

Public Document Pack



To: Councillor McRae, Chairperson; and Councillors Copland, Farquhar and Macdonald.

Town House,
ABERDEEN 11 March 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, 18 MARCH 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

REVIEW ONE

2.1 Detailed Planning Permission for the erection of replacement dwelling house with integrated garage, associated site works and hard surfacing/parking - 32 Hillview Crescent

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 230825.

2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 7 - 38)

2.3 Planning Policies Referred to in Documents Submitted (Pages 39 - 40)

2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 41 - 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 Detailed Planning Permission for the change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people - 23 Ferryhill Terrace

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 230999.

3.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 47 - 88)

3.3 Planning Policies Referred to in Documents Submitted (Pages 89 - 90)

3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 91 - 114)

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 Detailed Planning Permission for the erection of single storey link extension and 1.5 storey extension with integrated garage to the front - Hillview, Skene Road Aberdeen

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 230723.

4.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 115 - 144)

4.3 Planning Policies Referred to in Documents Submitted (Pages 145 - 146)

4.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 147 - 156)

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:	32 Hillview Crescent, Aberdeen, AB15 9RT
Application Description:	Erection of replacement dwelling house with integrated garage, associated site works and hard surfacing/parking
Application Ref:	230825/DPP
Application Type:	Detailed Planning Permission
Application Date:	11 July 2023
Applicant:	Mr & Mrs M Freeman
Ward:	Lower Deeside
Community Council:	Cults, Bielside and Milltimber
Case Officer:	Robert Forbes

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The site lies within a suburban residential area opposite Cults academy. It comprises a detached 3 bedroom bungalow with integral garage and associated private garden ground / parking. There is a significant change in levels across the site with the site having a southerly aspect, such that the house is elevated above street level and the rear garden is elevated above the floor level of the house. The house has a dual pitched asymmetric roof with ridge running perpendicular to the street. The walls are clad with render and blockwork. Adjacent houses are of detached form and varied design and materials. The land to the north of the site, beyond a public path, is designated as a local nature conservation site (LNCS) and green space network and includes ancient woodland.

Relevant Planning History

Application Number	Proposal	Decision Date
230412/DPP	Erection of replacement dwelling house with integrated garage, associated site works and hard surfacing / parking.	01.06.2023
		Status: Withdrawn

APPLICATION DESCRIPTION

Description of Proposal

Erection of a replacement detached house with associated site works. The existing house would be demolished entirely. The proposed house would front onto the street and would have 1 ½ storeys. It would have similar footprint and siting to the existing house, but would be marginally recessed from the street relative to the existing house siting and would be marginally closer to the house to the west of the site. The upper floor would accommodate 4 bedrooms and a study and would have a substantial box dormer with pitched roof occupying the majority of the rear roof area. The front

roof slope would be pitched at 40 degrees and would accommodate 2 traditional dormers. The existing access and driveway would be retained. A 6m wide integral garage would occupy the east part of the ground floor. The house would have a total of 5 en-suite bedrooms and a separate utility room. The main lounge / dining area would be located on the north (rear) elevation. Solar panels are proposed on the upper part of the front roof.

Amendments

- The extent of parking and hard surfacing proposed at the site frontage has been reduced and a proposed SUDS feature indicated in the front garden;
- Design and extent of rear dormer increased.

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=RXDTTJBZL7200>

- Design Statement
- Bat Survey

CONSULTATIONS

ACC - Roads Development Management Team – No objection. Advise that the extent of car parking and garage dimensions are appropriate. Advise that the driveway requires to be internally drained.

North East Scotland Biological Records Centre – No objection. Advise that there are records of protected species (e.g. red squirrel , pine marten and bats) in the vicinity.

Cults, Bielside and Milltimber Community Council – No response received.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where 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 (NPF4)

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 3 (Biodiversity)
- Policy 5 (Soils)

- Policy 6 (Forestry, Woodland and Trees)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 16 (Quality Homes)
- Policy 19 (Heating and Cooling)
- Policy 20 (Blue and Green Infrastructure)
- Policy 22 (Flood Risk and Water Management)
- Policy 23 (Health and Safety)
- Policy 24 (Digital Infrastructure)

Aberdeen Local Development Plan 2023 (ALDP)

The following ALDP policies are relevant –

- Policy H1 (Residential Areas)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D5 (Landscape Design)
- Policy NE3 (Our Natural Heritage)
- Policy NE4 (Our Water Environment)
- Policy NE5 (Trees and Woodland)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy R6 (Low and Zero Carbon Buildings and Water Efficiency)
- Policy R8 (Heat Networks)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy CI1 (Digital Infrastructure)

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 –

- Sub-division and Redevelopment of Residential Curtilages
- Amenity
- Landscape
- Transport and Accessibility
- Natural Heritage
- Trees and Woodland
- Resources for New Development
- Householder Design Guide

Other National Policy and Guidance

- Naturescot guidance <https://www.nature.scot/doc/developing-nature-guidance>

Other Material Considerations

- ACC Open Space Audit 2010

EVALUATION

Principle of Development

As the proposal is for a new house on land allocated for housing in the ALDP, it accords with NPF4 policy 16 part a. The suburban location of the site is such that residents would benefit from access to existing established nearby facilities and amenities. Whilst the delivery of housing within the built-up area of the city within a residential zoned area and in an accessible location accords in principle with NPF4 policy 13 and ALDP policy T2, the acceptability of the specific proposal requires to be assessed relative to detailed policy and guidance.

Appraisal relative to Curtilage Splitting Guidance

The weight which can currently be afforded to APG is currently limited as it has not been formally approved. However the APG regarding Sub-division and Redevelopment of Residential Curtilages raises useful issues of particular relevance in this instance:

- “• New dwellings must respect the established pattern of development formed by the relationship between buildings and their surrounding spaces (gardens etc.);*
- The scale and massing of the any new dwellings should complement the scale of surrounding properties;*
 - The density of the surrounding area should be reflected in the development proposals for the new and existing property. As a general guide, no more than a third (33 per cent) of the total site area for each individual curtilage should be built upon;*
 - New dwellings should generally not project forward of any established building line;*
 - The distance between proposed dwellings, and between proposed and existing dwellings, (i.e. between gable ends) should be similar to that predominating on the street; and,*
 - The ridges or wallheads of any new dwellings should be no higher than the ridges or wallheads on adjoining dwellings.”*

Design Considerations

It is appreciated that there is range of form, scale, age and materiality of housing in the wider street, such that the pattern of development in the context is of a varied character. The existing house on the site is unusual in having a shallow pitched gable-fronted felt clad roof. However, the massing of development proposed would not be reflective of the immediate built context, whereby houses occupy a more restricted width of the curtilage and/or have smaller roof massing and wall-head heights. The street elevation provided shows that the wall-head and ridge height of the proposed house would noticeably exceed that of adjacent houses. It would also exceed the wall-head height of all houses along this street and would therefore appear out of place in the street scene. Many of the existing houses on the street are hipped roof bungalows and/or have attached flat roofed garages or driveways located at the side of the houses, or have gable frontages to the street, such that their apparent massing and roof volume is substantially less than that of the proposed house. The form of the proposed house and its elevated wall-head and ridge line would be alien to the existing character. It is considered that, whilst there is no uniformity in the design of the existing houses on the street, there is a degree of uniformity in terms of wall-head and general ridge heights that gives the street a degree of visual consistency, notwithstanding the variety of house designs. The character of the area would therefore be eroded by the development in conflict with the objectives of NPF4 policy 14, ALDP policy D1 and H1. Details of landscaping proposals and soft planting are required to properly address the expectations of ALDP policy D5.

Although it would not be visible from the street or other public viewpoints, the proposed dormer window on the rear elevation would conflict with guidance which states that new dormers or roof extensions should respect the scale of the building and they should not dominate, overwhelm or unbalance the original roof. The bulky appearance of the rear dormer is accentuated as its front face

is proposed to be built directly above the wall-head, rather than set back from it, although it would achieve the 400mm set back referred to in the guidance. It is considered that it would be unduly bulky and visually incongruous and requires to be reduced in massing.

Whilst a design statement has been submitted, this is of limited value as it does not explore alternative house forms / design solutions or contain detailed cross sections, perspectives, and street elevations to demonstrate the relationship of alternate house types with the street and existing houses. It is considered that a revised solution of reduced scale and height would better address and respond to some of the concerns raised and may provide a more appropriate design solution.

Amenity

The occupants of the development would benefit from access to a large enclosed private rear garden area and open outlook to the south and an attractive outlook to the north onto mature woodland. Thus an acceptable level of amenity would be achieved for prospective occupants.

However, there would be potential overshadowing of parts of the rear gardens of existing houses to the east and west of the site which would conflict with the amenity objectives of ALDP policies D2 and H1. Detailed cross sections and sunlight impact analysis are required to assess this. As no such information has been provided it is not possible to adequately assess the impact on existing houses.

As regards potential overlooking of adjacent houses, the windows of the proposed rear dormer (e.g. bedrooms 3 and 4) would have potential to overlook adjacent private garden ground, such that there would be adverse privacy impact relative to the existing situation. The proximity of the proposed house, including the proposed dormer, to the west site boundary is considered to result in an unsatisfactory relationship. Whilst there would also be potential overlooking of adjacent front gardens from the proposed front dormers, this is not considered to give rise to amenity concerns as the adjacent front gardens are not actively used and are already overlooked by the street.

It has not been demonstrated by the applicant that the proposal would not cause harm to the amenity of adjacent residents. It is therefore considered that the proposal conflicts overall with the amenity objectives of ALDP policies H1 and D2.

Whilst the proposal incorporates a wood burning stove, it is noted that the existing house has a solid fuel fire which could generate air pollution. Although no air quality impact assessment has been submitted, the site does not lie within an air quality management area. Thus there would be no likely significant impact on local air quality relative to the existing situation, and thus no conflict with NPF4 policy 23 and ALDP policy WB2.

Open Space / Greenspace Impact

The application does not affect existing designated public open space as defined in the Open Space Audit as the development is of an existing house site. As there is no loss of green or blue infrastructure there is no conflict with NPF4 policy 20. Although ALDP policy NE2 seeks provision of open space in all development, the fact that the site is an existing house is a significant material consideration, such that it would not be reasonable to require public open space provision on site. Whilst the replacement house would result in an increase in bedspaces and thus a marginal increase in pressure / use of open space outwith the site, given the limited scale of the development, any tension with ALDP policy NE2 does not warrant refusal. The occupants would benefit from access to a large enclosed private rear garden area.

Biodiversity Impact

The proposal would result in potential impacts during construction (e.g. loss of existing vegetation due to excavation and temporary site works) and therefore would have an inevitable degree of

adverse impact on biodiversity. However, the proposal does not impact on any designated wildlife site (e.g. the nearby Local Nature Conservation Site) and the footprint of the building avoids loss of garden ground. There are no records of protected species being present on the site and the scale of the development is below the threshold whereby a formal ecology assessment is required. The bat survey has been reviewed by the Planning Service and its findings have been accepted.

Whilst there is potential for enhancement of biodiversity on site, submission of a landscape and biodiversity enhancement plan is required to evidence that in accordance with the objectives of NPF4 policies 1 and 3, related Naturescot biodiversity guidance and ALDP policy NE3.

Drainage

The site is not identified as being at risk of flooding and the proposed development is below the threshold whereby a drainage impact assessment is required. The site layout has been amended to reduce the extent of hard surfacing at the site frontage in accordance with the objectives of NPF4 policy 22 and ALDP policy NE4. However, details of proposed SUDS are required in order to accord with policy 22 part c. Further reduction of the scale (footprint) of development would better accord with the sustainability objectives of ALDP policy NE4 and related guidance by enabling exploration of novel SUDS solutions and provision of increased soft planting within the proposed front garden area. It is presumed that foul water would connect to the exiting sewer in accordance with policy 22 part d.

Tree Impact

No tree survey / arboricultural report has been provided in order to assess the impact on existing tree stock as requested by the Planning Service. Given that the proposed house would lie no closer to the trees within the rear garden than the existing house, it is considered that the occupation of the house does not result in longer term risk of tree removal relative to the existing situation. However, a tree survey and tree protection plan are required to demonstrate how the existing trees within the rear garden will be protected during the demolition and construction work and demonstrate compliance with ALDP policy NE5 and NPF4 policy 6. There would be potential for additional tree planting on site. However inadequate information has been submitted in order to assess such proposals.

Parking / Traffic Impact

Provision of off-street car parking for prospective occupants would be required to address the expectations of ALDP policy T3 and could be addressed by condition. The revised site plan shows two external parking spaces with associated manoeuvring space which combined with the garage space, is considered appropriate in extent. The proposed integral garage would provide secure bicycle parking.

Notwithstanding the steep gradient of the driveway and safety risk to road users / pedestrians due to the location of the site access directly opposite a pedestrian access to a school, ACC Roads Service do not object to the proposed arrangement on road safety grounds. It is accepted that the existing drive gradient would not increase. However, minimisation of proposed driveway gradient would be desirable in order to reduce risk.

Infrastructure Impact

The site lies within an established suburban area, such that physical infrastructure and service connections and supporting facilities are readily available. The scale of the development is below the threshold where developer obligation contributions would be sought to address potential infrastructure deficiencies (e.g. education capacity). It is proposed to connect to the existing public wastewater and water supply infrastructure which accords with the expectations of ALDP policy NE4. Whilst the development would place limited increased burdens on existing facilities and infrastructure, the scale of such impact does not warrant refusal.

It is presumed that there is adequate telecoms services (e.g. phone, internet) at the site given its location within an urban area and thus no conflict with NPF4 policy 24 and ALDP policy CI1. No evidence exists that that the development would adversely impact on existing TV reception or other telecommunications signals.

As heat network zones are not identified in the ALDP, the proposal does not conflict with NPF4 policy 19 part a. ALDP Policy R8 within the ALDP states that heat networks are encouraged and supported. Such heating systems are desired in terms of sustainable design. However, there is no such network in the vicinity. As guidance referred to in policy R8 (i.e. Aberdeen Planning Guidance regarding Heat Networks and Energy Mapping) has yet to be published, the weight which can be afforded to that policy is limited. Whilst no details of the proposed primary heating / cooling systems are provided, and no connection to the district heating network is proposed, this is not a reasonable requirement in this instance. It would not therefore be reasonable to refuse the development on the basis that no connection to a heat network is proposed.

Waste

No evidence of material recycling or salvage of demolition material for re-use in the construction has been provided in accordance with NPF4 policy 12 part a. Whilst the proposal relates to a brownfield site, the demolition of the existing house would result in a degree of tension with NPF4 policy 1 and NPF4 Policy 9 part d). Given the need to conserve embodied energy, demolition of buildings is the least preferred option, with retention and adaptation of the existing building being preferred. However, demolition of the existing house does not require planning permission and submission of a site specific waste management plan could be the subject of a suspensive condition.

There would be no significant increase in operational waste generation relative to the existing situation and waste uplift would be by wheelie bins. There would be adequate space for provision of waste and recycling bins within the external areas at the frontage of the house and no physical measures (e.g. bin store) or condition is needed in this instance to ensure accordance with ALDP policy R5 and NPF4 policy 12 part c.

Energy and Water Efficiency

Whilst the proposal incorporates PV solar panels and this is considered appropriate, no detailed technical information has been submitted in relation to provision of energy and water saving technology on site, in order to demonstrate compliance with NPF4 policy 2 and ALDP Policy R6. Rainwater captured on site could be stored in water butts and used for watering plants. Non-potable water could also in theory be stored in tanks and used for purposes such as flushing toilets.

Precedent

Many of the existing houses on the street are hipped roof bungalows and/or have attached flat roofed garages or driveways located at the side of the houses, or have gable frontages to the street, such that their apparent massing and roof volume is substantially less than that of the proposed house. The form of the proposed house and its elevated wall-head and ridge line would be alien to the existing character. It is therefore considered that the potential replication of this form of replacement house in the wider street would result in further detriment to its character and thus establishes an undesirable precedent.

Other Considerations

The proposal results in no wider public or amenity benefits (e.g. economic, social or environmental) that would warrant setting aside the above policy concerns and justify approval. There are no other identified material considerations which weigh in favour of approval.

DECISION

Refuse

REASON FOR DECISION

1. Lack of Information

Insufficient information has been provided in order to enable full analysis of the potential impact of the development in relation to impact on and/or protection of trees, biodiversity enhancement and landscaping, energy and water saving measures, surface water drainage, sunlight impact assessment on adjacent private gardens. Thus it has not been demonstrated that the proposal complies with policies 1 (Tackling the Climate and Nature Crises), 2 (Climate Mitigation and Adaptation); 3 (Biodiversity); 6 (Forestry, Woodland and Trees); 22 (Flood Risk and Water Management) within National Planning Framework 4 (NPF4) and policies NE3 (Our Natural Heritage), NE4 (Our Water Environment), NE5 (Trees and Woodland), D2 (Amenity), D5 (Landscape Design) and R6 (Low and Zero Carbon Buildings and Water Efficiency) within the Aberdeen Local Development Plan 2023 (ALDP).

2. Amenity / Overdevelopment

The scale and positioning of the proposed house relative to adjacent houses, such that it would exceed the existing wall-head and ridge heights, would have a substantially enlarged roof form that would occupy an increased width of the curtilage, is considered to be indicative of overdevelopment of the site. The proposal has an adverse impact on existing amenity by reason of the potential overlooking of adjacent private gardens from the upper floor rear windows. The scale, form and massing of the proposed house would adversely affect the streetscape. It would also result in an uneasy relationship with the neighbouring properties due to the significantly higher wall-head and ridge heights, the proximity to the side boundaries and excessive size of the proposed rear dormer. It is therefore considered that the proposal conflicts with the amenity and design quality objectives of NPF4 Policy 14 (Design, Quality and Place) and ALDP policies H1: Residential Areas, H2: Amenity and D1: Quality Placemaking.

3. Precedent

Approval of the application would result in the creation of an adverse precedent for similar proposals in the vicinity which would have further adverse effects on the street scene and amenity by reason of the scale and massing of the proposed house relative to the prevailing character.



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 100623589-002

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

Type of Application

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

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

Description of Proposal

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

Demolition of existing dwellinghouse and erection of replacement dwelling.

