dB LAeq (the summer 16-hour dB LAeq measurement) will be refused'.

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

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

Other noise emissions experienced at the proposed development site include ground movements and individual noise incidents from both fixed wing and helicopter passes are numerous and extremely intrusive. These types of noise incidents are considered difficult to mitigate against and it is therefore considered difficult to achieve reasonable protection from these incidents. Runway 5 is used for helicopter traffic bringing them in closer proximity to the site than normal. This would also potentially expose the site to increased helicopter noise which would require consideration.

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

This assessment should:

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

I trust this information is of use..

Kind regards

Mark Nicholl - Environmental Health Officer Aberdeen City Council | Protective Services | Operations 3rd Floor South | Marischal College | Broad St | Aberdeen | AB10 1AB

Direct Dial: 01224 522596

Tel: 0300 0200 292

www.aberdeencity.gov.uk | Twitter: @AberdeenCC | Facebook.com/AberdeenCC

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

From: EPPlanning <EPPlanning@aberdeencity.gov.uk>

Sent: Tuesday, June 20, 2023 11:39 AM

To: Mark Nicholl <MNicholl@aberdeencity.gov.uk>

Subject: FW: E-Consultation Request Notification, Development Management , Application Ref: 230596/DPP

1 x house

Mark Nicholl - Environmental Health Officer Aberdeen City Council | Protective Services | Operations 3rd Floor South | Marischal College | Broad St | Aberdeen | AB10 1AB

Direct Dial: 01224 522596

Tel: 0300 0200 292

www.aberdeencity.gov.uk | Twitter: @AberdeenCC | Facebook.com/AberdeenCC

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

From: AMurphy@aberdeencity.gov.uk <AMurphy@aberdeencity.gov.uk>

Sent: Tuesday, June 20, 2023 9:58 AM

To: EPPlanning <EPPlanning@aberdeencity.gov.uk>

Subject: E-Consultation Request Notification, Development Management , Application Ref: 230596/DPP

Dear Sir/Madam

Please find attached a planning consultation request on the above application from the ACC Development Management Team.

If no response is received by 11 July 2023, then it will be assumed that you have no comment to make on the application. Should you require a longer period to respond or additional information please do not hesitate to contact me.

For pre-application enquiries please use DC/ACC/RWJNKJBZ03800 to search for the enquiry.

Regards

Aoife Murphy
Senior Planner

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

T: 01224 045242

E: AMurphy@aberdeencity.gov.uk

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Consultee Comments for Planning Application 230596/DPP

Application Summary

Application Number: 230596/DPP

Address: 1B Skene Place Dyce Aberdeen AB21 7AY

Proposal: Demolition of existing guest house and erection of dwelling house

Case Officer: Aoife Murphy

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 Demolition of existing guest house and erection of dwelling house. The site is located in the outer city, outwith any controlled parking zone.

There are no concerns with the principle of this, however can a more detailed plan of the proposed parking area be provided? It appears that the bay window will protrude into the driveway and it is not clear the dimensions that will remain. Additionally, the footway appears to remain like a junction opening, however if this is now to be a driveway for a dwelling then the footway should be reinstated across the whole frontage with a standard dropped kerb crossing installed.

This will also need a S56 RCC application as it proposes alterations to the adopted footway.

There appears to be plenty of space to store refuse bins and to put them out for collection.

Upon receipt of a response to the requested information I will be better placed to provide a comprehensive Roads response.

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Aoife Murphy

From: Scott Lynch
Sent: 06 June 2023 14:21
To: Aoife Murphy
Subject: 1B Skene Place, Dyce Planning Ref 230596/DPP

Aoife,

As a result of the applicant removing the substandard parking and reintroducing footway along the frontage there are no further Roads concerns with this application.

They will likely need a S56 RCC for altering the adopted carriageway and should contact ACC RCC team to discuss this.

Scott

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Aberdeen City Council – Development Management Team Consultation Request

Response to application 230596 1b Skene Place

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.	Y
Object to the application (please specify reasons below).	

