

Public Document Pack



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

Town House,
ABERDEEN 13 May 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, 20 MAY 2024 at 11.00 am.**

ALAN THOMSON
INTERIM CHIEF OFFICER – GOVERNANCE

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 Section 42 (variation of conditions) - Variation of condition 4 (time limit for development) of Planning Permission 221571/DPP - Greenpasture Anguston 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 231289

2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 7 - 36)

2.3 Planning Policies Referred to in Documents Submitted (Pages 37 - 38)

2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 39 - 80)

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 - 22 Allan Street 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 231145.

3.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 81 - 110)

3.3 Planning Policies Referred to in Documents Submitted (Pages 111 - 112)

3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 113 - 122)

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 extension to the side and rear, formation of dormer to rear and formation of roof terrace on rear extension - 63 Grove Crescent 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 231029

- 4.2 Delegated Report, Original Application Form and Decision Notice (Pages 123 - 142)

- 4.3 Planning Policies Referred to in Documents Submitted (Pages 143 - 144)

- 4.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 145 - 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:	Greenpasture, Anguston, Peterculter, Aberdeen
Application Description:	Variation of condition 4 (time limit for development) of Planning Permission 221571/DPP
Application Ref:	231289/S42
Application Type:	Section 42 (Variation to Conditions)
Application Date:	19 October 2023
Applicant:	Mr & Mrs G. Stewart
Ward:	Lower Deeside
Community Council:	Culter
Case Officer:	Gavin Clark

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site is located in the countryside some 3.5km to the northwest of Peterculter, to the east of Baads and a group of houses known as Hillcrest Courtyard. It forms part of a wider site of some 2.3 hectares which includes agricultural land, a stable block, and a temporary chalet. A detached dwellinghouse is currently under construction and close to completion in the eastern part of the site. The ground level across the wider site rises from south to north, with its northern boundary forming the crest of a hill. To the south of the application site are fields, whilst to the west and across an access track are a group of six houses. Access to the site is via a 350 metre long tarred, single track, private road which serves the neighbouring houses, and then serves Baads by an unsurfaced track for a further 80 metres.

Relevant Planning History

Planning permission (Ref: 221571/DPP) was approved in March 2023 for the change of use of land for the erection of a temporary chalet/mobile home on a time limited basis. This included a condition in which the permission expired on the 23rd October 2023 (discussed further below).

In addition to the above, Baads / Greenpasture has a complex planning history dating back to 2011. This is summarised as follows:

- Planning permission (Ref: P110648) was approved by the Planning Committee, against officer recommendation, on the 11th October 2011 for the erection of a residential dwelling, garage and associated stud farm. Conditions applied to the planning permission included a restriction

on the occupancy of the house to a person employed full time in the stud farm business and the dependants, widow or widower of such a person; requiring the stud farm and all associated infrastructure to be constructed, completed and brought into use prior to the commencement of the construction of the dwellinghouse and garage, in order to ensure that the dwellinghouse and garage were constructed only in association with and for an operational business; restricting the hours of construction; requiring the submission of schemes of all external lighting and drainage/sewage facilities, and of samples of all external finishing materials; and the provision of landscaping and tree planting on site.