Is this a temporary permission? * Yes No

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

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

No Yes – Started Yes - Completed

Applicant or Agent Details

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

Agent Details

Please enter Agent details

Company/Organisation:	John Wink Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	John	Building Name:	Midtown of Foudland
Last Name: *	Wink	Building Number:	
Telephone Number: *	01464841113	Address 1 (Street): *	Glens of Foudland
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Huntly
Fax Number:		Country: *	Scotland
		Postcode: *	AB54 6AR
Email Address: *	planning@johnwinkdesign.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	c/o John Wink Design
First Name: *	M	Building Number:	
Last Name: *	Freeman	Address 1 (Street): *	Midtown of Foudland
Company/Organisation		Address 2:	Glens of Foudland
Telephone Number: *		Town/City: *	Huntly
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB54 6AR
Fax Number:			
Email Address: *	planning@johnwinkdesign.co.uk		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

32 HILLVIEW CRESCENT

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 9RT

Please identify/describe the location of the site or sites

Northing

803147

Easting

388519

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

900.00

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)

Existing dwellinghouse

Access and Parking

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

Yes No

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

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

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

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

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

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

Water Supply and Drainage Arrangements

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

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

Note:-

Please include details of SUDS arrangements on your plans

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

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

Yes

No, using a private water supply

No connection required

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

Assessment of Flood Risk

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

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

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

Trees

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

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

Waste Storage and Collection

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

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

Not required due to existing facilities on site.

Residential Units Including Conversion

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

Yes No

How many units do you propose in total? *

1

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

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

Schedule 3 Development

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

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: John Wink

On behalf of: Mr & Mrs M Freeman

Date: 06/07/2023

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 principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

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

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

Provide copies of the following documents if applicable:

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

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr John Wink

Declaration Date: 06/07/2023

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

John Wink
John Wink Design
Midtown Of Foudland
Glens Of Foudland
Huntly
AB54 6AR

on behalf of **Mr & Mrs M Freeman**

With reference to your application validly received on 11 July 2023 for the following development:-

Erection of replacement dwelling house with integrated garage, associated site works and hard surfacing/parking at 32 Hillview Crescent, Aberdeen

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

<u>Drawing Number</u>	<u>Drawing Type</u>
SF32331-001 H	Elevations and Floor Plans
SF32331 E	Site Layout (Proposed)

DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION

- The extent of parking and hard surfacing proposed at the site frontage has been reduced and a proposed SUDS feature indicated in the front garden;
- Design and extent of rear dormer increased.

REASON FOR DECISION

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

1. Lack of Information

Insufficient information has been provided in order to enable full analysis of the potential impact of the development in relation to impact on and/or protection of trees, biodiversity enhancement and landscaping, energy and water saving measures, surface water drainage, sunlight impact assessment on adjacent private gardens. Thus it has not been demonstrated that the proposal complies with policies 1 (Tackling the Climate and Nature Crises), 2 (Climate Mitigation and Adaptation); 3 (Biodiversity); 6 (Forestry, Woodland and Trees); 22 (Flood Risk and Water Management) within National Planning Framework 4 (NPF4) and policies NE3 (Our Natural Heritage), NE4 (Our Water Environment), NE5 (Trees and Woodland), D2 (Amenity), D5 (Landscape Design) and R6 (Low and Zero Carbon Buildings and Water Efficiency) within the Aberdeen Local Development Plan 2023 (ALDP).

2. Amenity / Overdevelopment

The scale and positioning of the proposed house relative to adjacent houses, such that it would exceed the existing wall-head and ridge heights, would have a substantially enlarged roof form that would occupy an increased width of the curtilage, is considered to be indicative of overdevelopment of the site. The proposal has an adverse impact on existing amenity by reason of the potential overlooking of adjacent private gardens from the upper floor rear windows. The scale, form and massing of the proposed house would adversely affect the streetscape. It would also result in an uneasy relationship with the neighbouring properties due to the significantly higher wall-head and ridge heights, the proximity to the side boundaries and excessive size of the proposed rear dormer. It is therefore considered that the proposal conflicts with the amenity and design quality objectives of NPF4 Policy 14 (Design, Quality and Place) and ALDP policies H1: Residential Areas, H2: Amenity and D1: Quality Placemaking.

3. Precedent

Approval of the application would result in the creation of an adverse precedent for similar proposals in the vicinity which would have further adverse effects on the street scene and amenity by reason of the scale and massing of the proposed house relative to the prevailing character.

Date of Signing 30 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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Consultee Comments for Planning Application 230825/DPP

Application Summary

Application Number: 230825/DPP

Address: 32 Hillview Crescent Aberdeen AB15 9RT

Proposal: Erection of replacement dwelling house with integrated garage, associated site works and hard surfacing/parking

Case Officer: Robert Forbes

Consultee Details

Name: Mr Michael Cowie

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

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

Comments

It is noted this application for the erection of replacement dwelling house with integrated garage, associated site works and hard surfacing/parking at 32 Hillview Crescent, Aberdeen AB15 9RT.

It is noted this site is located in the outer city and not within an area with any form of current parking controls.

It is noted this proposal is to replace existing 3-bedroom dwelling with a 5-bedroom dwelling, which as per ACC supplementary guidance increases the associated parking requirement from 2 spaces to 3 spaces. In this regard, it is confirmed that adequate parking provision is provided on site in the form of driveway extents and a new integrated double garage.

Additionally, it is confirmed that the proposed double garage meets the minimum internal dimensions of 5.7m x 5.7m.

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

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Consultee Comments for Planning Application 230825/DPP

Application Summary

Application Number: 230825/DPP

Address: 32 Hillview Crescent Aberdeen AB15 9RT

Proposal: Erection of replacement dwelling house with integrated garage, associated site works and hard surfacing/parking

Case Officer: Robert Forbes

Consultee Details

Name: Mr Michael Cowie

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

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

Comments

It is noted this application for erection of replacement dwelling house with integrated garage, associated site works and hard surfacing/parking at 32 Hillview Crescent, Aberdeen AB15 9RT. It is noted this site is located in the outer city and not within an area with any form of controlled parking measures.

It is noted this proposal shall replace existing 3-bedroom dwelling with a 5-bedroom dwelling, which as per ACC supplementary guidance increases the associated parking requirement from 2 spaces to 3 spaces. In this regard, it is confirmed that adequate provision is provided in the form of new integrated garage and remaining driveway extents. It is also confirmed that the said garage meets the minimum internal dimensions as per ACC guidance.

While there is not proposed any alterations to the existing driveway access, there is proposed to be internal alterations to the driveway extents and it is therefore advised that this driveway shall require to be internally drained in order for no surface water discharges onto the adopted footpath and carriageway.

It is confirmed that Roads Development Management have no objections to this application subject to the aforementioned internal drainage provision requirement.

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

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

3 August 2023

Dear Robert

NESBReC report – Planning Application 230825/DPP

Please find below the results of the data search you requested from NESBReC.
The search was carried out for all notable species and invasive plant records, habitat data and nature conservation sites within a 200m radius of the specified site, as shown in the maps below and with a centre point at approximately NJ 88516 03154.

Results table:

Ref No.	Dataset	Interest	Locality	Grid Reference
230825/DPP	Designated Species	European Protected Species Brown Long-eared Bat (<i>Plecotus auritus</i>) UK BAP Eurasian Red Squirrel (<i>Sciurus vulgaris</i>) Pine Marten (<i>Martes martes</i>) West European Hedgehog (<i>Erinaceus europaeus</i>) Dunnock (<i>Prunella modularis</i>) House Sparrow (<i>Passer domesticus</i>) Starling (<i>Sturnus vulgaris</i>) SBL S5 Black-headed Gull (<i>Chroicocephalus ridibundus</i>) Swift (<i>Apus apus</i>)	32 Hillview Crescent, Aberdeen	NJ 88516 03154
	Bats	Brown Long-eared Bat (<i>Plecotus auritus</i>)		
	Swifts	Swift (<i>Apus apus</i>)		
	Integrated Habitat System Aberdeen City 2018-2021	GI0 - Improved grassland GNZ - Other neutral grassland WB2 - Scrub woodland WB3Z - Other broadleaved woodland		
	Ancient Woodland Inventory	Long-Established (of plantation origin)		
	Aberdeen City Local Nature Conservation Sites	36 - Cults Quarry - The north half is mostly birch woodland with some areas of broadleaved woodland, bracken and old stone quarries. The southern half is neutral grassland with scattered trees and scrub surrounded by broadleaved woodland.		

Maps showing all the search results are included below.

Yours sincerely

D Caffrey
GIS Project Officer

PLEASE READ THE FOLLOWING NOTES:

- 1) Search was done to within 200 metres of the area of interest. This is indicated on the map by a broken line around the site.
- 2) Search areas or centroids are highlighted in red.
- 3) The dots on any maps depicting the locations of a species are positioned at the centre of a square representing the resolution of the recorded grid reference. Care should be taken over interpretation.
- 4) Due to the limits of the map display function, all records may not be visible on the species maps. However, all species are listed in the relevant table above the map and a full list of records can be supplied in Excel format.
- 5) For maps without a key, the relevant information is provided in the table.
- 6) The ownership of the data within this report remains with the original recorder and is subject to the laws defining Intellectual Property Copyright.
- 7) This report and the data held within it are to be used solely for those purposes described under the terms of any agreement between the applicant and NESBReC.
- 8) Although NESBReC makes every possible effort to ensure that the data it provides is accurate and up to date, this report should only be considered to represent the most recent version of each dataset as available at the time of the search.
- 9) NE LBAP Locally Important Species are species that are not on existing designated species lists but have been identified as important in the local context.

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

European Protected Species – Habitat Regulations 1994 Schedule 2 (as amended in Scotland)

Protection of Badgers Act (1992)

ANNEX 1, 2.1, 2.2 – EC Birds Directive

UK BAP - UK BAP list of Priority Species

SBL S2 - Scottish Biodiversity List: International Obligations

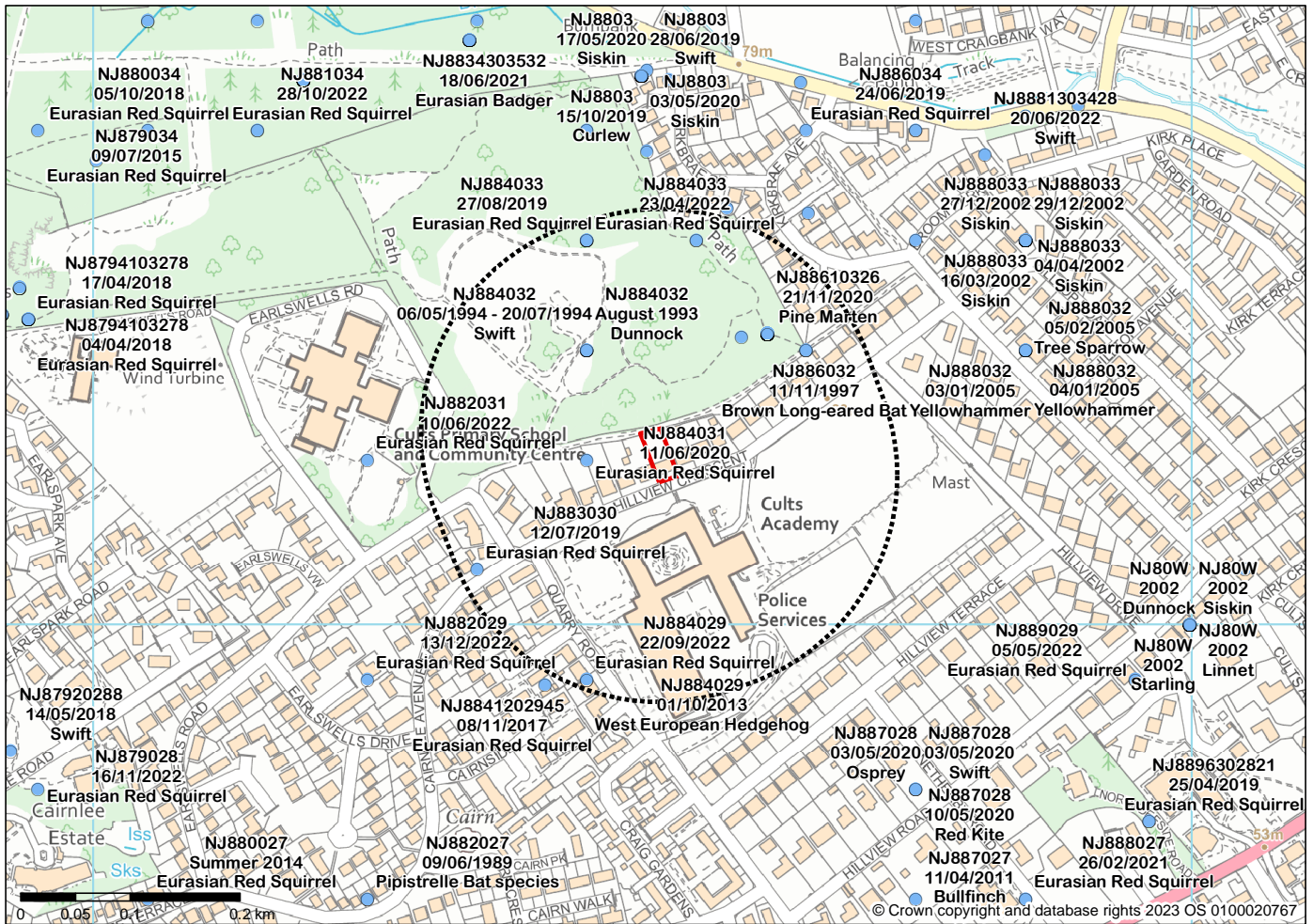
SBL S3 - Scottish Biodiversity List: Nationally Rare at UK level, found in only 1-15 10km squares

SBL S4 - Scottish Biodiversity List: Present in 5 or fewer 10km squares or sites in Scotland

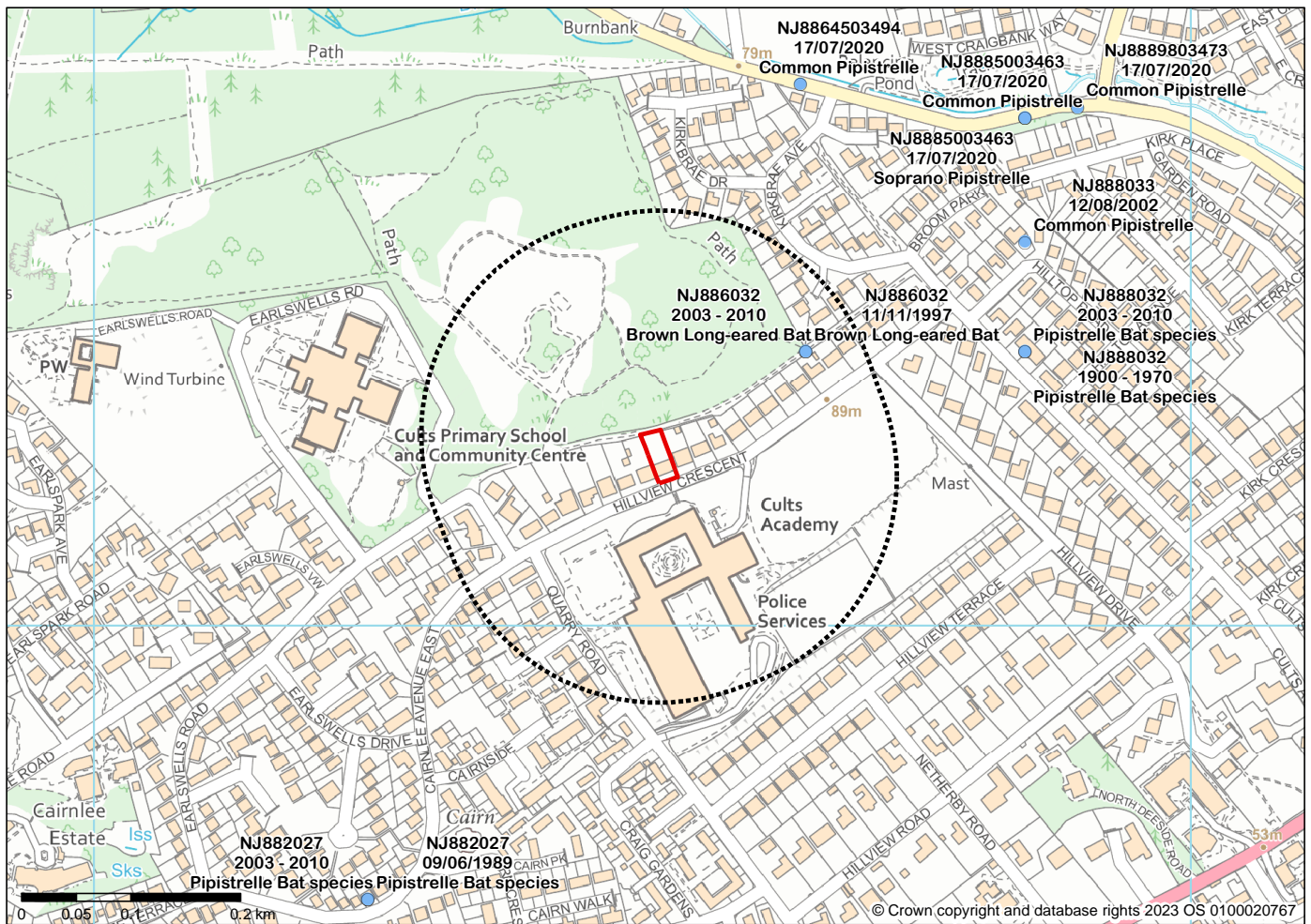
SBL S5 - Scottish Biodiversity List: Decline of 25% or more in Scotland in last 25 years