COMMENTS

Waste Services response regarding application 230596 1b Skene Place

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

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

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

Each **new house** will each be provided with:

- **1 x 180 litre wheeled bin for general waste** 1050mmH x 546mmW x 645mmD
- **1 x 240 litre co-mingled recycling bin for recycling** 1066mmH x 575mmW x 583mmD
- **1 x 240litre wheeled bin for food and garden waste** 1066mmH x 575mmW x583mmD
- **1x kitchen caddy and caddy liners.**

The following costs will be charged to the developer:

- **Each 180l/ 240l bin costs £39.00**
- **Kitchen caddy and caddy liners £0.00**
- **Delivery fee for any order with 10 or less bins £33.00**

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

General points

- All the waste containers must be presented on the kerbside of Skene Place only on the collection day and must be removed from the kerbside as soon as possible. No containers should be permanently stored on the kerbside.
- **No excess** should be stored out with the containment provided. Information for extra waste uplift is available to residents at either www.aberdeencity.gov.uk/wasteaware or by phoning 03000 200 292.
- Further information can be found in the Waste Supplementary Guidance available at: <https://www.aberdeencity.gov.uk/sites/default/files/2020-07/7.1.PolicySG.ResourcesForNewDevelopmentUpdateJuly2020.pdf>
- **Developers must contact Aberdeen City Council a minimum of ONE month before properties will be occupied.** Bins **MUST** be on site prior to residents moving into properties. A Purchase Order should be raised with Aberdeen City Council using the above details and we will provide further guidance for purchasing the bins.

- If the bin store will be **locked and/ or involve a barrier, 8 keys must be provided for each store**, providing access to the different collection crews and Recycling Officer for monitoring contamination. These should be dispatched to the Waste Team.

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

Responding Officer: L Todd

Date: 22/06/2023

Email: wasteplanning@aberdeencity.gov.uk

Application 230596/DPP

Development Plan

National Planning Framework 4

[Supporting documents - National Planning Framework 4: revised draft - gov.scot \(www.gov.scot\)](https://www.gov.scot/supporting-documents-national-planning-framework-4-revised-draft)

- 1. Tackling the climate and nature crises
- 2. Climate mitigation and adaptation
- 3. Biodiversity
- 12. Zero waste
- 13. Sustainable transport
- 14. Design, quality and place
- 15. Local living and 20 minute neighbourhoods
- 16. Quality homes

Aberdeen Local Development Plan 2023

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

- H1 Residential Areas
- WB3 Noise
- D1 Quality Placemaking
- D2 Amenity
- T2 Sustainable Transport
- T3 Parking
- B3 Aberdeen International Airport and Perwinnes Radar
- R5 Waste Management
- R6 Low and Zero Carbon Buildings and Water Efficiency

Other Material Considerations

Aberdeen Planning Guidance

[Aberdeen Planning Guidance \(APG\)](#)

- [Householder Development Guide](#)
- [Transport and Accessibility](#)
- [Natural Heritage](#)
- [Resources for New Development](#)
- [Noise](#)
- [Amenity](#)

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100628691-003

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:	Derek L Young		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Derek	Building Name:	
Last Name: *	Young	Building Number:	32
Telephone Number: *	01224 647358	Address 1 (Street): *	Meikle Gardens
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Westhill
Fax Number:		Country: *	Aberdeenshire
		Postcode: *	AB32 6WN
Email Address: *	derek-young@btconnect.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="Norman"/>	Building Number:	<input type="text" value="32"/>
Last Name: *	<input type="text" value="Hunter"/>	Address 1 (Street): *	<input type="text" value="Kirkhill Gardens"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Potterton"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB23 8ZD"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="derek-young@btconnect.com"/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="1B SKENE PLACE"/>
Address 2:	<input type="text" value="DYCE"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB21 7AY"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="812718"/>	Easting	<input type="text" value="388575"/>
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Description of Proposal

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

Demolition of existing guest house and erection of dwelling house

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 attachment

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)

1078 - 1B Skene Place, Dyce LRB Application Document 1B Skene Place - Noise Impact Assessment Report 1078-01 - Existing Plans and Elevations 1078-02 - Proposed Plans and Elevations 1078-03 - Location Plan

Application Details

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

230596/DPP

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

16/05/2023

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

23/10/2023

Review Procedure

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

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

Yes No

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

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

A site visit would be beneficial to understand the site situation.