- Planning permission (Ref: P120873) was approved under delegated powers on the 27th July 2012 for a variation to condition 7 to allow for the disposal of sewage effluent by means of a suitable primary and secondary treatment system as designed by a qualified engineer. This permission (effectively an updated version of P110648) has been implemented, with the stables constructed, stud farm business operating (Greenpasture Stud and Livery) and dwellinghouse under construction.
- Two applications for planning permission (Ref: P140187 & Ref: P141149) for the removal of Condition 1 (Control of Occupancy) from Planning Permission Ref: P120873 were refused under delegated powers in March and September 2014, the latter of these decisions being upheld by the Local Review Body on 15th December 2014. A subsequent application for planning permission (Ref: P150074), again seeking removal of Condition 1 (Control of Occupancy) was submitted in January 2015, however the Planning Authority declined to determine this application, as permitted under Section 39(1)(b) of the Town and Country Planning (Scotland) Act 1997, on the basis that within the previous two years, two similar applications had already been refused and there had been no significant change in the development plan or in any other material consideration since the third application was submitted in January 2015.
- A subsequent application for planning permission (Ref: 181084/S42), once again seeking removal of Condition 1 (Control of Occupancy) of Planning Permission Reference P120873 was submitted in June 2018 and refused under delegated powers on 30th August 2018.
- In January 2020 an application for detailed planning permission was submitted (Ref: 200040/DPP), seeking a change of use of land to a caravan site to allow for the erection of a residential chalet/mobile home on the site for a period of up to 5 years. The application was refused at Planning Development Management Committee on 30 April 2020, in line with Officer Recommendation. The decision was subsequently appealed to Scottish Ministers and dismissed in July 2020, and a separate claim for an award of expenses declined.
- An application was submitted in December 2020 for detailed planning permission (Ref: 201480/DPP), once again seeking a change of use of land to a caravan site to allow for the erection of a residential chalet/mobile home on the site for a period of up to 18 months. The application was approved conditionally at Planning Development Management Committee on 22nd April 2021. This permission was implemented in May 2021 and expired in November 2022.
- Following determination of the above application on 22nd April 2021 a repeat application (Ref: 210998/DPP) was submitted retrospectively in July 2021 for detailed planning permission seeking a change of use of land at Baads for the siting of a further two caravans for a temporary period) of up to 18 months. The application was withdrawn by the applicants on 27th September 2021. A further application (Ref: 211469) seeking a change of use of land for siting of two caravans for temporary period was refused by the Planning Development Management

Committee on the 9th December 2021. No appeal was submitted against the refusal of this permission.

- An application for a certificate of lawful use was submitted in June 2022 (Ref: 220738/CLE) seeking to demonstrate that the existing use of land as stud farm was the authorised use, as required by condition 2 of planning application Ref: 120873. The Planning Authority issued a certificate of lawfulness confirming the above on the 23rd August 2022.
- An application for planning permission (Ref: 221216/DPP) was refused under delegated powers in January 2023 for a change of use of land to form a one pitch gypsy/traveller site, including one principal caravan, two touring caravans, an amenity block and installation of drainage infrastructure and all associated works.

APPLICATION DESCRIPTION

Description of Proposal

The application is submitted under the provisions of Section 42 of the Town and Country Planning (Scotland) Act 1997 and seeks to allow the development to be carried out without compliance with condition 4 of planning permission 221571/DPP which concerns the change of use of land for the erection of a temporary chalet/mobile home. Condition 4 relates to a restriction in regards to timescales, and states that following:

“The following time limits and related conditions on the planning permission hereby granted shall apply:

- a) *The development permitted by this planning permission shall expire on the 23rd October 2023 and for no longer period.*
- b) *By the 23rd October 2023 the land on which the development permitted by this planning permission shall be reverted to its previous use (as land for the curtilage of the dwellinghouse or otherwise land clear of any structure permitted by this planning permission and any caravan/mobile home/chalet removed), and without prejudice to the foregoing generality, shall include the following works or operations:*
 - i. *Removal of any caravan/mobile home/chalet and associated structures permitted by this planning permission from the land for which this permission relates.*
 - ii. *The completion of any works necessary to restore the land to its previous position before the use of the caravan site was begun.*
 - iii. *Restoration of the land's use as curtilage to the dwelling house on the development site.*

Reason: in the interests of visual amenity and to suitably protect the landscape character and setting of the Green Belt, in accordance with Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan 2017, Policy NE1: Green Belt of the Proposed Aberdeen Local Development Plan 2020 2017 and Policy 8 Green Belts of National Planning Framework 4.”

The applicant is seeking to amend the condition to allow for the extension of the permission until 31st July 2024, to allow for completion of the house and the removal of the temporary mobile home by that later date.