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

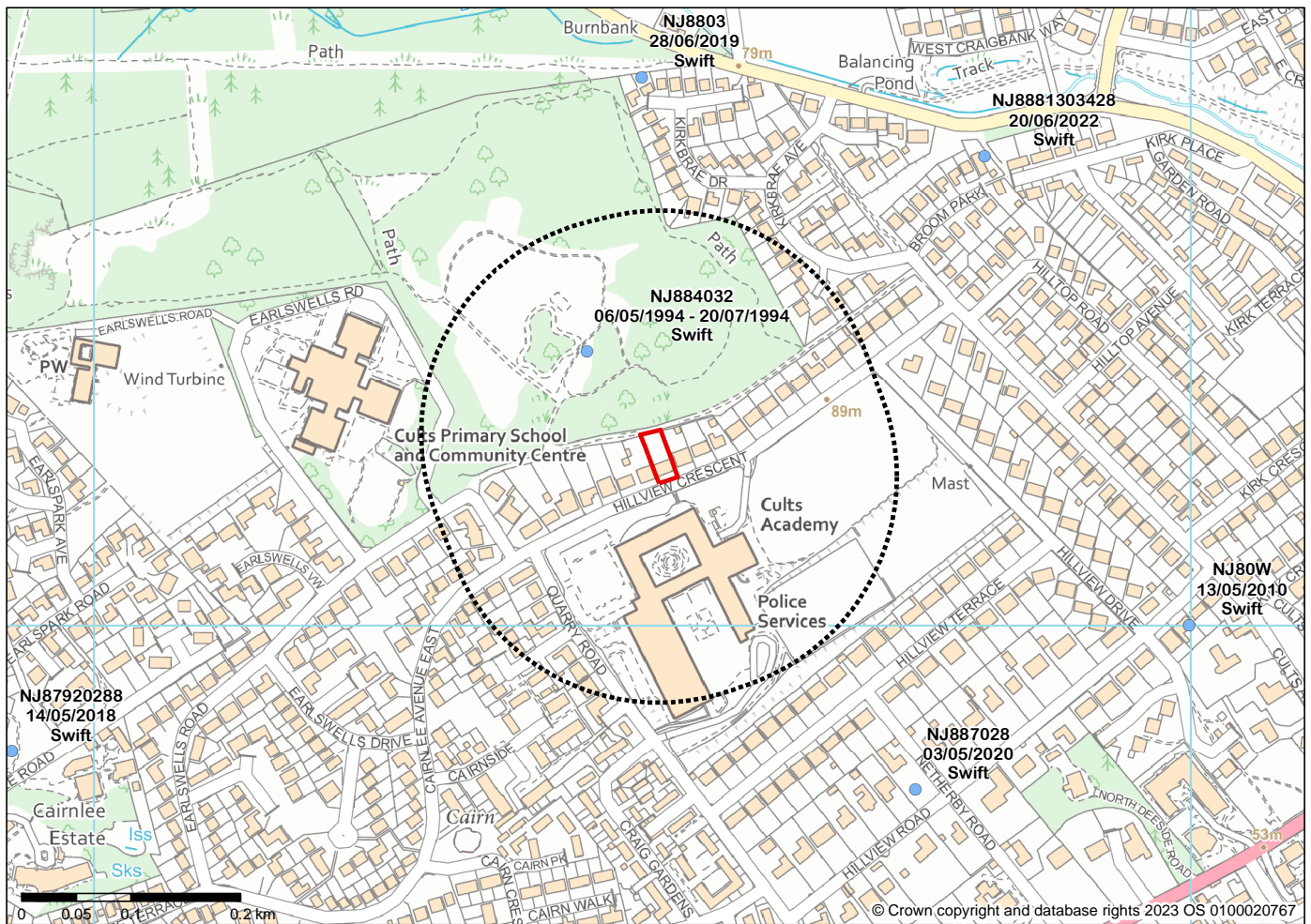
230825/DPP	Designated Species	<p>European Protected Species Brown Long-eared Bat (<i>Plecotus auritus</i>)</p> <p>UK BAP Eurasian Red Squirrel (<i>Sciurus vulgaris</i>) Pine Marten (<i>Martes martes</i>) West European Hedgehog (<i>Erinaceus europaeus</i>) Dunnock (<i>Prunella modularis</i>) House Sparrow (<i>Passer domesticus</i>) Starling (<i>Sturnus vulgaris</i>)</p> <p>SBL S5 Black-headed Gull (<i>Chroicocephalus ridibundus</i>) Swift (<i>Apus apus</i>)</p>	Hillview Crescent, Aberdeen	NJ 88516 03154
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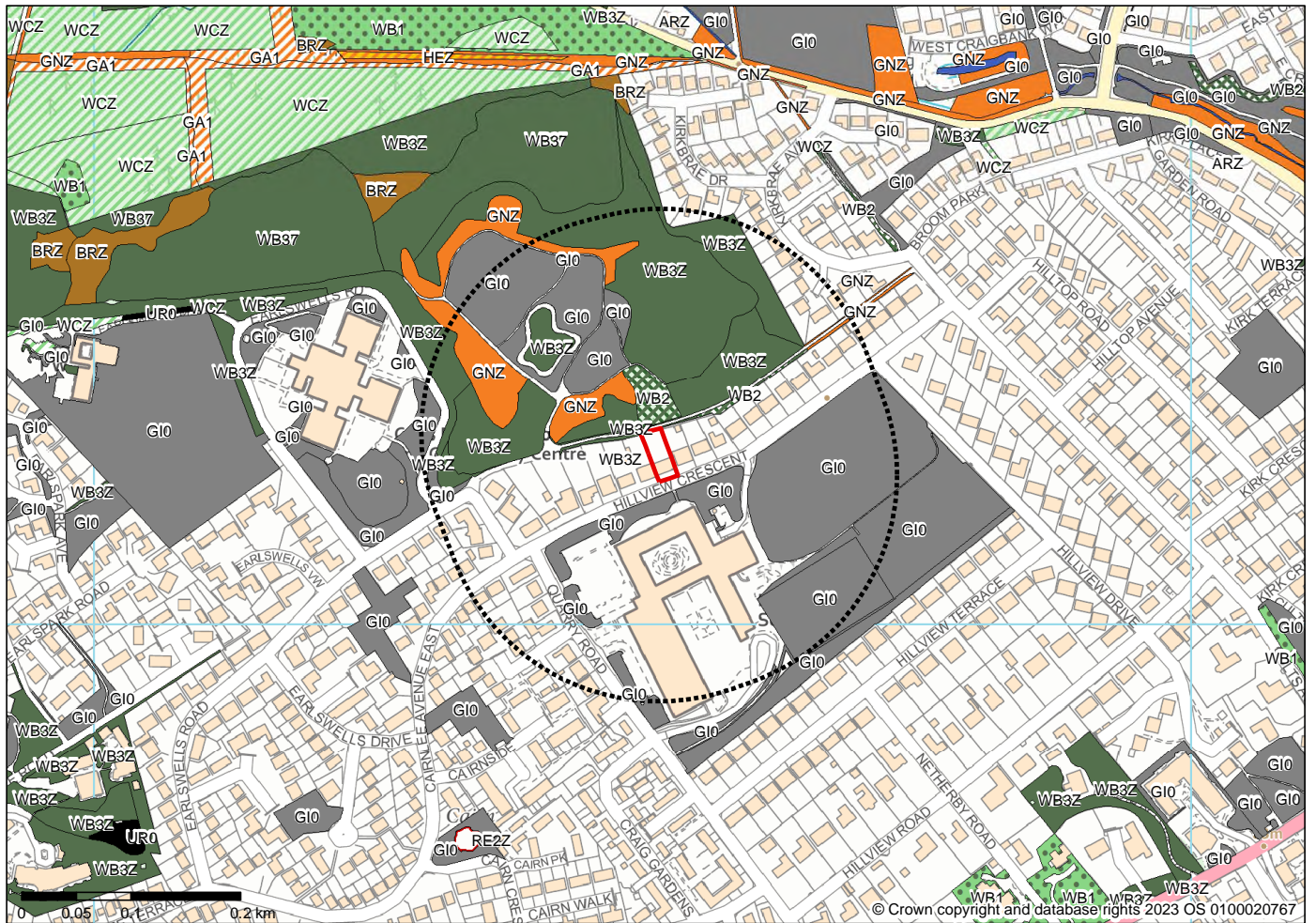
230825/DPP	Bats	Brown Long-eared Bat (<i>Plecotus auritus</i>)	Hillview Crescent, Aberdeen	NJ 88516 03154
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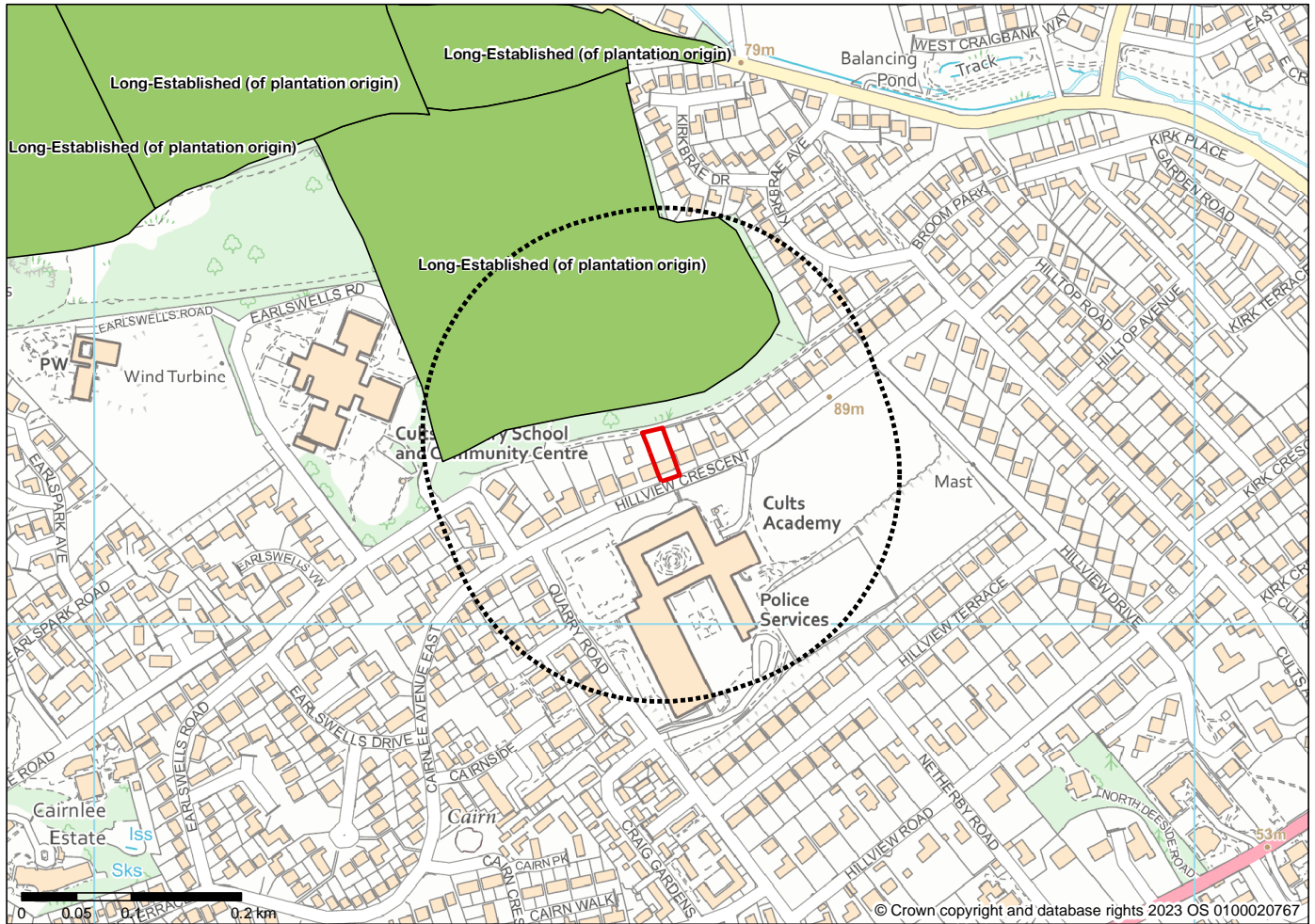
230825/DPP	Swifts	Swift (Apus apus)	Hillview Crescent, Aberdeen	NJ 88516 03154
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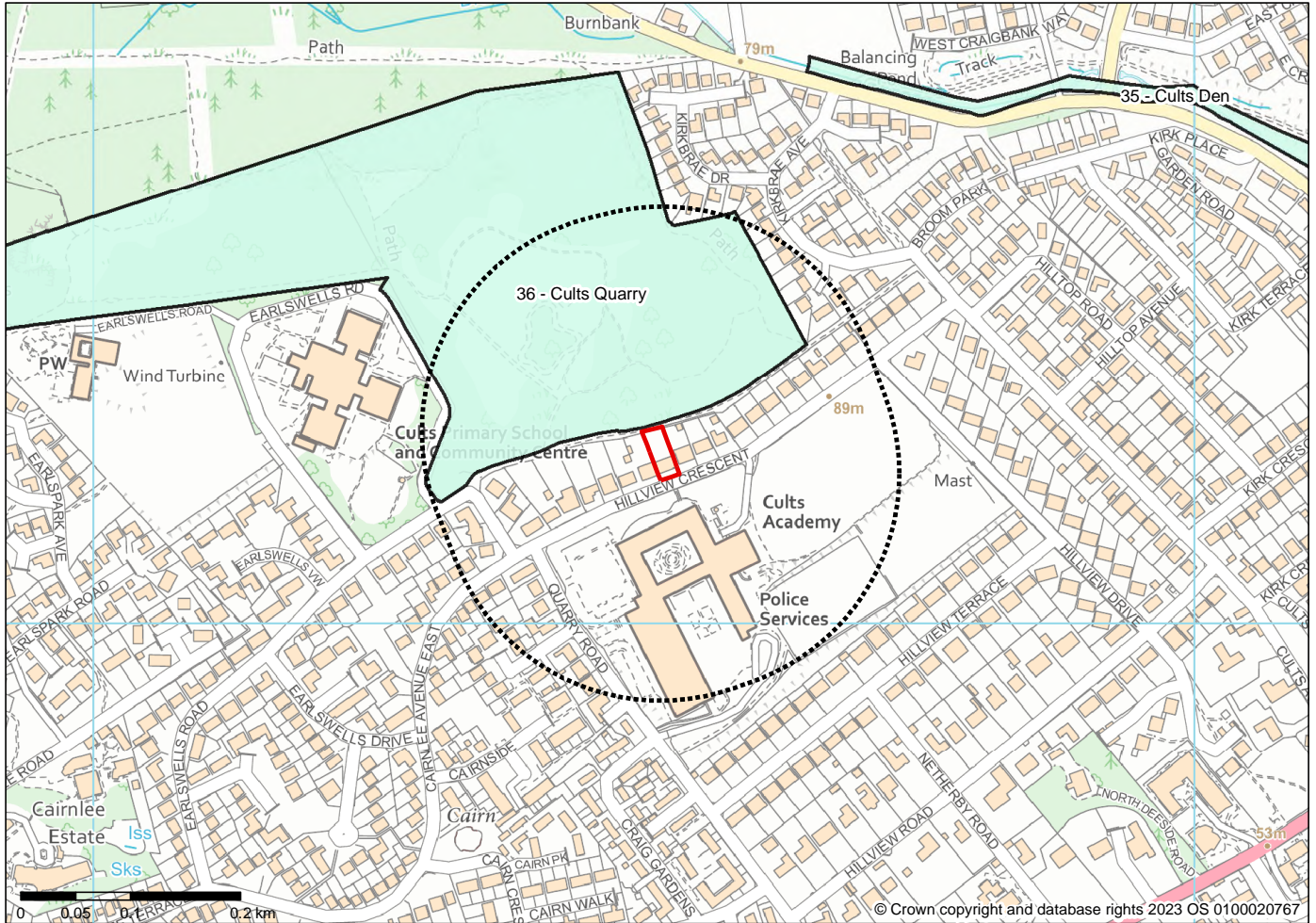
230825/DPP	Integrated Habitat System Aberdeen City 2018-2021	G10 - Improved grassland GNZ - Other neutral grassland WB2 - Scrub woodland WB3Z - Other broadleaved woodland	Hillview Crescent, Aberdeen	NJ 88516 03154
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230825/DPP	Ancient Woodland Inventory	Long-Established (of plantation origin)	Hillview Crescent, Aberdeen	NJ 88516 03154
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230825/DPP	Aberdeen City Local Nature Conservation Sites	36 - Cults Quarry - The north half is mostly birch woodland with some areas of broadleaved woodland, bracken and old stone quarries. The southern half is neutral grassland with scattered trees and scrub surrounded by broadleaved woodland.	Hillview Crescent, Aberdeen	NJ 88516 03154
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Application 230825/DPP

Development Plan

[Supporting documents - National Planning Framework 4: revised draft - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/documents/2023/04/National-Planning-Framework-4-revised-draft-2023-04-20.pdf)

- 1. Tackling the climate and nature crises
- 2. Climate mitigation and adaptation
- 3. Biodiversity
- 5. Soils
- 6. Forestry, Woodland and Trees
- 12. Zero waste
- 13. Sustainable transport
- 14. Design, quality and place
- 16. Quality homes
- 19. Heating and Cooling
- 20. Blue and Green Infrastructure
- 22. Flood Risk and Water Management
- 23. Health and Safety
- 24. Digital Infrastructure

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
- D5 Landscape
- NE3 Our Natural Heritage
- NE4 Our Water Environment
- NE5 Trees and Woodland
- T2 Sustainable Transport
- T3 Parking
- R5 Waste Management
- R6 Low and Zero Carbon Buildings and Water Efficiency
- Heat Networks

Aberdeen Planning Guidance (APG)

- [Sub-division and Redevelopment of Residential Curtilages](#)
- [Householder Development Guide](#)
- [Transport and Accessibility](#)
- [Natural Heritage](#)
- [Trees and Woodland](#)
- [Landscape](#)
- [Resources for New Development](#)
- [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 100623589-005

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

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:	John Wink Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	John	Building Name:	Midtown of Foudland
Last Name: *	Wink	Building Number:	
Telephone Number: *	01464841113	Address 1 (Street): *	Glens of Foudland
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Huntly
Fax Number:		Country: *	Scotland
		Postcode: *	AB54 6AR
Email Address: *	planning@johnwinkdesign.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="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr & Mrs"/>	Building Name:	<input type="text" value="c/o John Wink Design"/>
First Name: *	<input type="text" value="M"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Freeman"/>	Address 1 (Street): *	<input type="text" value="Midtown of Foudland"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Glens of Foudland"/>
Telephone Number: *	<input type="text"/>	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 6AR"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="planning@johnwinkdesign.co.uk"/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="32 HILLVIEW CRESCENT"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB15 9RT"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="803147"/>	Easting	<input type="text" value="388519"/>
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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)

Erection of replacement dwelling house with integrated garage, associated site works and hard surfacing/parking

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

The appeal documents attached confirm the following: There is no impact on the existing landscaping as the proposed house is being built on the footprint of the existing property. There is no impact of overshadowing on the adjacent properties. A connection to the existing combined sewer system is achievable via a filter trench. There are a variety of house types in the area and the house is not considered to be out of character to the surrounding properties.