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 Derek Young

Declaration Date: 27/11/2023

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Our Ref. DY/1059
20th November 2023

Planning Reference No. 230596/DPP

1B Skene Place, Dyce AB21 7AY – LRB Planning Decision Appeal.

We were advised on the 26th of October 2023 that Aberdeen City Council Planning Department using delegated powers had decided to refuse my clients application for the demolition of an existing guest house and the erection of a new dwelling house at 1B Skene Place Dyce, AB21 7AY.

The reasons for refusal relate to:

- 01 Overdevelopment of the site and the impact on the character of the area owing to the disruption to the pattern of development.
- 02 Reduction of the private garden ground enjoyed by 1A Skene Place.
- 03 The impact on any future occupants of the dwelling due to the reduced size of garden ground.
- 04 The unacceptable external noise levels.
- 05 The proposals are not considered to be consistent with Policy 14 (Design, Quality and Place) of NPF4, in that it fails to meet the six qualities of successful places.

Points of response:

- 01 The existing guest house footprint virtually takes up the entire site from front to back. It is linked directly to the house known as 1A Skene Place. The demolition of the guest house will provide a new brown field site for the proposed 3 bed detached dwelling and associated amenity space. The new rear garden will enhance the existing amenity of number 1A by virtue of the feeling of openness rather than being hemmed in and overshadowed by the guest house.
- 02 The loss of garden ground to 1B equates to approx. 21sqm. This leaves a site area of 225sqm approx. (No 1A only) The house footprint is 82sqm leaving 183sqm of amenity ground. As suggested the plot ratio of 1/3 development to 2/3 amenity is fulfilled in this instance. This in our opinion negates point 03 within the reasons for refusal.
- 03 The design of the new house, in our opinion, is consistent in style and size with No 1A complimenting the street scape. If this application is approved, the proposed finishes will be further discussed with the planners and possibly changed under the conditions of any approval.
As the new house tries to reflect that existing it should not be considered as being inconsistent with its surroundings as suggested by the planners.
- 04 We were requested by the planners to obtain a Noise Risk Assessment which was to be carried out by a recognised Noise Engineer. The survey was carried out by Grosle Environmental Services. The survey states on page 18 of 36 - "This noise Impact Assessment details that with the implementation of the mitigating measures detailed in Section 6.1, noise from the various sources shall not exceed the target noise levels. The residents shall therefore live in a suitable acoustic environment and consequently no adverse impact is predicted." This uncontested survey mitigates point 4 re unacceptable noise levels.
- 05 With regard to point 5 we would argue that the design is consistent to its neighbour in both scale and design. One main change from that existing is the linked dormer – once again this could be amended to suit under suitable conditions. The houses and buildings around the immediate area are a mix match of old and new. This house will not appear as being out of place where the existing guest house appears so.

- 06 Regarding the suggestion that the design and style of the proposed house is out with that of other surrounding buildings we would like to point out the block of some 30 or so flats between this site and the airport. The flats are of a simple design without any style and built for low budget purposes. It would appear that no cogence was given by the planners re its design and impact on the surrounding area. Airport and railway noise also does not to appear to have been an issue.

In conclusion the new house will enhance the area against what could be considered a rather bland and uncharacteristic, redundant guest house with no amenity space. The site is at the end of a dead-end road which leads to a public open space with associated parking. It should be noted that the Roads Department made no observations on car parking other than requiring the existing pavement to be reinstated.

The location of the site at the bottom of the access road means that there will be limited vehicular movement around the property so creating a peaceful environment.

Following your discussion on the Decision to Refuse, the committee may be of a mind to gain a better knowledge of the proposals, we would suggest that a site visit be in order to confirm the adequacy and legitimacy of our proposals.

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