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=S2H09PBZGNB00>

- Supporting Statement
- Letter from Lambridden Stud
- Letter from Donview Veterinary Centre
- Finish Material Photograph Record
- Approved Certificate of Lawful Use
- Details of planning permission 201480/DPP

CONSULTATIONS

ACC - Roads Development Management Team – no comments or observations.

ACC - Environmental Health – no comments or observations.

ACC - Waste and Recycling – have advised of the waste management requirements for the development (which would remain as existing).

Culter Community Council – no response received.

REPRESENTATIONS

Two neutral comments have been received neither objecting to, nor supporting the proposals. The matters raised can be summarised as follows –

1. Do not object on the provision that this variation is not permitted to extend any further than the additional 9 months requested and that the temporary chalet would be removed from the site in accordance with the granted permissions. Understand that the construction process can take time and understand the further need for an extension.
2. Welcome the improvement of the land and encourage further development of the business and the building of the dwellinghouse as per the original application approval.

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.

Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires the planning authority in determining the application only to consider the question of the condition(s) subject to which the previous planning permission should be granted. The planning authority has the option to approve the permission subject to new or amended conditions or to approve planning

permission unconditionally. Alternatively the planning authority can refuse the application, which would result in the conditions on the original application remaining.

Development Plan

National Planning Framework 4

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

- Policy 8 (Greenbelts)

Aberdeen Local Development Plan (2023)

- Policy NE1 (Green Belt)
- Policy D1 (Quality Placemaking)

EVALUATION

Principle of Development

The principle of the siting of the temporary accommodation was established via the granting of planning permission 221571/DPP which also set out a timescale for completion of the new dwellinghouse and removal of the temporary chalet. Through the current application it is necessary to determine whether the amended wording of condition 4, as requested by the applicant, would be acceptable. The only matter therefore being considered and assessed against the relevant planning policies is the proposed longer time period in which the applicant is seeking to complete the dwellinghouse and retain the temporary chalet.

The applicants have submitted a statement in support of the application and have provided photographic evidence in relation to the construction of the house, noting that it is near completion; and that as the stud farm and applicant's other businesses occupy most of their time, due to limited resources this has had a knock on effect in relation to this development. They have noted that the estimate for completion of the dwellinghouse is now the summer of 2024. They have therefore sought a further extension to allow the current mobile home to be occupied on site until 31st July 2024, which would allow for both the completion of the dwellinghouse and also for the security of the animals on site.

Whilst it is appreciated that all situations are different, a significant period of time (30 months – April 2021 to October 2023) has been allowed for the construction of the dwellinghouse through a combination of permissions (201480/DPP and 221575DPP). The typical period for the construction of a single dwellinghouse would typically range from 9-15 months and in light of the significant period of time, in this instance, it is considered that a further 9-month extension to the construction period and the retention of the temporary chalet/ mobile home cannot be supported in this instance.

In the previous reports for the site it was noted that *“the proposed change of use of the land which would allow for a further period of approximately 7 months on the site would have a visual impact on the green belt, and it is therefore a relevant consideration in the determination of the application. The open aspect of the site and its relative prominence within the surrounding area is such that a chalet/ mobile home within this location would be clearly visible from well beyond the curtilage of the site (as has been evidenced since the chalet has been constructed on site. The development would clearly not be acceptable on a permanent basis.”*

The mobile home/ chalet has now been on site for approximately 30 months, and does not have a positive impact on the character and appearance of the surrounding area. The period that the building has been on site has therefore been extended twice and any further extension would give the structure a more “permanent feel” and cannot be supported in this instance. The development is not considered to be of a high quality design, which is required for all development in the Green Belt and has not been designed with due consideration for its context. The retention of the mobile home/ chalet also does not fall within any of the exemption criteria as set out within both local and national planning policies.