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)

2890-021F Proposed Site Plan SF32331-001L 2890 Shadow Analysis 18051 Drainage Layout Landscape Report Existing Planting Plan Proposed Planting Plan

Application Details

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

230825/DPP

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

11/07/2023

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

30/10/2023

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

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 John Wink

Declaration Date: 29/01/2024

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 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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Site Address:	23 Ferryhill Terrace, Aberdeen, AB11 6SR,
Application Description:	Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people
Application Ref:	230999/DPP
Application Type:	Detailed Planning Permission
Application Date:	17 August 2023
Applicant:’	Mr Benjamin Goulding
Ward:	Torry/Ferryhill
Community Council:	Ferryhill and Ruthrieston
Case Officer:	Sam Smith

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site relates to a 2½-storey traditional tenement building comprising the end-terrace property of Ferryhill Terrace with an additional 1½-storey side extension to the west. The application property consists of the ground-floor flat which extends into the side extension, sitting partially at the first-floor level. The property contains two bedrooms in the main section of the building with windows facing onto the road to the front and into the communal area to the rear, each with a separate bathroom. The extension contains a kitchen/lounge on the ground floor and an additional living space/lounge on the first floor. There are two other flats in the building at the first floor and attic levels which are all accessible via the front and rear access doors and communal stairwell. To the west of the site lies the driveway and allocated parking on the corner of Ferryhill Terrace and Bon-Accord Street which leads to the rear (south) of the building through an access gate. The rear of the site comprises a small area of communal paved garden ground and a shed split into three. Neither of the other two flats are known to be operating as a Short Term Let at present.

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the change of use of the property from a residential flat to Short Term Let (STL) accommodation (both sui generis). The applicant advises that the maximum occupancy for the two-bedroom STL would be 4 persons at any one time, with a minimum stay duration of 2 nights. The property would be operated as an STL on a permanent basis. Customers of the property would have access to one allocated parking space and the property would be cleaned after each stay.

Amendments

None.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at: <https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RZDZ1FBZME400>

CONSULTATIONS

ACC - Roads Development Management Team – No objection. The site is located within controlled parking zone H and in the inner city boundary. The property is entitled to apply for two permits and there is an existing allocated parking space on site.

ACC - Environmental Health – No concerns or observations.

ACC - Waste And Recycling – No objection. The proposed development is classified as commercial and will therefore receive a business waste collection. Customers of the STL could continue to utilise existing communal domestic general waste and recycling bins located on the site, along Ferryhill Terrace. Further information would have been included as an advisory note.

Ferryhill and Ruthrieston Community Council – No comments received.

REPRESENTATIONS

Six representations have been received noting an objection to the proposal. The matters raised can be summarised as follows –

- Residents raised their concern in relation to noise from persons who are not accountable for their behaviour and actions in a short term let property as noted by existing STLs in the area causing late night activity.
- Additional traffic cause by visitors as on street parking isn't controlled by permit or paid for.
- Windows to the application property looking into the neighbouring properties.

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 3 (Biodiversity)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 30 (Tourism)

Aberdeen Local Development Plan 2023 (ALDP)

- Policy H1 (Residential Areas)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- 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](#)
 - Scottish Government – [Research into the impact of short-term lets on communities across Scotland – October 2019](#)

EVALUATION

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 proposed development, comprising the change of use of an existing property, with no associated external alterations, is sufficiently small-scale such that it would not make any material difference to the global climate and nature crises nor to climate mitigation and adaptation, nor are there any opportunities to minimise greenhouse gas emissions given the nature of the proposals as a change of use. Therefore the proposals are compliant with Policies 1 and 2 of NPF4. The proposed development is wholly internal, small-scale and does not offer the opportunity for any biodiversity gain and the proposals are thus considered to be acceptable, despite some minor tension with Policy 3 of NPF4.

Provision of Short Term Let accommodation and impacts on character & amenity

Policy 30 (Tourism), paragraph (e) 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*

Policy H1 (Residential Areas) of the ALDP states:

Within existing residential areas, 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.*

Impact on character and amenity of the area

The application site is situated within a residential area as zoned in the ALDP Proposals Map. The street is quiet in character, with predominantly residential properties, a few small shops and a school in close proximity. However, the city centre boundary sits approximately 400m to the north. There are a significant number of guest houses along and off Crown Street approximately 200m away. As such, the character of the surrounding area would not be detrimentally affected by the presence of short term let accommodation, although, it could impact upon the quiet character of this street / neighbourhood.

The property comprises a two-bed flat which would accommodate a maximum occupancy of four people at any one time. The use of the property as an STL would likely result in a minor increase in comings and goings to the property compared to a mainstream residential use, although, the property sits at ground floor level and this factor would not significantly impact the intensity of use of the communal areas, particularly the communal stairwell, avoiding the need to pass any other flats when entering the property.

However, due to the scale of the property, there would likely be a substantial increase in activity. The footprint of the original flat, and mirrored on the upper floor flats, is c. 55m² and available information confirms that the attic level flat is comprised of one bedroom, which is to be expected of property of this size. The extension to the application property offers an addition c. 88m² (including a 10m² void space due to the construction of the extension) of accommodation and is advertised for sale as a three bedroom property, forming a greater area than the two other properties combined. Although, this proposal would only see two bedrooms being created for short term accommodation, the property is still significantly larger than what is expected for this building, with this additional floor space all being used as social activity space for guests. The flats on the upper floors can be expected to accommodate one or two permanent residents each and as such, the use of the ground floor for up to four occupants would be out of character for the building and would impact the quiet, modest residential character of the surrounding area and neighbourhood.

In terms of impacts on amenity, the property shares two entrance doors and stairwell with two other properties, with both units understood to be in mainstream residential use. In general, the Planning Service considers that the use of properties as STL's within residential flatted buildings

could result in increased harm to the amenity of neighbouring properties, beyond that which would typically be expected from a property in mainstream residential use, particularly due to the following:

- the potential for noise from increased coming and goings via the communal entrance and stairwell due to frequent customer turnovers (check-ins and check-outs) and cleaning between occupancies;
- the potential for noise from customer activities within the property, particularly in the quieter, more sensitive late evening and early morning periods – especially if used as a ‘party flat’;
- the potential for the disturbance of privacy and the perceived impact on safety resulting from the use of communal areas (including gardens) by transient persons unknown to permanent residents.

It is considered that there would be impacts on amenity from the use of the application property as an STL arising from the increased probability of noise emissions affecting the occupants of the other flats via noise transmission through the ceilings and walls and to the impact on safety and security (either actual or perceived) from the use of the communal entrance and hallway by transient non-residents.

In this case, the property is of a large scale for a two bedroom flat and comprises 78m² of social space including two potential lounge areas and an open kitchen. It is thus possible that the flat could be used for hosting parties during a short stay. The largest detriment to amenity is considered to be for the first-floor flat due to the layout of the application property sitting both below and to the side of this neighbouring property, resulting in adverse noise transmission to most of this neighbouring property (particularly given the building is a historic tenement of traditional construction).

The use of a two bedroom residential flat is not likely to regularly see 4 adults congregate at the property, which is much more likely should a change of use to short term let be permitted. It is considered that this intensification of use could harm the amenity of neighbouring established residential properties in terms of noise from activities within the property during the more sensitive late night and early morning periods by virtue of a potential change in numbers of adults regularly staying in the property. It is acknowledged that such activities could nevertheless take place in the property if operated as mainstream residential accommodation, however it is less likely to be as frequently than would be the case if this proposed change of use is granted and implemented.

In relation to the outdoor communal area, the driveway offers an allocated parking space and the neighbour has a sign for their allocated space. The rear garden comprises a small paved area with a single chair and small table. It is not anticipated that customers staying at the property on a short-term basis would be likely to use the garden area for any significant periods of time, if at all, particularly if the property is used by tourists or business travellers, who would be more likely to be out sightseeing or working during the day. The site also lies in close proximity to a range of public parks and areas of open space, such as Bon Accord Terrace Gardens, that may be more attractive to visitors. The operation of this property as an STL would thus not be likely to have any material impact on the external communal area of the site.

The Planning Service considers that this property in use as an STL with a maximum of 4 customers, combined with the traditional construction of the building and number of other properties in the block is likely to cause harm to amenity of neighbouring mainstream residential properties within the building, beyond the impacts to amenity which could occur if the properties were to remain in / revert to mainstream residential use. The granting of permission for the

application property would result in the percentage of the building in STL use being 33%. However, as the application property forms more than half of the floor area of the building and the attic floor flat comprises a one-bedroom flat, with the first-floor likely being the same, the use of this property as an STL would likely result in less than half of the occupants in the building being mainstream permanent residents, presenting adverse harm to the character and use of the overall building.

A secondary impact is the potential for a reduction in safety and security for the permanent residents in the building resulting from the use of the property as an STL to occur through the regular change in guests staying at the property. The surroundings and building were not busy, and therefore this is likely to be perceived as a greater change, than in a busier area or should the maximum number of occupants be less.

It is therefore considered that the use of the property as an STL for four occupants would cause harm to the character and amenity of the area and impact neighbours which is contrary to Policy 30(e)(i) of NPF4 and it has not been demonstrated *“that the use doesn’t cause conflict with, or any nuisance to, the enjoyment of existing residential amenity”* which does not comply with Policy H1 criteria 2 of the ALDP.

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 offers a different type of visitor accommodation to hotels and guesthouses that can be more attractive for certain visitors, particularly families and business travellers / contract workers who may 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:

- a. offer visitors a unique tourist experience through a host’s local knowledge, increasing the attractiveness of Scotland as a place to visit,*
- b. offer accommodation in places not served by hotels and hostels, for example, and therefore help with dispersal of visitors from "hotspot" areas,*
- c. offer more affordable accommodation, helping to attract tourists that may have a lower budget, and*
- d. 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 the 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 be likely to spend money in the local tourism and hospitality sectors, to the benefit of those businesses. This is backed up 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.'

Although the application property is not within the city centre, as defined in the ALDP Proposals Map, it lies a short distance outside the city centre boundary and customers of the STL would be within easy walking distance of the many businesses and amenities in the city centre as well as the train station. It is therefore considered that the use of the property as an STL is compliant with Policy VC2 of the ALDP.

Although housing is in need in Aberdeen, there is not currently understood to be any significant pressure placed on local housing need from the amount of STL's in Aberdeen, as is experienced elsewhere in Scotland (for example Edinburgh and the Highlands & Islands in particular), therefore it is 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 – ensuring that the proposals are 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 grant of planning permission for 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. As such, it is considered necessary that if any permission were granted, it would be 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 the property's use as an STL at the time of any further planning application.

Transport & Accessibility

Policy 13 (Sustainable Transport) on NPF4 and Policy T2 (Sustainable Transport) of the ALDP all promote and encourage the use of sustainable and active modes of travel where possible, as opposed to private vehicle trips. Policy T3 (Parking) of the ALDP is supportive of low or no car development in suitable locations where there is adequate access to active travel and public transport options.

The application property is situated outwith, but reasonably close to, the city centre (as defined in the ALDP Proposals Map). As such, the city centre is within walking distance of the property, as are the city's main bus and railway stations and multiple bus routes serving various areas of the city. Customers would be able to utilise the allocated on-site parking space as well as permit holder on-street car parking but nevertheless it is anticipated that the majority of customers staying at the property on a short-term basis would be tourists or business travellers, the majority of whom could reasonably be expected to arrive in the city by plane, train or bus and access the property sustainably, not generating any traffic or requiring any car parking. The proposal is therefore compliant with Policies 13 of NPF4 and T2 and T3 of the ALDP.

Waste Management

Policy 12 (Zero Waste) of NPF4 and Policy 5 (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.

Although the property would be a business and would therefore not pay Council Tax, customers of the STL would be able to utilise existing on-street domestic general waste and mixed recycling bins situated on Ferryhill Terrace. The Council's Waste & Recycling Service have advised that the customers of the property could utilise the existing domestic bins, subject to the applicant paying 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 can be adequately stored and collected and an advisory note has been added for the applicant to be aware of in relation to entering into the required business waste contract with the Council. The proposals are therefore acceptable in accordance with Policies 12 of NPF4 and R5 of the ALDP.

Matters Raised in Representations

It is noted that the objections made have come from residents in Ferryhill Gardens, a flatted development across the road from the application dwelling. In relation to these comments, it is considered that the use of the application property as a short term let would not impede on the amenity of these residents in terms of noise or privacy due to its location across the road beyond the impacts to amenity which could occur if the property were to remain in mainstream residential use. Further, the application site has its own dedicated parking space and the option to apply for a permit to park on Ferryhill Terrace, likely requiring the same parking provisions as if it were occupied by permanent residents. The development at Ferryhill Gardens has its own parking area for residents and thus, the proposal would also not negatively impact on the parking arrangement for the residents of this development. All other assessment concerns relating to amenity have been outlined in the evaluation of this report.

Conclusion

The property's use as an STL would likely provide a small scale local economic benefits, particularly to the tourism and hospitality sectors, However this is not considered to outweigh the loss of amenity to neighbouring residents, within the existing block, caused by the intensification of use of the property with an increase in noise, comings and goings and impact upon character of the building by accommodating up to 4 guests visiting at any one time. The impact is harmful in this case because the scale of the property would likely result in the following impacts affecting the amenity of the surrounding residents:

- The use of the property as an STL at maximum capacity would result in more guests residing in the building than mainstream permanent residents, affecting the character of the residential area.
- The property, accommodating c. 78m² of useable social space within the flat has the potential to be used as a party flat, impacting the quiet character of the neighbourhood.

The proposal would also adversely impact the amenity afforded to the residents in the building as the flat is located below and to the side of the flat above in a tenement building of traditional construction. The harm caused by the increased comings and goings, potentially at unusual hours, increased noise transfer by the likely higher number of occupants, and the impact upon security and character of the shared internal spaces is such that the proposal is considered contrary to Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP) or Policy 30 (Tourism), paragraph (e) part i) of NPF 4. The small scale of this change in housing provision is not considered to be a reason for refusal in isolation as it is not possible to evidence a harmful loss or under provision of housing should this change of use be permitted.

DECISION

Refuse

REASON FOR DECISION

Due to the context of the surrounding area, the size of the property and the stated maximum occupancy, it is considered that its use as Short Term Let (STL) accommodation would have a significant adverse impact on the character of the residential building as well as on the amenity of the immediate neighbouring property within the application building, in relation to noise transmission, beyond what could typically be expected if it were to be used as permanent mainstream residential accommodation. The small scale local economic benefits to the tourism and hospitality sectors are not considered to outweigh the loss of amenity to neighbouring residents caused by the intensification of use of the property with increased comings and goings, potentially at unusual hours, increased noise transfer by the likely higher number of occupants, and the impact upon security and character of the shared internal spaces. The scale of the property could further result in less than half of the occupants residing in the building being mainstream residents and intensifying the use of the space for social activities in a fairly quiet residential area, disrupting the character of the building and surrounding neighbourhood. This is in contrary to Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP) and Policy 30 (Tourism), paragraph (e) part i) of National Planning Framework 4.

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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 100638833-001

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)

This planning application for change of use from residential house to residential short term holiday let seeks to regularise the current use and accord with the changes to the licensing requirements.

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:

Ref. Number:

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

First Name: *

Building Name:

Last Name: *

Building Number:

Telephone Number: *

Address 1 (Street): *

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Fax Number:

Country: *

Postcode: *

Email Address: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:

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

Other Title:

Building Name:

First Name: *

Building Number:

Last Name: *

Address 1 (Street): *

Company/Organisation

Address 2:

Telephone Number: *

Town/City: *

Extension Number:

Country: *

Mobile Number:

Postcode: *

Fax Number:

Email Address: *

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

23 FERRYHILL TERRACE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

Please identify/describe the location of the site or sites

Northing

805414

Easting

393845

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)

Please see response from Aberdeen City Council: From the information that has been provided, the Planning Service considers that the use of this property as a short term let would constitute a material change of use from its use as a residential flat. As such, planning permission would be required.

Title:

Mr

Other title:

First Name:

Jack

Last Name:

Ibbotson

Correspondence Reference Number:

Date (dd/mm/yyyy):

24/07/2023

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:

104.00

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)

Property currently vacant as owner does not live in Scotland.

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?

3

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)? *

3

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)

Bins located on street as communal.

Residential Units Including Conversion

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

≤ Yes No

All Types of Non Housing Development – Proposed New Floorspace

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

≤ Yes No

Schedule 3 Development

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

≤ Yes No ≤ Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

≤ Yes No

Certificates and Notices

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

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

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

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

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Lauren Monro

On behalf of: Mr Benjamin Goulding

Date: 14/08/2023

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. * Yes N/A

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

A Flood Risk Assessment. * Yes N/A

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

Drainage/SUDS layout. * Yes N/A

A Transport Assessment or Travel Plan Yes N/A

Contaminated Land Assessment. * Yes N/A

Habitat Survey. * Yes N/A

A Processing Agreement. * Yes N/A

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

Declare – For Application to Planning Authority

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

Declaration Name: Miss Lauren Monro

Declaration Date: 14/08/2023

Payment Details

Pay Direct

Created: 14/08/2023 15:31

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Lauren Monro
PMC House
Little Square
Oldmeldrum
AB51 0AY

on behalf of **Mr Benjamin Goulding**

With reference to your application validly received on 17 August 2023 for the following development:-

Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people at 23 Ferryhill Terrace, Aberdeen

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

<u>Drawing Number</u>	<u>Drawing Type</u>
	Location Plan
160 - 300 H	Multiple Floor Plans (Proposed)
	Other Drawing or Plan

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:-

Due to the context of the surrounding area, the size of the property and the stated maximum occupancy, it is considered that its use as Short Term Let (STL) accommodation would have a significant adverse impact on the character of the residential building as well as on the amenity of the immediate neighbouring property within the application building, in relation to noise transmission, beyond what could typically be expected if it were to be used as permanent mainstream residential accommodation. The small scale local economic benefits to the tourism and hospitality sectors are not considered to outweigh the loss of amenity to neighbouring residents caused by the intensification of use of the property with increased comings and goings, potentially at unusual hours, increased noise transfer by the likely higher number of occupants, and the impact upon security and character of the shared internal spaces. The scale of the property could further result in less than half of the occupants residing in the building being mainstream residents and intensifying the use of the space for social activities in a fairly quiet residential area, disrupting the character of the building and surrounding neighbourhood. This is in contrary to Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP) and Policy 30 (Tourism), paragraph (e) part i) of National Planning Framework 4.

Date of Signing 16 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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Consultee Comments for Planning Application 230999/DPP

Application Summary

Application Number: 230999/DPP

Address: 23 Ferryhill Terrace Aberdeen AB11 6SR

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

Case Officer: Sam Smith

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 observations.

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Consultee Comments for Planning Application 230999/DPP

Application Summary

Application Number: 230999/DPP

Address: 23 Ferryhill Terrace Aberdeen AB11 6SR

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

Case Officer: Sam Smith

Consultee Details

Name: Mr Jack Penman

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

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

Comments

I note this proposal is for a change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people at 23 Ferryhill Terrace, Aberdeen, AB11 6SR.

The site is in the inner city boundary and is in Controlled Parking Zone H. Properties and businesses in CPZ H are entitled to apply for 2 permits. The permit allocation does not change with its current use and proposed use. The applicant should ensure that they have the right permits for use.

The applicant has noted there is 3 spaces associated with this site in the application form but in the Short Term Let form they have noted that there is only 1 dedicated off-street parking space. It is assumed that the other two spaces refer to the permit entitlement. Owing to the site being in a CPZ there are existing parking controls which would prevent any obstructive parking. The proposal would unlikely generate more parking than its current use.

I note there are existing communal bins.

The site is in an existing residential area and is fronted by adopted footways.

There are no Roads objections to this proposal.

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Application Address: 23 Ferryhill Terrace, Aberdeen, AB11 6SR

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

Application Reference: 230999/DPP

Consultation Reference: DC/ACC/RZSCFDBZ03R03

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

Site Specific comments:

- To make use of current on street communal bins

See below for general comments:

- Business premises need to be provided with a bin store to allocate, within the property, the 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

<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=74584&sID=14394>

Responding Officer: N Taylor

Date: 30/08/2023

Email: wasteplanning@aberdeencity.gov.uk

Comments for Planning Application 230999/DPP

Application Summary

Application Number: 230999/DPP

Address: 23 Ferryhill Terrace Aberdeen AB11 6SR

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

Case Officer: Sam Smith

Customer Details

Name: Miss Ashlea Corvelle

Address: 2a Ferryhill Gardens Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The request for change to occupancy to Airbnb style means we could have extra cars coming into the street. Currently there is an extreme lack of parking in the area which results in neighbours using Ferryhill gardens. The people who actually live there and pay for the privilege of parking then struggle to get parking as it is. On street parking isn't permit or paid which is expensive.

Airbnb are also used as party venues especially in the city centre and my experience is that the noise levels rise into late on into the Evening. You also have ever changing residents with sometimes questionable standards of what is acceptable social behaviour in a quiet neighbourhood.

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Comments for Planning Application 230999/DPP

Application Summary

Application Number: 230999/DPP

Address: 23 Ferryhill Terrace Aberdeen AB11 6SR

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

Case Officer: Sam Smith

Customer Details

Name: Mr Daniel Pasztor

Address: 2 Ferryhill Gardens Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: To many sort term rental can cose noise and they will not take responsibility for it. my room window is directly look on the property and I don't want to deal with the noise, this neighborhood is quite and nice. I don't want any changes

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Comments for Planning Application 230999/DPP

Application Summary

Application Number: 230999/DPP

Address: 23 Ferryhill Terrace Aberdeen AB11 6SR

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

Case Officer: Sam Smith

Customer Details

Name: Mrs Alison Murray-Adam

Address: Flat C 2 Ferryhill Gardens Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Too many short term lets in the vicinity and very noisy, The living room window looks directly in to my property and do not want people that's not responsible for their behaviour in an rented property.

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Comments for Planning Application 230999/DPP

Application Summary

Application Number: 230999/DPP

Address: 23 Ferryhill Terrace Aberdeen AB11 6SR

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

Case Officer: Sam Smith

Customer Details

Name: Ms Heather Gray

Address: Flat D 2 Ferryhill Gardens Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Concerned about noise and extra traffic.

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Comments for Planning Application 230999/DPP

Application Summary

Application Number: 230999/DPP

Address: 23 Ferryhill Terrace Aberdeen AB11 6SR

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

Case Officer: Sam Smith

Customer Details

Name: Ms Heather Gray

Address: Flat D 2 Ferryhill Gardens Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Concerned about noise!

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Comments for Planning Application 230999/DPP

Application Summary

Application Number: 230999/DPP

Address: 23 Ferryhill Terrace Aberdeen AB11 6SR

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

Case Officer: Sam Smith

Customer Details

Name: Ms Kim Lyon

Address: Flat D 1 Ferryhill Gardens Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Worried it will be much noisier with people who are not accountable for their behaviour and actions in a short term let properly. There are already too many in our vicinity, which already causes late night activity.

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Comments for Planning Application 230999/DPP

Application Summary

Application Number: 230999/DPP

Address: 23 Ferryhill Terrace Aberdeen AB11 6SR

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

Case Officer: Sam Smith

Customer Details

Name: Ms Laura Leonard

Address: Flat B Ferryhill Gardens Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This is a quiet residential area and unsupervised short term lets might change that.

I am concerned about lack of parking as it is limited on Ferryhill Terrace.

There are noise concerns as the property is across from my bedroom window.

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Application 230999/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
- 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 100656845-002

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

Applicant or Agent Details

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

≤ Applicant T Agent

Agent Details

Please enter Agent details

Company/Organisation:	Richard Slater - Architecture & Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Richard	Building Name:	
Last Name: *	Slater	Building Number:	37
Telephone Number: *	07724421533	Address 1 (Street): *	Hillside Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Portlethen
Fax Number:		Country: *	United Kingdom
		Postcode: *	AB12 4TQ
Email Address: *	richard.slater@rs-ad.co.uk		

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

T Individual ≤ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Ground Floor"/>
First Name: *	<input type="text" value="Benjamin"/>	Building Number:	<input type="text" value="23"/>
Last Name: *	<input type="text" value="Goulding"/>	Address 1 (Street): *	<input type="text" value="Ferryhill Terrace"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB11 6SR"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="GROUND FLOOR FLAT"/>
Address 2:	<input type="text" value="23 FERRYHILL TERRACE"/>
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="AB11 6SR"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="805414"/>	Easting	<input type="text" value="393845"/>
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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)

DPP - 230999 - Proposed Change of Use of Flat to Short Term Let Accommodation (sui generis) with Maximum Occupancy of 4 People

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

We disagree with the statement that the proposed use would have a "significant adverse impact on the residential building" and will provide an overview of the context of the property and an overview of the potential impact and mitigations to demonstrate that this change of use will have a negligible impact on the residents. We will address this in the following sections. 1. Context of the local area 2. Floor Area and Users 3. Amenity of Neighbours 4. Scale of Property 5. Shared Spaces

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)

L002 Supporting statement, 160-300 Floor Plans, Application Form, Decision Notice, Report on Handling

Application Details

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

230999

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

17/08/2022

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

16/10/2023

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

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 Richard Slater

Declaration Date: 10/01/2024

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Strategic Place Planning
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB

9th January 2024

**DPP - 230999 - Proposed Change of Use of Flat to Short Term Let Accommodation
(sui generis) with Maximum Occupancy of 4 People**

23 Ferryhill Terrace, Aberdeen, AB11 6SR

Notice of Review – Supporting Statement

We write to provide supporting information and clarity regarding the appeal to the decision to refuse the above noted application dated 16th October 2023.

The Reason for Decision within the Decision Notice begins by stating “*Due to the **context of the surrounding area, the size of the property and the stated maximum occupancy**, it is considered that its use as Short Term Let (STL) accommodation would have a significant adverse impact on the character of the residential building as well as on the amenity of the immediate neighbouring property within the application building, in relation to noise transmission, beyond what could typically be expected if it were to be used as permanent mainstream residential accommodation.*”

The decision notice continues “*The small scale local economic benefits to the tourism and hospitality sectors are not considered to outweigh the loss of amenity to neighbouring residents caused by the intensification of use of the property with increased comings and goings, potentially at unusual hours, increased noise transfer by the likely higher number of occupants, and the impact upon security and character of the shared internal spaces. The scale of the property could further result in less than half of the occupants residing in the building being mainstream residents and intensifying the use of the space for social activities in a fairly quiet residential area, disrupting the character of the building and surrounding neighbourhood.*”

We strongly disagree with the statement that the proposed use would have a “significant adverse impact on the residential building” and will provide an overview of the context of the property and an overview of the potential impact and mitigations to demonstrate that this change of use will have a negligible impact on the residents.

We will address this in the following sections.

1. Context of the local area
2. Floor Area and Users
3. Amenity of Neighbours
4. Scale of Property
5. Shared Spaces and Security
6. Overall Summary

Appendix A – Notes from Management Company

1. Context of Local Area

Summary

The addition of a short term let is unlikely to generate any additional impact to residents due to the noise and activity already present on this street and local area.

1. The property sits at a relatively busy junction.
 - a. The property sits at junction onto Bon Accord Street.
 - b. This street is relatively busy day and night for foot and road traffic due to traffic to and from Union Street.
 - c. The property is within 65m of a large primary school + playground.
 - d. This has significant traffic and noise generation throughout the day.

2. The property is opposite a convenience store and near other stores with extended hours.
 - a. The property is less than 27m from a convenience store.
 - b. Opening hours: 6am to 10pm, 7 days a week (7am Sunday).
 - c. Store has people entering, parking to use & talking outside of during operation.
 - d. The other end of Ferryhill Terrace similarly has another store with extended hours.

Details

1. The property sits at a relatively busy junction.

The Report on Handling and the Reasons for Decision both make reference to the surrounding area, but we feel the area has been misrepresented. The report refers to the street being quiet in character and makes specific reference to guest houses on Crown Street but omits the location of the flat being directly adjacent to Bon-Accord Street, with the gables of the building being viewed most prominently from this street.

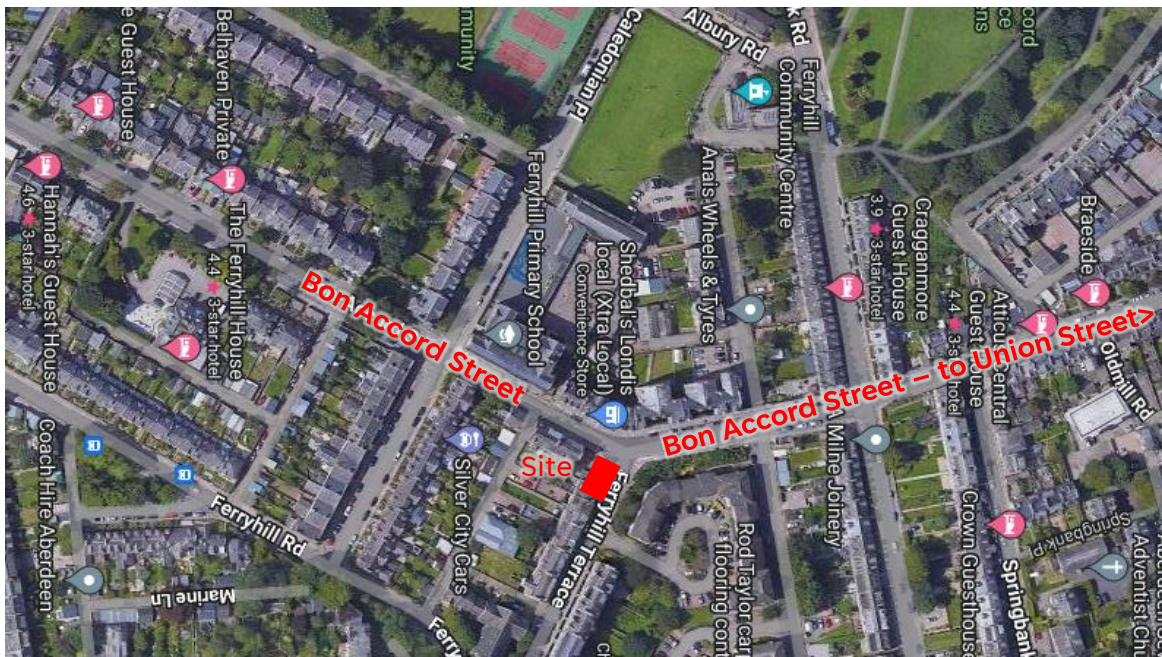


Figure 1 – Site Location with relative context – pink showing guest houses & hotels, and the location at the relatively busy junction of Ferryhill Terrace and Bon-Accord Street.

The Union Street end of Bon-Accord Street is occupied by several bars and restaurants and links directly to the busy Langstane Place and Union Street itself. This junction with Langstane Place is approximately 450m from the flat.

Bon-Accord Street leads directly from the flat to Union Street and the tourism and nightlife that offers. Bon-Accord Street is also dotted with guest houses between Union Street and Fonthill Road, with 5 sitting to the north and 5 sitting to the south of the flat at 23 Ferryhill Terrace. Bon-Accord Street is also home to The Ferryhill House hotel, which sits farther south than the flat at 23 Ferryhill Terrace.



Figure 2 – Location adjacent to Bon-Accord Street – not mentioned in report or decision.

2. The property is opposite a convenience store and near other stores with extended hours.

The report also makes reference to ‘a few small shops’. However, we feel this not a fair description of the specific location of the flat. The flat is directly opposite one of these shops on Bon-Accord Street (open 6am-10pm 7 days a week, 7am Sunday), with another shop being located at the other end of Ferryhill Terrace (also open until 10pm). We feel that Ferryhill Terrace itself is exceptional in being relatively short (under 200m) and having convenience stores either end, and the property is unique in being directly across from one of those, at the junction with Bon-Accord Street.

We would therefore request that the application be reconsidered based on the detail of the unique location at the relatively busy junction with Bon-Accord Street, and the area already experiencing a lot of foot traffic from the opposite shops. We feel Bon-Accord Street itself should be given much more consideration in the application given the prominent location at the junction.

2. Floor Area and Uses

Summary

The usable social space is less than stated, additionally the flat extension that will house the social spaces is not adjacent vertically or horizontally to other properties further reducing disturbance to other residents.

1. The usable space & social space is not aligned with the property use.
 - a. Usable space is 52m² compared with 88m² stated.
 - b. 78m² of social space stated is incorrect, 35 m² is the correct dimensions.
 - c. This is due to the closing off of the upstairs room with a code locked door.

Details

1. The usable space & social space is not aligned with the property use

Within the report on handing the area of the original footprint of the flat is noted as 55m², with the 1980's extension offering another 88m² footprint. We feel this assumption of areas is incorrect & misleading. The original floor area within the flat is 42m². The 1980s extension is a room-in-roof type, including a staircase, loft space and a void area within the front sloping ceiling of the upper floor. Therefore, the usable space created by the 1980's extension is 52m² across 2 levels.

The report also advises that the additional space created by the 1980's extension (incorrectly noted as "78m² of social space") will be used as social activity space for the occupants. However, the upper floor of the extension has been fitted with a code operated lock to allow it to be used as a home office and for storage of personal effects for the owners. I've included a photo of the lock on the door to the upper floor space. The carpet which has been fitted in this location is specifically for office type use, and of neutral colour.



Figure 2 – Digital lock to upper floor room

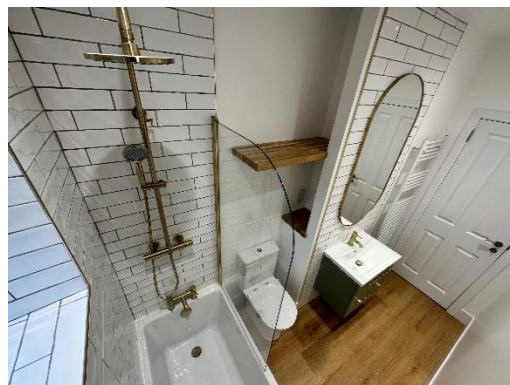


Figure 3-4 – Refurbished bathroom & kitchen

The report further describes potential for the flat to be used as a ‘party flat’, noting that the flat sits below and to the side of the flat at first floor. The applicants have renovated the flat in order to create a level of luxury in the flat and have engaged a reputable letting agent in order to avoid the flat being used as a ‘party flat’. Access to the upper floor has been restricted with a code operated lock. This is not to say that there will not be some social use within the flat. But this flat is unique in the location of the entire kitchen, living, dining space being fully outwith the original footprint of the flat, and therefore not located below the neighbouring properties, as is typical with traditional tenements.

The report also notes that it “*is not anticipated that customers staying at the property on a short-term basis would be likely to use the garden area for any significant periods of time, if at all*”. However, the report also contradicts this by noting that there may be disturbance “*resulting from use of communal area (including gardens)*”. We agree that the external area does not offer significant social space and is very unlikely to be used by occupants. During the time of the renovation of the flat the external communal space has been cleaned and tidied.

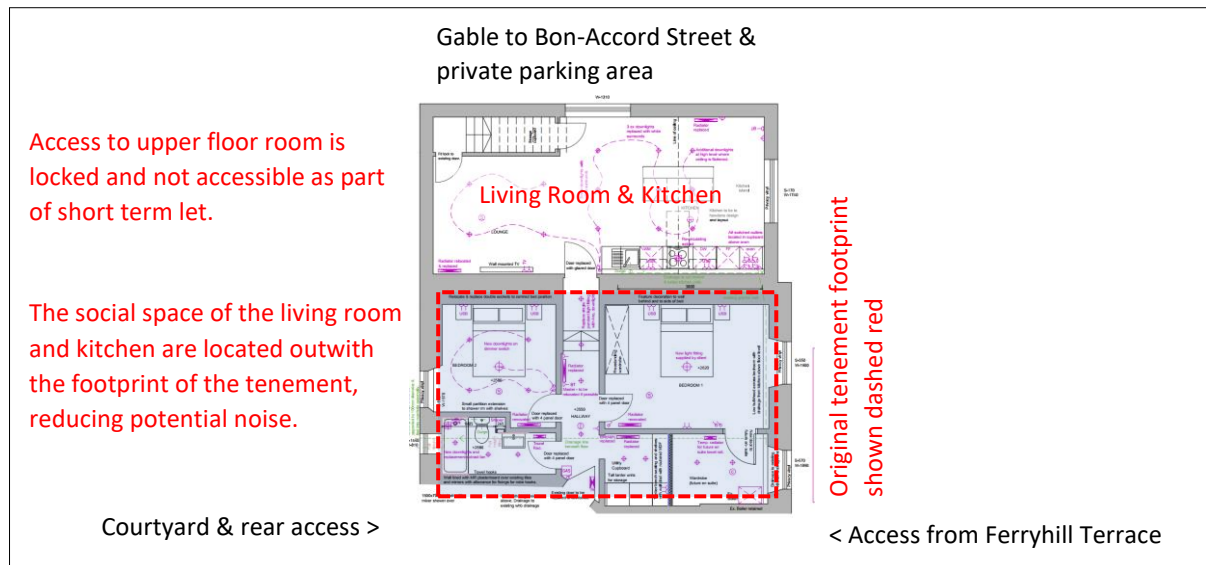


Figure 6 – General flat layout with ground floor access to short term let and social spaces outwith tenement footprint

We therefore feel that the application has been misrepresented in terms of actual physical areas and should be reassessed on the actual areas being proposed, as well as how they will be used and how they will affect neighbours.