The continued use of the land for the siting of the temporary structure (which has been on site since May 2021) would therefore be contrary to both Policy 8 of NPF4 and Policies NE1 and D1 of the ALDP 2023. Therefore, the wording of condition 4 of 221480/DPP should not be amended in this instance and that the structure should be removed from the site in line with the planning condition requirements.

DECISION

Refuse

REASON FOR DECISION

The continued use of the land for the siting and use of a temporary chalet / mobile home has not been designed with due consideration for its context and would have an adverse impact on the surrounding Green Belt. There have been two earlier permissions, which have allowed the retention of the building for a period of 30-months through planning permissions 201480/DPP and 221575/DPP and a further period cannot be justified in this instance. The proposals would therefore be contrary to Policy 8 (Green Belt) of National Planning Framework 4 and Policies NE1 (Green Belt) and D1 (Quality Placemaking) of the Aberdeen Local Development Plan.



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100611682-003

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

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.

Please provide the application reference no. given to you by your planning authority for your previous application and the date that this was granted.

Application Reference No: *

221571/DPP

Date (dd/mm/yyyy): *

02/03/2023

Description of Proposal

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

Application made under Section 42 to vary Condition 4 (Time Limits) of 221571/DPP

Is this a temporary permission? *

Yes No

Description of Proposal Cont.

Please state how long permission is required for and why: * (Max 500 characters)

Extension of time (9 months) for completion of dwelling house previously approved under P110648.

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

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

22/04/2021

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

Temporary mobile home has been in place since initial temporary approval was granted on 22.04.2021

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: McWilliam Lippe Architects

Ref. Number:

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

First Name: *

McWilliam Lippe

Building Name:

Last Name: *

Architects

Building Number:

4

Telephone Number: *

01467 622 785

Address 1
(Street): *

St James's Place

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Inverurie

Fax Number:

Country: *

Scotland

Postcode: *

AB51 3UB

Email Address: *

info@mcwla.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="Greenpasture"/>
First Name: *	<input type="text" value="G."/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Stewart"/>	Address 1 (Street): *	<input type="text" value="Anguston"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Peterculter"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB14 0AE"/>
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"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="Greenpasture, Anguston, Peterculter, Aberdeen"/>
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Northing	<input type="text" value="802979"/>	Easting	<input type="text" value="381085"/>
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Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

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

Discussions with Scott Leitch & Gavin Clark with regards to further application.

Title:

Mr

Other title:

First Name:

Gavin

Last Name:

Clark

Correspondence Reference Number:

Date (dd/mm/yyyy):

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

Site Area

Please state the site area:

906.00

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)

Land with implemented Planning Permission for dwellinghouse and established stud farm (certificate of lawful use (existing)) approved.

Access and Parking

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

Yes No

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

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

Yes No

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

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

0

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

2

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

Water Supply and Drainage Arrangements

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

Yes No

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

Yes – connecting to public drainage network

No – proposing to make private drainage arrangements

Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? *

New/Altered septic tank.

Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).

Other private drainage arrangement (such as chemical toilets or composting toilets).

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *

Temporary accommodation will be connected to sewage treatment plant & soakaway as approved under Planning Permission ref. P120873.

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.

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: McWilliam Lippe Architects

On behalf of: Mr & Mrs G. Stewart

Date: 13/10/2023

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

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

Supporting Statement added.

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 McWilliam Lippe Architects

Declaration Date: 13/10/2023

Payment Details

Pay Direct

Created: 13/10/2023 14:45

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997 - Section 42

Section 42 (Variation to Conditions)

McWilliam Lippe Architects
4 St James's Place
Inverurie
AB51 3UB

on behalf of **Mr & Mrs G. Stewart**

With reference to your application validly received on 19.10.2023
for the following development:-

Variation of condition 4 (time limit for development) of Planning Permission 221571/DPP at Greenpasture, Anguston, Peterculter, Aberdeen.