3. Amenity of Neighbours

Summary

We believe that the change of use of the flat, and reduction to occupancy, will cause no conflict with, or nuisance to the enjoyment of the existing residential amenity. We would also argue that there is a positive impact that can be made by this specific change of use.

1. Layout of flat is such that disturbance to other residents is minimal.
 - a. Social spaces and kitchen are in the extension meaning they are not adjacent vertically or horizontally to the other flats at the property.
2. Entry to the flat doesn't require walking past the other flats entrances.
 - a. Flat is ground floor.
 - b. Other flats are accessed via a staircase in the hallway.
3. Change to a short term let reduces the potential number of people at the property.
 - a. Previously a 3-bedroom single family rental, with up to six people.
 - b. This application reduces number of occupants to four.
4. Changes to short term let will improve communal areas.
 - a. Communal areas had little maintenance over previous years and were in disrepair.
 - b. Renovation has cleaned and improved these areas.
 - c. Ongoing use as short term let will include ongoing maintenance of these areas improving spaces for other tenants.

Details

1. Layout of flat is such that disturbance to other residents is minimal.

The flat is unique in form as it was extended in the 1980s. The extension contains a lower level, which has been used as the living space within the flat, and an upper floor which has been used as a third bedroom. The kitchen has been located, until recently, within the original footprint of the granite building. The kitchen has now been relocated to the open plan living space, which removes a potential noise source from below the first floor flat. The upper floor of the extension, as noted above, is to be locked and will not form part of the short-term let accommodation, therefore removing a potential noise source from adjacent to the upper floor flat.

Both of these changes to the layout of the flat mean an increase in amenity of the directly neighbouring flat at first floor.

2. Entry to the flat doesn't require walking past the other flats entrances.

The layout of the flat block is not a 'traditional tenement' layout with 2 flats per floor. This block contains 1 flat per floor. This flat is located on the ground floor, with no other flat being entered from this floor, therefore any occupant, no matter of tenure, does not pass the flat entrance door or window of any other flat in the block or neighbouring blocks.

3. Change to a short term let reduces the potential number of people at the property.

The flat was most recently let as a single family flat with 3 bedrooms (up to 6 person) and was occupied as such. The proposals see this property's occupancy reduced by 33% to 4 persons. This reduction in occupants is a benefit to the amenity of the neighbouring properties. This reduction and benefit offset the potential for increased footfall for cleaning and changing between short-term lets. Furthermore, the cleaning and changing footfall would occur during regular daytime hours, which would not have an adverse effect on the upper floor occupants.

4. Changes to short term let will improve communal areas.

The aim to provide a higher degree of luxury in the short-term letting of this flat means that the communal areas will also benefit. During the long-term letting of the property the ground floor communal area has not been cleaned regularly, the rear door has deteriorated and become a nuisance as it required to be slammed closed and the rear entrance area had not been used and no 'ownership' had been taken of the space. Anecdotally, the same piece of clothing was hanging on the washing line for at least 3 months, with other items sat in the courtyard area, untouched for years.



Figure 7 & 8 – Previous open plan living space & newly renovated kitchen within living space

The internal communal area has since been cleaned on several occasions and would be regularly cleaned as part of the short-term let cleaning process. The rear door has been replaced and upgraded as part of the works, as this is anticipated to be the main access for short-term lets. This allows the typical keybox or electronic lock to not impact the street frontage.

The rear 'garden' area has been cleaned and tidied as part of the renovation works, and would be maintained regularly as it is seen as vital for first impressions for the short-term let clients. These changes will be a benefit for the amenity of the neighbours, compared to the potential of a long term let not taking care or 'ownership' of the communal areas, as has been the case. The space is shown below and is clearly not a socialising space.



Figure 9 & 10 – Renovation of rear property access to garden area



Figure 11 & 12 – Rear courtyard area before & after – weeded and junk removed.

The flat has dedicated, off street parking, which again allows the occupants and the hosts to limit their impact on the amenity of direct neighbours and the surrounding community.

We have included images of the minimal communal areas and also some images which show the intended high quality of the flat. Therefore we feel that the change of use of this unique flat to high quality short-term let accommodation would have no adverse impact on amenity of the neighbours, and would bring a relatively 'good' type of tourist and should be reconsidered on that basis.

To further note the flat has been let as a multiple occupant single family dwelling with more people than the current planning application for over 5 years and no noise complaint has been received from the other residents. Additionally, on asking the other residents, they haven't had issues with noise transmission from below hence it would not be expected that the change of use would introduce additional disturbance.

4. Scale of the Property

Summary

The Reason for Decision notes that the “*scale of the property could further result in less than half of the occupants residing in the building being mainstream residents*”. Although touched on above, we feel that this requires to be addressed specifically.

1. Scale of property has been reduced.
 - a. Previously up to six people in flat (60% of building occupancy).
 - b. Application is only for four people (50% of building occupancy).

Details

1. Scale of property has been reduced.

The flat is currently a single family flat with 3 bedrooms (up to 6 person) and has been let most recently on that basis. The upper flats are assumed to be 1 bedroom, 2 person flats. Therefore, the flat as a 3-bedroom, 6 person flat occupies 60% of the occupancy of the building. The reduction to a 2-bedroom, 4 person flat would reduce this to 50% of the occupancy of the building.

We object to the wording ‘could further result’ being used in the Reason for Decision as it makes many assumptions about the current and potential occupancies of all of the flats in the building.

This reduction in occupancy also undermines the Reason for Decision’s presumption that the use of the space for social activities will be intensified. We feel that this part of the Reason for Decision is misleading as the scale of the property has been reduced, and the application should be reconsidered on the information noted above.

5. Shared Spaces and Security

Summary

The planning response makes note of an impact on the security and character of the shared spaces.

The flat only has two shared spaces the communal hallway and the rear garden. The change to a short term let is unlikely to impact the other residents any more than a long-term rental. The short term let property is on the ground floor as such any guests would not pass by the front door of any of the other properties. Additionally, the rear garden is unlikely to be used as it lacks amenities as its mainly a concrete courtyard and outdoor storage.

Both these spaces had little in the way of maintenance pre-renovation, the change of the property would improve both these spaces as they would be made part of the regular maintenance schedule to ensure a positive guest experience.

Details - Shared spaces – Currently only two shared spaces

1. Hallway

1. The hallway is the only internal shared space.
2. The flat seeking permission is on the ground floor hence any entry / exit would not pass by the front doors of the other flats.
3. To access the other flats you need to go up two flights of stairs.
4. The change to Short Term Let would improve the hallway as this would be part of the cleaning scope and maintenance.
5. Prior to the renovation this space was not regularly cleaned or maintained.

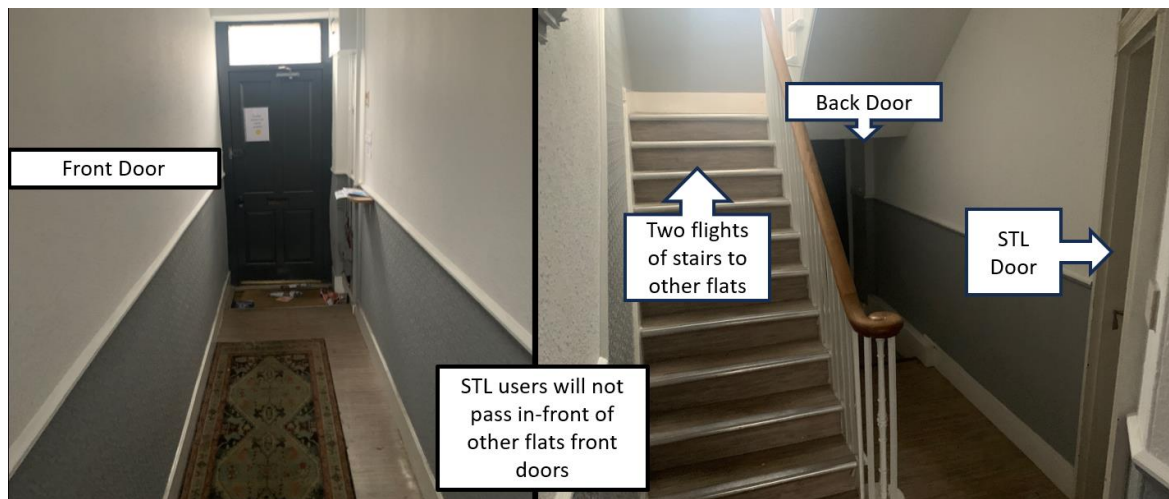


Figure 13 & 14 – Internal shared space – Hallway – Showing entrance to building an entrance to proposed short term let (STL)

2. Garden

1. The outside garden is not commonly used by the residents and would not likely be used by any visitors to the short term let due to lack of amenities.
2. Prior to the latest renovation the garden had little maintenance over the last 5 to 7 years, as the garden furniture was in a poor state and some items that had been left there by previous tenants and not removed for several years.
3. As part of the renovation this area has been cleaned and the junk items removed improving the overall character of building and space for residents.
4. The only windows that can be look directly into the garden are from the property seeking planning, hence there is no issue on privacy.
5. The change to Short Term Let would improve the Garden as this would be part of the cleaning scope and maintenance. Prior to the renovation this space was not regularly cleaned or maintained



Figure 15 & 16 – Shared space – rear garden showing access, previous state and improved state as part of the STL (short term let) renovation.

Summary – Security / Parties

1. The short term let will use a professional management company.

- The property will be let by a professional management company with a track record of successfully managing Short Term Let properties.
- This company vets' tenants before they rent the property and are declined if it is expected that they will use the properties for parties or similar
- The property will be managed by a team including an ex-police officer and in the last few years only 2 complaints have occurred during a letting out of several thousand lets.
- The management company has been empowered to remove any tenants who break the house rules which include parties.
- The management company number is available to the other residents in the building who can contact them in the event of an issue.
- Due to the above we expect that the property will have better oversight than many long-term rentals due to having a strong management team in charge.

Note – Appendix A contains management company details in addition to their responses to some of the items raised in the planning response.

2. Access control

- Access to the property will be via a smart lock system, this will only allow access using an app during the allotted rental time the code will then stop working.
- This prevents unauthorised access outside of the letting period providing additional security.

3. Owners' alignment

Comment from owners

- We have no interest in the flat being used for parties, we have just spent a significant amount of money on renovation of the property and want to maintain it to the current high standard, using the flat as a party place would not align with this nor be in our interest hence we will work with our property management company to ensure only high quality guests rent the property to limit the impact on the other residents in the area.

Overall Summary

The above supporting information seeks to address the Reasons for Decision by looking at specific areas. We feel that these areas are the significant basis for the Reason for Decision, and therefore feel that the information provided above should allow the decision to be reversed and the application to be approved on appeal.

The main reason we feel the decision should be reversed is the non-adverse impact on the amenity of the neighbours by this specific proposal. The Reason for Decision notes 'significant adverse impact', however the word significant is defined as "sufficiently great or important to be worthy of attention; noteworthy". Given the high traffic and noise nature of the local area & the reduction in number of people in the property it is unlikely that anyone in the local area would be aware of the change of use, therefore we feel the change of use falls below the bar of 'significant'.

We appreciate there are potential problems with short-term let, but we feel the unique situation of this flat would result in an overall betterment of the amenity of other residents, and any perceived impact would not be considered 'significant'.

We trust that the noted misrepresentation of some of the information relating to the proposals also add to the reconsideration of the application.

I trust you find the above and submitted in order. Should you have any queries please get in touch.

Yours sincerely



Richard Slater - Architect
ARB | RIAS | RIBA | BSc. (Hons.) Arch

Appendix A – Notes on management company

Heritage Hosting

Website: <https://www.heritagehosting.co.uk/>

Address: Little Square Oldmeldrum Aberdeenshire, AB51 0AY

Phone: 01224 678 888

Email: enquiries@heritagehosting.co.uk

The property will be managed by Heritage Hosting, an independent and family-run company based in Aberdeenshire, supporting local businesses.

Below is some direct feedback in relation to the planning application from Amanda Houston-Reilly from Heritage hosting who will be managing the Ferryhill property. She has extensive experience of managing properties in addition to having been a police officer in her previous career. She will be available 24/7 during lets to support the guests and manage any problems that may arise.

1. Quick overview of your company and experience.

Heritage Hosting is a relatively new company. We are owned by our sister company PMC property management & Lettings and have an extensive portfolio of long term rentals and factoring developments throughout the North East.

We were approached a number of times by existing clients to manage their short term rentals and that's when we decided to offer this service. We are a full feet up management company offering 24/7 365 days a year guest support, we are based in Aberdeen and Aberdeenshire which allows us to react to any property/guest issues promptly.

I will be your day to day property manager and I personally have four years experience in the short term rental sector, I was previously managing a portfolio of 100 properties throughout Scotland. Being a professional company as opposed to an individual host we are able vet everyone of our guests prior to our stay. We also utilise software to assist in our operation which many smaller operators don't offer.

2. How you screen potential guests to make sure that disruptive guests do not rent the property.

We don't allow any guests to auto book, everything must come through to us for approval. We only accept Airbnb guests with a profile photo and a guest rating of 4* and above. It works similarly on other platforms.

If we take a direct booking, we insist on Identification and bookers must be over 18 years old. When a guest books we get their credit/debit card location and if this flags up as someone local its vetted by a further call to establish their reason for travel.

I was previously a police officer and extremely good at recognising a undesirable booking. Should a disruptive guest enter the property, the benefit over a long term tenant is I can eject them almost immediately with no refund.

3. **Overview of the number of noise / party incidents you've had historically and how these were dealt with.**

I have dealt with over 1,800 short term bookings and in that time I have had two incidents whereby a party took place. The first one was during the lockdown and was reported to me by a neighbouring property. I immediately attended along with police, all occupants were made to leave and the property resecured. A second instance was much more minor, whereby a neighbouring property said they could hear high heels and music from the property above. I called the guest advised the importance of our relationships with our neighbours and it was immediately turned down.

4. **Any other comments**

There is zero evidence to suggest that a short term rental generates more noise than a permanent resident. Having been a police officer myself and working in the long term industry also, its evident that many long term tenants can be extremely noisy, disrespectful and almost impossible to get evicted. Permanent residents can make noise on an ongoing basis, play loud music and use washing machines etc late into the evening. Permanent residents can be shift workers and also go at all hours of the day and night.

Should we have a noisy guest, I can have them removed within 24 hours.

There are things we can put in place such as a Minut system which monitors noise within the property and alerts us to any raised noise.

Its worth noting we are a professional company who want to attract the best of guests and this property would be aimed at a corporate market. I don't want noise complaints anymore than the neighbouring properties as its me that needs to deal with them late into the evening, so rest assured we so everything in our power to prevent these from happening.

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Short Term Let Accommodation

Planning Supporting Information Checklist



Property Address and Floor Level: 23 Ferryhill Terrace, Aberdeen AB11 6SR -

What is the maximum number of occupants that would be allowed to stay in the property?	4 occupants
How many bedrooms and beds would there be?	2 Bedrooms, 2 Beds
What is the minimum duration of stays for customers?	2 night minimum
Please also state the maximum duration of stay, if applicable.	30 nights maximum
Would there be any car parking available for customers?	on street parking, 1 space
If yes, how many spaces and what type? (i.e. dedicated off-street space, on-street etc)	dedicated off street.
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?	Permanent
If not permanent, please provide further details	
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?	3pm check in 10am check out
Please advise what the arrangements would be, including frequency, for cleaning the property and how would waste be disposed of?	cleaning at every guest departure communal bins
Does the property share a communal access with any other properties and if so, how many?	yes, 2 other
Does the property have access to any communal amenities, including garden ground or roof terraces?	N/A
If so, provide details	
If known, how many other properties in the building are currently in use as Short Term Let accommodation?	N/A
If the application seeks permission retrospectively, how long has the property been in use as Short Term Let accommodation?	N/A
Please provide any existing online links to view & book the accommodation, if available:	

 <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:	Hillview, Skene Road, Aberdeen, AB15 8SL
Application Description:	Erection of single storey link extension and 1.5 storey extension with integrated garage to front
Application Ref:	230723/DPP
Application Type:	Detailed Planning Permission
Application Date:	13 June 2023
Applicant:	Mr Kenneth Sutherland
Ward:	Lower Deeside
Community Council:	Cults, Bieldside and Milltimber
Case Officer:	Esmond Sage

DECISION

Refuse.

APPLICATION BACKGROUND

Site Description

The site, measuring approximately 0.17 hectares, lies south-west of the intersection of the A944 and A90 public roads within the green belt on ground that rises to the south. It is accessed at its north-east corner from a private track road off the A944, and is surrounded on all sides by neighbouring fields. The track serves another dwellinghouse approximately 90 metres to the south; and there is a farm approximately 150 metres to the west. A gas pipeline runs approximately 50 metres to the west.

At the north end of the site is a traditional croft cottage dating back to the 1st edition Ordnance Survey map, originally part of Backhill Croft. The cottage has been extended in subsequent years on all four elevations, consisting of two flat-roof extensions on the north and east; hipped roof and flat-roof sun porch extensions on the south; and a lean-to shelter on the west. The extension to the north accommodates 2 bedrooms for the house. The house is rendered in white wet dash with slate roof, dark brown uPVC and black timber windows and black metal guttering. There is a detached monopitch garage in white wet dash to the house's west.

Relevant Planning History

None.

APPLICATION DESCRIPTION

Description of Proposal

It is proposed to demolish the garage and the dwellinghouse's extensions. A single-storey extension measuring approximately 8.7 x 13.6 x 4.6 metres to ridge height would be erected on the south elevation, not including a flat-roof linking entranceway extension between the house and main proposed extension measuring approximately 4.7 x 3.7 x 3.0 metres. The cottage would be reconfigured to provide lounge and kitchen space and the proposed extension would accommodate two bedrooms, ensuite, bathroom, utility room and garage with space for two cars. The main extension would take the form of two gables, one for the garage and one for the habitable space. The extension would be clad in natural-finished timber with grey metal standing seam roofing to the main extension and single-ply membrane to the link entranceway. Windows would be grey alu-clad timber and guttering grey metal. Solar panels would be installed on the cottage and extension and rooflights and windows installed to the cottage's northern elevation.

Amendments

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

- Redesign of extension to reduce its height and alter its elevation form.

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=RW6RT0BZKFU00>

- Design Statement
- Drainage Statement
- Bat Report

CONSULTATIONS

Health and Safety Executive (HSE) – do not advise on safety grounds against the granting of planning permission.

Shell UK Ltd. – has advised that the development would not affect the pipeline or its servitude strip.

Cults, Bielside and Milltimber Community Council – no comment 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 (NPF4)

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 8 (Green Belts)
- Policy 14 (Design, Quality and Place)
- Policy 16 (Quality Homes)
- Policy 23 (Health and Safety)

Aberdeen Local Development Plan 2023 (ALDP)

- Policy NE1 (Green Belt)
- Policy NE3 (Our Natural Heritage)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D4 Landscape
- Policy T3 (Parking)
- Policy B6 (Pipelines, Major Hazards and Explosives Storage Sites)

Aberdeen Planning Guidance (APG)

- Householder Development Guide
- Transport and Accessibility

EVALUATION

Principle of Development

The site is in the green belt as designated by the Aberdeen Local Development Plan 2023 (ALDP) and therefore its principle is considered under ALDP Policy NE1 (Green Belt) and Policy 8 (Green Belts) of National Planning Framework 4 (NPF4). NPF4 Policy 8 permits ancillary extensions to existing buildings in the green belt, subject to policy outcomes that include the protection and enhancement of the character, landscape, natural setting and identity of settlements. Consideration of how the proposal does or does not achieve this outcome draws in other policies of the statutory development plan including Policy 14 (Design, Quality and Place) and Policy 16 (Quality Homes) of NPF4 and Policy D1 (Quality Placemaking) and Policy D4 (Landscape) of ALDP, which are considered in further detail in this evaluation.

ALDP Policy NE1 has a general presumption against development in the green belt except in limited circumstances which the policy sets out. Criterion (d) states that development will be permitted where it '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)'.

It is accepted that the development would not significantly intensify the activity at the dwellinghouse, as the number of bedrooms would remain the same and broadly a similar amount of accommodation would be provided on site as at present. On the question of scale and subordination to the existing dwellinghouse, the Householder Development Guide APG provides additional guidance in considering the design and scale of house extensions. General principles relevant to this question are that extensions should not overwhelm or dominate the dwelling and should be visually

subservient in terms of height, mass and scale. The built footprint of the dwellinghouse should not exceed twice that of the original dwelling, and no more than 50% of the front or rear curtilage should be covered by development.

Development of front and rear curtilage

The Design Statement submitted in support of the application asserts that the rear curtilage is 418 square metres and that the extension would occupy 118 square metres of this, leaving 300 square metres of rear undeveloped amenity ground. No drawings have been provided clarifying how the figure of 418 square metres has been derived, and upon undertaking calculations the extension's footprint would in fact would be approximately 128 square metres.

The house and site layout does not lend itself to a straightforward definition of front and rear curtilage. It is likely the property's original front doorway would have been in the middle of the south elevation; it is now on the east elevation through the sun porch. However, the extent of garden ground to the south and the northern approach are indicative that the primary area of garden ground lies to the south.

The rear curtilage so defined would be approximately 561 square metres. The extension's footprint would be approximately 128 square metres and hardstanding approximately 127 square metres, resulting in total development of 255 square metres, or 45% of the rear curtilage. While this does come under the 50% set as an upper limit by the guidance, the proposal's layout, in particular the placement of the garage to the far south of the curtilage, results in a greater extent of development than is necessary for the accommodation sought, contrary to the underlying principles that curtilage development should be minimised wherever possible, especially in the green belt. The garage is placed approximately 2.5 metres from the site boundary and approximately 0.5 metres from the embankment up to the site boundary, giving the impression of development almost right across the rear curtilage. Likewise, the garage's location would necessitate the extension of the driveway to the rear of the site and further unnecessary development of the curtilage. As the remaining undeveloped curtilage would be located towards the west out of public view, the result would be the appearance, in a rural setting, of a residential curtilage largely developed almost up to its boundaries. This would be detrimental to the green belt's rural character and setting, presenting the visual impression of an over-developed housing plot atypical of the nature of rural residential development in the area, characterised by houses set within largely open curtilages which do not abruptly address the surrounding fields.

ALDP Policy D4 (Landscape) requires development not to adversely affect those existing elements of landscape character which contribute towards a distinct sense of place. The main external viewpoints of the site are from the east, where the property is set against a backdrop of the valley along which runs the A944 public road, between two hills and with a view through to Westhill and the larger hills of Aberdeenshire beyond. The cottage and the relatively open boundary treatment it presents currently makes a distinctive and positive contribution to this landscape, balanced among several features that draw the eye including the scattered farms, hills and the conurbation further in the distance. The proposed extension, by developing almost up to the curtilage boundary and having a dominant effect on the original dwellinghouse, would detract from this contribution by drawing undue attention to the property and upsetting this balance. The proposal would therefore harm the existing elements of the landscape which contribute towards its distinct sense of place, and is contrary to ALDP Policy D4.

Built footprint and the original dwelling

There is no definition in the ALDP for 'original dwelling', although it is noted that the Scottish Government definition for this term in the householder permitted development rights, where it is often used when setting out criteria for extensions, is 'the dwellinghouse as built or as it was on 1

July 1948 if it was built before then.’ There is no precise information on the date of the extensions, however historic mapping and their design would indicate the likelihood that the north, east, and south extensions post-date 1948, with at least some in place by the mid-1960s.

The footprints of the existing and proposed built elements are summarised below. All dimensions are approximate and in square metres:

Existing		Proposed	
Original cottage as built	60	Original cottage as built	60
Extensions	73	Extension	128
<i>Total footprint of house</i>	<i>133</i>		<i>188</i>

These figures do not include the original garage to be demolished, as this is detached from the dwellinghouse and does not have the same impact in terms of scale and relationship.

The development which would result from the proposal would therefore be the original cottage restored to its footprint of 60 square metres by demolishing the existing extensions, with a consolidated extension that had a footprint of 128 square metres.

Given the considerations above, it is acknowledged that there is ambiguity in determining whether the proposal would more than double the footprint of the original dwellinghouse. While the proposal would result in the removal of several unsympathetic extensions which have been successively added to the cottage over the 20th century to facilitate its ongoing use, these are relatively small scale. Due to these, there would be sufficient grounds to accept in principle that it may be possible to extend the cottage substantially. However, the restoration and clarification of the original cottage’s form and the intention behind the APG reintroduce a requirement to extend the property in a way that is sensitive to the cottage’s original scale before any extension took place. Such matters will be discussed below.

Visual subservience

The proposed extension would be kept at a height just below the existing ridge height of the cottage and set back just behind the eastern building line. Along the main eastern elevation, the development would run behind the cottage to a width of approximately 17.4 metres, in comparison to the cottage’s gable width of approximately 5.3 metres. This would be more than three times the gable width of the cottage and would present the extension as the dwellinghouse’s dominant mass rather than the dwellinghouse. The Design Statement submitted in support of the application asserts that this view would ‘always be [at] an acutely skewed angle’ and therefore the impact of its mass diminished; however this is not the case, as the site is visible not only from the north-east but also the east from the road serving the house which runs parallel to the A90. From this vantage point, the eastern elevation can be fully and directly viewed, and the proposed extension would present an impression of dominating the existing dwellinghouse at a length more than three times the original, having an adverse impact on the dwellinghouse’s character by diverting attention from the cottage as the focal point of the site as has historically been the case in this landscape.

It is acknowledged from the Design Statement that layout alternatives were considered at the concept stage which would place the extension parallel to the cottage with a single gable end facing east. This would have diminished the visible difference in extent between the two masses and potentially resulted in a more acceptable dialogical relationship between the extension and the cottage in this respect. It had been excluded by the applicant on the grounds of dominant height and a dominant intrusion past the eastern building line; however the height is not determined by this layout and the problem of the eastern building line assumes the necessity of adjoining the garage

to the dwellinghouse. Retaining a detached garage as is on site at present could remove the need to build past this building line and would substantially reduce the proposed extension's scale, opening up the options for extending the cottage in such a way that did not overly dominate it.

The stated justifications in the Design Statement for integrating the garage are to store heating and renewable energy equipment and to 'future proof' the property with potential to adapt it into a habitable space. The first justification has not been sufficiently evidenced despite requests and the second is not considered compelling given the character of the proposal. In order to ensure development in the green belt was as modestly scaled as possible, the appropriate point at which to consider such a substantial extension of the property's habitable space would be via a separate planning application at such time that adaptation were required, not before the fact.

Given the considerations above under APG in relation to the requirement of ALDP Policy NE1 that house extensions in the Green Belt be small scale, it is considered that the proposal would not be small scale with respect to the original dwellinghouse, contrary to the requirements of ALDP Policy NE1. The result would be an extension which dominates the existing dwellinghouse and in so doing, given the house's setting, have a dominant and harmful effect on the character of the surrounding landscape, potentially setting a precedent for similar such developments in the green belt. This would run contrary to the policy outcome for NPF4 Policy 8 that the character, landscape, natural setting and identity of settlements is protected and enhanced via all development in the green belt.

Amenity and Design

ALDP Policy D2 (Amenity) requires developments to secure sufficient amenity for their occupants and neighbours, in particular by making the most of any opportunities offered by the site to optimise views and sunlight through appropriate siting, layout and orientation, and to not negatively impact existing amenity. The property is sufficiently distanced from any neighbouring property that it would not negatively impact neighbouring amenity.

It is acknowledged from the Design Statement that the proposed layout has taken consideration of the site's context, constraints and opportunities for amenity. There is agreement that the best outlook from the site would be towards the west and that appropriate siting of the extension's habitable spaces would maximise this opportunity. However, the proposal attempts to do this much at the expense of the site's southern curtilage, which also contributes significantly to the property's amenity being the largest extent of garden ground, oriented towards the sun's path to the south. The garage's siting as an integrated garage at the southern end of the extension would prevent much of the enjoyment of any sunlight towards the south, to the detriment of the property's amenity. The application therefore would not accord with ALDP Policy D2 (Amenity).

ALDP Policy D1 (Quality Placemaking) also bears upon considerations of design, scale and amenity, as it requires developments to demonstrate the six qualities of successful places, to be distinctive, welcoming, safe and pleasant, easy to move around, adaptable and resource efficient. NPF4 Policy 14 (Designing Quality Places) sets out similar criteria which do not conflict with Policy D1. The proposal would generally meet the latter three criteria. In terms of design, its use of materials would generally meet these requirements, as the timber cladding and metal standing seam roof would be sympathetic in relation to the design and materials of the traditional cottage.

The proposed extension's architectural form consists of two gable forms joined together and connected with the original cottage via a lower flat-roof link. Extending a small traditional cottage in this way, through a new form which is set apart from it and connected through a subservient link, has been done successfully and can be accepted in principle; one of the main advantages being that the cottage's original form can be most fully expressed while still extending the property. The form of the two adjoined gables recalls agricultural building forms which would be appropriate for the cottage's rural setting, and is suggestive of the typical arrangement of traditional farmhouse set

alongside farm sheds. However, the success of this strategy for extension is dependent upon a sympathetic relationship between the original dwellinghouse and its extension. As discussed above, the extension's scale and massing would have a dominating effect on the existing original cottage. The width of each extension gable would be greater than that of the original cottage, resulting in a formal rhythm that was disruptive to the appearance of the development as a whole.

It is considered that the scale and form of the proposal would be unsympathetic to the existing dwellinghouse, resulting in a development which did not meet the criteria for distinctiveness or welcome, diminishing the characteristic sense of place that currently exists. Likewise, given the considerations regarding amenity, the application would have a negative impact on the site's pleasantness, contrary to ALDP Policy D1 and NPF4 Policy 14. It is further contrary to NPF4 Policy 16 (Quality Homes), which requires householder developments to not have a detrimental impact on the character of the home and surrounding area in terms of size and design.

Climate and Nature Crises

The property has been considered a potential habitat for bats. ALDP Policy NE3 (Our Natural Heritage) requires development to not have a detrimental impact on important habitats or protected species. NPF4 Policy 3 (Biodiversity) further requires development to minimise any potential adverse impacts on biodiversity. The submitted Bat Report satisfactorily demonstrates that there are no signs of bats at the property and that no mitigation would be required with respect to bats.

As a householder extension, the application would not have a significant impact with regards to the climate crisis. It therefore meets the requirements of NPF4 Policy 2 (Climate Mitigation and Adaptation). Given the considerations regarding biodiversity above, it accords with NPF4 Policy 1 (Tackling the Climate and Nature Crises).

Parking

ALDP Policy T3 Parking is supported by Aberdeen Planning Guidance: Transport and Accessibility in ensuring that development has sufficient parking to meet a development's requirements. The property is within the Outer City Area where 2 allocated spaces are set as maximums for dwellings of up to 3 bedrooms and 3 allocated spaces for dwellings of 4 or more bedrooms. The proposal does not alter the property's existing count of 2 bedrooms and provides 2 parking spaces via the double garage. It therefore accords with ALDP Policy T3.

Pipeline

ALDP Policy B6 (Pipelines, Major Hazards and Explosives Storage Sites) places a requirement on the Council to consult the Health and Safety Executive (HSE) for all applications that fall within the consultation zone of a pipeline or other major hazards site, and to take full account of any advice received. Pipeline operators additionally will be consulted. NPF4 Policy 23 (Health and Safety) likewise requires development proposals to take full account of any associated risks from being close to pipelines and holds a strong presumption against decision making that overrides advice from HSE. HSE and the nearby pipeline operator Shell UK have both advised of no objection to the application. The application therefore accords with ALDP Policy B6 and NPF4 Policy 23.

DECISION

Refuse.

REASON FOR DECISION

The proposed extension would not be small-scale or subordinate to the existing dwellinghouse, its footprint and orientation being such that it would dominate the house in scale and massing, contrary to the stated exceptions for development to be permitted in the green belt under Policy NE1 (Green Belt) of the Aberdeen Local Development Plan 2023 (ALDP) and the policy outcome of Policy 8 (Green Belts) of National Planning Framework 4 (NPF4) that the character, landscape, natural setting and identity of settlements is protected and enhanced. It would further be contrary to the requirements for householder development in Policy 16 (Quality Homes) of NPF4 and would diminish the amenity of the dwellinghouse by building over a substantial part of the dwellinghouse's rear curtilage, contrary to the requirement to be welcoming and safe and pleasant under Policy D1 (Quality Placemaking) and Policy D2 (Amenity) of the ALDP and Policy 14 (Design, Quality and Place) of NPF4.



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 100631221-001

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)

Alterations and extension to dwellinghouse

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:	Rachael Walker Architects Ltd		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Rachael	Building Name:	Mill of Braco Croft
Last Name: *	Walker	Building Number:	<input type="text"/>
Telephone Number: *	01467 681536	Address 1 (Street): *	Pitcaple
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Inverurie
Fax Number:	<input type="text"/>	Country: *	Aberdeenshire, Scotland
		Postcode: *	AB51 5JA
Email Address: *	rachael@rwalkerarchitects.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	Hillview
First Name: *	Kenneth	Building Number:	<input type="text"/>
Last Name: *	Sutherland	Address 1 (Street): *	Kingswells
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Aberdeen
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	AB15 8SL
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

HILLVIEW

Address 2:

SKENE ROAD

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 8SL

Please identify/describe the location of the site or sites

Northing

806089

Easting

385050

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)

Queried the requirement for a bat survey for this property/location. Aoife suggested a PRA was carried out, with the results driving the requirement for or against further investigation. External consultant was appointed on this basis. Survey completed June 2023. Report to follow.

Title:

Ms

Other title:

First Name:

Aoife

Last Name:

Murphy

Correspondence Reference Number:

Date (dd/mm/yyyy):

04/04/2023

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.

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: Rachael Walker

On behalf of: Mr Kenneth Sutherland

Date: 06/06/2023

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: Mrs Rachael Walker

Declaration Date: 13/06/2023

Payment Details

Pay Direct

Created: 13/06/2023 10:29

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Rachael Walker
Rachael Walker Architects Ltd
Mill Of Braco Croft
Pitcaple
Inverurie
Aberdeenshire
AB51 5JA

on behalf of **Mr Kenneth Sutherland**

With reference to your application validly received on 13 June 2023 for the following development:-

Erection of single storey link extension and 1.5 storey extension with integrated garage to front at Hillview, Skene Road

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

Drawing Number	Drawing Type
127 - PL-05 B	Site Layout (Proposed)
127 - PL-06 B	Multiple Floor Plans (Proposed)
127 - PL-07 B	Multiple Elevations (Proposed)
127 - PL-08	Other Drawing or Plan
	Design Statement
127 - PL-03 A	Elevations and Floor Plans
127 - PL-01	Location Plan
	Bat Survey

DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION

Redesign of extension to reduce its height and alter its elevation form.

REASON FOR DECISION

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

The proposed extension would not be small-scale or subordinate to the existing dwellinghouse, its footprint and orientation being such that it would dominate the house in scale and massing, contrary to the stated exceptions for development to be permitted in the green belt under Policy NE1 (Green Belt) of the Aberdeen Local Development Plan 2023 (ALDP) and the policy outcome of Policy 8 (Green Belts) of National Planning Framework 4 (NPF4) that the character, landscape, natural setting and identity of settlements is protected and enhanced. It would further be contrary to the requirements for householder development in Policy 16 (Quality Homes) of NPF4 and would diminish the amenity of the dwellinghouse by building over a substantial part of the dwellinghouse's rear curtilage, contrary to the requirement to be welcoming and safe and pleasant under Policy D1 (Quality Placemaking) and Policy D2 (Amenity) of the ALDP and Policy 14 (Design, Quality and Place) of NPF4.

Date of Signing 12 December 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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Advice : HSL-230711163003-369 Crosses Consultation Zone

Please enter further details about the proposed development by continuing with the enquiry on the HSE's Planning Advice Web App from the Previous Enquiries tab either now or at a later time, unless the Web App has stopped the process and notified you to contact HSE.

Your Ref: 230723/DPP

Development Name: Hillview, Kingswells, Aberdeen, AB15 8SL

Comments:



The proposed development site which you have identified currently lies within the consultation distance (CD) of at least one major hazard site and/or major accident hazard pipeline; HSE needs to be consulted on any developments on this site.

This advice report has been generated using information supplied by Esmond Sage at Aberdeen City Council on 11 July 2023.

You will also need to contact the pipeline operator as they may have additional constraints on development near their pipeline.

- 6776_ Shell UK Exploration & Production

HSL/HSE accepts no liability for the accuracy of the pipeline routing data received from a 3rd party. HSE/HSL

also accepts no liability if you do not consult with the pipeline operator.

You may wish to contact HSE's Planning Advice team to discuss the above enquiry result on 0203 028 3708 or by email at lupenquiries@hse.gov.uk.

Advice : HSL-230711163003-369 DO NOT ADVISE AGAINST

Your Ref: 230723/DPP

Development Name: Hillview, Kingswells, Aberdeen, AB15 8SL

Comments:

Land Use Planning Consultation with Health and Safety Executive [Town and Country Planning (Development Management Procedure) (England) Order 2015, Town and Country Planning (Development Management Procedure) (Wales) Order 2012, or Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013]

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of Aberdeen City Council.

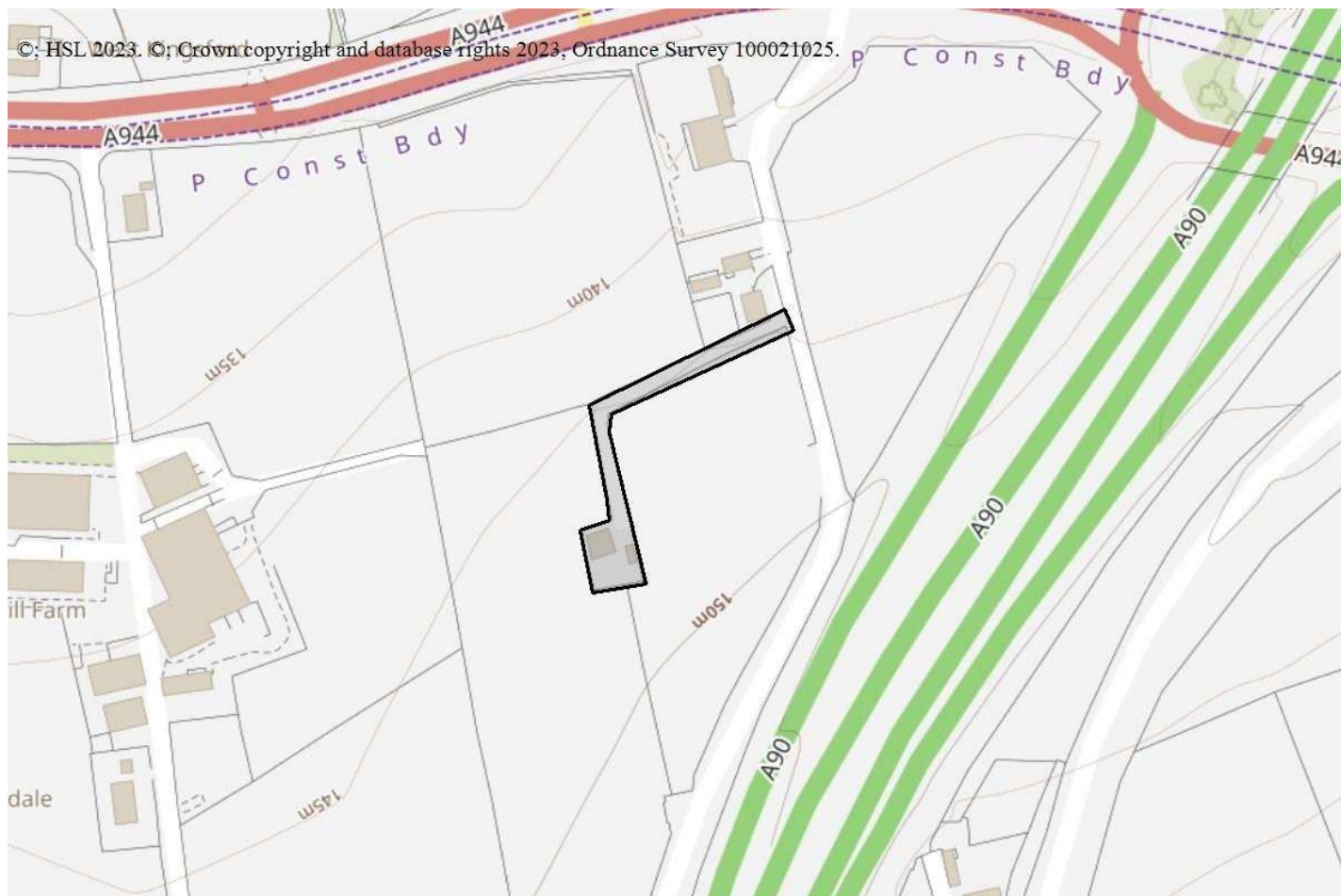
HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.



Breakdown:

Housing : Do Not Advise Against

How many dwelling units are there (that lie partly or wholly within a consultation distance)? Less than 3



Pipelines

- 6776_ Shell UK Exploration & Production

As the proposed development is within the Consultation Distance of a major hazard pipeline you should consider contacting the pipeline operator before deciding the case. There are two particular reasons for this:

- The operator may have a legal interest (easement, wayleave etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline.
- The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline. Consequently there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds.

HSE's advice is based on the situation as currently exists, our advice in this case will not be altered by the outcome of any consultation you may have with the pipeline operator.

This advice report has been generated using information supplied by Esmond Sage at Aberdeen City Council on 11 July 2023.

Note that any changes in the information concerning this development would require it to be re-submitted.



Esmond Sage
Strategic Place Planning,
Business Hub 4,
Marischal College,
Broad Street, Aberdeen, AB10 1AB

Shell U.K. Limited
Orchardbank Industrial Estate
FORFAR
Angus
DD8 1TD
United Kingdom
Tel +44 1307 462225
Internet <http://www.shell.co.uk>

5th July 2023

Your ref: **230723/DPP**

Our ref: UPO/W/G/NM/AM/kc/23/18

Dear Esmond

Proposal: Detailed Planning Permission
Erection of single storey link extension and 1.5
storey extension with integrated garage to front

Address: Hillview
Skene Road
Aberdeen
AB15 8SL

Grid Reference: 385050, 806089

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

Yours faithfully
Shell U.K. Limited

Andy Mottram

Pipelines ROW Inspector



Shell U.K. Limited

Tel: +44 1779 872216

Mobile: 07841 526495

Email: andrew.mottram@shell.com

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

Shell U.K. Limited,
Registered in England number 140141,
Registered office Shell Centre London SE1 7NA,
VAT reg number GB 235 7632 55

230723-DPP Skene Road 05-07-23

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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 100631221-004

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

Site Address Details

Planning Authority:

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

Easting

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:	Rachael Walker Architects Ltd		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Rachael	Building Name:	Mill of Braco Croft
Last Name: *	Walker	Building Number:	<input type="text"/>
Telephone Number: *	01467 681536	Address 1 (Street): *	Pitcaple
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Inverurie
Fax Number:	<input type="text"/>	Country: *	Aberdeenshire, Scotland
		Postcode: *	AB51 5JA
Email Address: *	rachael@rwalkerarchitects.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	Hillview
First Name: *	Kenneth	Building Number:	<input type="text"/>
Last Name: *	Sutherland	Address 1 (Street): *	Kingswells
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Aberdeen
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	AB15 8SL
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Proposal/Application Details

Please provide the details of the original application(s) below:

Was the original application part of this proposal? *

Yes No

Application Details

Please select which application(s) the new documentation is related to.

Application: *

Document Details

Please provide an explanation as to why the documentation is being attached after the original application was submitted: * (Max 500 characters)

Checklist – Post Submission Additional Documentation

Please complete the following checklist to make sure you have provided all the necessary information in support of your application.

The additional documents have been attached to this submission. *

Yes No

Declare – Post Submission Additional Documentation

I/We the applicant/agent certify that this is a submission of Additional Documentation, and that all the information given in this submission is true to the best of my/the applicants knowledge.

Declaration Name: Mrs Rachael Walker

Declaration Date: 23/11/2023

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Application 230723/DPP - Hillview, Skene Road

Development Plan

National Planning Framework 4

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

- Policy 1 (Tackling Climate and Nature Crises)
- Policy 2 (Climate Mitigation)
- Policy 3 (Biodiversity)
- Policy 8 (Green Belts)
- Policy 14 (Design, Quality and Place)
- Policy 16 (Quality Homes)
- Policy 23 (Health & Safety)

Proposed Aberdeen Local Development Plan (2020) / Aberdeen Development Plan 2023

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

- Policy H1 – Residential Areas
- Policy NE1 (Green Belt)
- Policy NE3 (Our Natural Heritage)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D4 Landscape
- Policy T3 (Parking)
- Policy B6 (Pipelines, Major Hazards and Explosives Storage Sites)

Other Material Considerations

Aberdeen Planning Guidance

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

[Householder Development Guide](#)

[Transport and Accessibility](#)

Other National Policy and Guidance

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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 100631221-005

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

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="Rachael Walker Architects Ltd"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Rachael"/>	Building Name:	<input type="text" value="Mill of Braco Croft"/>
Last Name: *	<input type="text" value="Walker"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="01467 681536"/>	Address 1 (Street): *	<input type="text" value="Pitcaple"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Inverurie"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Aberdeenshire, Scotland"/>
		Postcode: *	<input type="text" value="AB51 5JA"/>
Email Address: *	<input type="text" value="rachael@rwalkerarchitects.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" value="Hillview"/>
First Name: *	<input type="text" value="Kenneth"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Sutherland"/>	Address 1 (Street): *	<input type="text" value="Kingswells"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB15 8SL"/>
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="HILLVIEW"/>
Address 2:	<input type="text" value="SKENE ROAD"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB15 8SL"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="806089"/>	Easting	<input type="text" value="385050"/>
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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)

Alterations and extension to dwellinghouse

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 separate Notice of Review Statement

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

Yes No

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

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

Please see Appendix One to the Notice of Review Statement

Application Details

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

230723/DPP

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

13/06/2023

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

12/12/2023

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 allow members to appreciate the context of the existing cottage, the application site and the surrounding site against which the application requires to be assessed.

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?. *

T Yes ≤ No

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

T 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? *

T 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? *

T 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 *

T 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 Rachael Walker

Declaration Date: 10/01/2024

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NOTICE OF REVIEW STATEMENT

HILLVIEW

Skene Road, Kingwells, Aberdeen, AB15 8SL

Alterations and extension to dwellinghouse

January 2024



RWA

RACHAEL WALKER
ARCHITECTS

Rachael Walker Architects Ltd
www.rwalkerarchitects.com

NOTICE OF REVIEW STATEMENT

INTRODUCTION

This document has been prepared to accompany the notice of review application submitted for the alteration and extension of an existing dwellinghouse 'Hillview'.

DETAILS

Applicant: Mr Kenneth Sutherland

Application description: Erection of single storey link extension and 1.5 storey extension with integrated garage to front

Application address: Hillview, Skene Road, Kingswells, Aberdeen, AB15 8SL

Application Reference: 230723/DPP

We seek a review on the above noted application as we do not agree with the reasons for refusal and believe the proposals for extending Hillview fully comply with the policies / policy outcomes as stated by Aberdeen City Council.

REASONS FOR REFUSAL

1. The application has been refused on the basis that the proposed extension to Hillview is *"not small-scale or subordinate to the existing dwellinghouse, and that its footprint and orientation is such that it dominates the house in scale and massing"*. As a result, the proposals are deemed to be contrary to **NE1 (Green Belt)** of the **Aberdeen Local Development Plan 2023 (ALDP 2023)** and the policy outcome of **Policy 8 (Green Belts)** of **National Planning Framework 4 (NPF4)** as *"the proposals diminish the character, landscape, natural setting and identity of settlements which should be protected and enhanced"*.

CASE

The proposed extension to Hillview has been designed to be an appropriate and contextual addition to an existing cottage in the green belt, and we consider the proposals to be small scale and subordinate to the existing cottage. How this has been achieved is listed below;

- The design purposefully opts to **remove the poor-quality extensions** and buildings which have accumulated over the years around the cottage. These poor-quality extensions only serve to engulf the existing cottage and in their removal ensures that **the existing cottage can be re-instated as the main focal point and dominant building on arrival to the site**, with the extension being subservient through careful use of form and materials. The removal of the poor-quality extensions actually aims to **enhance the character of the site and the wider landscape of the green belt**.
- The design of the extension takes inspiration from the pitched roof form of the existing cottage and reinterprets this in a contemporary twin gable design. In doing this, it ensures that **the overall scale and massing of the extension is sufficiently divided up** so that the extension is clearly subservient and does not in any way over dominant or overwhelm the existing cottage.
- The proposed ridge heights of the proposed extension sit **lower than the existing cottage**. In doing so, the new extension does not overwhelm or dominate the original form or appearance of the existing cottage.
- The proposed design introduces a **'link'** between old and new, which further supports the concept that the extension is **separated, divided and subservient** to the existing cottage.
- The existing floor area (including the dwelling, garage, and outbuildings) equate to **121m²**. The proposed floor area (including garage) adds only **32m²** of necessary and valuable floor area, to ensure the refurbished cottage is suitable for modern day living whilst still being modest in scale. For clarity, the proposed floor area created is significantly under the maximum permitted in the Supplementary Guidance – Householder Development Guide. ***"The built footprint of a dwelling house as extended should not exceed twice that of the original dwelling."***

... continued

CONT.

- The materials of the proposed extension have been carefully selected to contrast the existing cottage and to also minimise visual impact of the extension within the green belt. The **vertical and horizontal timber cladding are subsidiary materials which contrast with the dominant harled masonry of the cottage** - further supporting the notion that the extension is separate and subsidiary to the existing cottage. The metal roof also acts as a contrast to the natural slate of the existing cottage, and takes its' inspiration from the **local vernacular of agricultural metal roofs in the green belt.**

REASONS FOR REFUSAL

2. The application has been refused on the basis that the proposals “*diminish the amenity of the dwellinghouse by building over a substantial part of the dwellinghouse's rear curtilage.*” As a result, the proposals are deemed to be contrary to Householder development in **Policy 16** (Quality Homes) of **NPF4** and the proposals are considered to also be contrary to the requirement of being welcoming, safe and pleasant as set out in **Policy D1** (Quality Placemaking) and **Policy D2** (Amenity) of the **ALDP** and **Policy 14** (Design, Quality and Place) of **NPF4**.

CASE

- The boundaries to the site lie immediately adjacent to the existing cottage at the North and West, with vehicle access provided to the immediate East. As a result, the only possibility to refurbish and extend Hillview (and **secure its future as an efficient, modern family home**) is to utilise the available ground to the South.

- The site layout (with the removal of the poor-quality extensions) provides new opportunities to make the most of the opportunities offered by the site. As set out in **Policy D2**, amenity spaces around buildings should be “*useable, and be designed to include a range of functions appropriate to the building use*”. Amenity to the North - the proposed patio - provides an opportunity to experience the best views from the site and enjoy evening sun. Garden ground proposed to the West and South optimises the views and sunlight throughout the day for leisure and/or for drying laundry.

- It is acknowledged that the proposals do extend into the rear curtilage of the dwellinghouse, however **the proposals are well within the limits of the area permitted to be developed** and we do not consider the proposals diminish the amenity of the existing cottage to an unacceptable size - as outlined below;

The overall existing site area is **764m²**. The cottage footprint (as proposed) equates to **200m²**, which leaves an unbuilt curtilage area of **564m²**. Specifically looking at the dwellinghouse's rear curtilage, this area equates to **418m²**. The proposed extension footprint would only occupy **118m²** of this area, leaving an unbuilt amenity area of **300m²**. For clarity, this is well within the limit which dictates, “*No more than 50% of the front or rear curtilage shall be covered by development.*”

- The proposals have been designed to be **welcoming, safe and pleasant**. The design of the extension, with its orientation North-South provides a linear design that is well ordered and easily navigated on arrival.

- New and altered window and door openings to the existing cottage will not only allow for **natural surveillance of visitors arriving to the site**, but also provide new opportunities for daylight into the existing cottage and to take advantage of the fantastic views.

- The existing hipped-roof extension will be altered to remove the roof and create a new flat roof entrance 'link'. As previously noted, the 'link' literally acts to separate the existing cottage and the subservient extension, but **the 'link' also provides an attractive and defined entrance to the property**. Previously, entrance to the existing cottage was through a poor-quality glazed conservatory. The introduction of a new entrance which is located central in the floorplan and the site will make it both easy to find for visitors and will also make the building easy to read with the entrance to the property clearly defined. The use of a soft, tactile material such as timber, the paved pathway and the external lighting proposed all ensure **a safe and pleasant transition between outside and inside.**

CONCLUSION

The reasons set out in this statement clearly indicate how the proposals to extend Hillview are in compliance with the relevant policies / policy outcomes outlined in NP4, ADLP 2023 and other supporting guidance. As such we advocate for the application to be fully reviewed and seek that **the application is granted permission.**

NOTICE OF REVIEW STATEMENT

APPENDIX ONE - LIST OF DOCUMENT

A - Application Documents

1. Application form
2. Existing Location & Site Plan
3. Existing Site Plan & Site Sections
4. Existing House & Garage
5. Existing Elevations & Section AA
6. Proposed Site Plan
7. Proposed Plans
8. Proposed Elevations & Sections
9. Proposed 3D Renders
10. Design Statement
11. Cameron+Ross Drainage Statement
12. Black Hill Ecology Bat Statement

B - Delegated Reports and Decision Notices

1. Report of Handling
2. Decision Notice

C - Policy Documents

1. National Planning Framework 4
2. Aberdeen Local Development Plan 2023
3. Supplementary Guidance: Householder Development Guide