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

Drawing Number	Drawing Type
5707-LOC	Location Plans
5707-01	Site Plan (Proposed)
22-20/002-315	Floor Plan & Elevations (Proposed)
231289-01	Approved Certificate of Lawful Use
231289-02	Section 42 – Supporting Statement
231289-03	Letter from Lambridden Stud
231289-04	Letter from Donview Veterinary Centre
231289-05	Finish Materials Photograph Record

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

The continued use of the land for the siting and use of a temporary chalet / mobile home has not been designed with due consideration for its context and would have

an adverse impact on the surrounding Green Belt. There have been two earlier permissions, which have allowed the retention of the building for a period of 30-months through planning permissions 201480/DPP and 221575/DPP and a further period cannot be justified in this instance. The proposals would therefore be contrary to Policy 8 (Green Belt) of National Planning Framework 4 and Policies NE1 (Green Belt) and D1 (Quality Placemaking) of the Aberdeen Local Development Plan.

Date of Signing 3 January 2024



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL, AS AGREED WITH APPLICANT (S32A of 1997 Act)

None

RIGHT OF APPEAL

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

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

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

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

Consultee Comments for Planning Application 231289/S42

Application Summary

Application Number: 231289/S42

Address: Greenpasture Anguston Peterculter Aberdeen

Proposal: Variation of condition 4 (time limit for development) of Planning Permission 221571/DPP

Case Officer: Gavin Clark

Consultee Details

Name: Mrs Barbara Armstrong-Hill

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

Email: Not Available

On Behalf Of: ACC - Environmental Health

Comments

No comments or observations

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Consultee Comments for Planning Application 231289/S42

Application Summary

Application Number: 231289/S42

Address: Greenpasture Anguston Peterculter Aberdeen

Proposal: Variation of condition 4 (time limit for development) of Planning Permission 221571/DPP

Case Officer: Gavin Clark

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 is for a variation of condition 4 (time limit for development) of Planning Permission 221571/DPP at Greenpasture, Anguston, Peterculter, Aberdeen.

There are no Roads concerns with this proposal.

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Aberdeen City Council – Development Management Team Consultation Request

Response to application 221571 Greenpasture, Anguston, Peterculter, Aberdeen

Please select one of the following.

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

COMMENTS

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

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

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

- **1 x 180 litre wheeled bin for general waste**
- **1 x 240 litre co-mingled recycling bin for recycling**
- **1 x 240litre wheeled bin for food and garden waste.**
- **1x kitchen caddy and caddy liners.**

The following costs will be charged to the developer:

- **Each 180l/ 240l bin costs £39.00**
- **Kitchen caddy and caddy liners £0.00**
- **A delivery of 10 or less bins will incur a £33 delivery fee.**

Site Specific Points

- Bins to be presented on to Anguston Road on days of collection.

General points

- **No excess** should be stored out with the containment provided. This is fly tipping.
- Large item collections can be arranged by visiting www.aberdeencity.gov.uk
- Further information can be found in the Waste Supplementary Guidance available at: <https://www.aberdeencity.gov.uk/sites/default/files/2020-07/7.1.PolicySG.ResourcesForNewDevelopmentUpdateJuly2020.pdf>
- **Developers must contact Aberdeen City Council a minimum of ONE month before properties will be occupied** this is to ensure that bins are on site prior to residents moving into properties and to give enough time to register addresses on the CAG (Council Address Gazetteer) to allow for the development to be added to the refuse vehicle routes.
- A Purchase Order should be raised with Aberdeen City Council using the above details and we will provide further guidance for purchasing the bins.
- Bin purchases are VAT free. Please do not include VAT in your PO

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

Responding Officer: N Taylor

Date: 24/10/2023

Email: wasteplanning@aberdeencity.gov.uk

Comments for Planning Application 231289/S42

Application Summary

Application Number: 231289/S42

Address: Greenpasture Anguston Peterculter Aberdeen

Proposal: Variation of condition 4 (time limit for development) of Planning Permission 221571/DPP

Case Officer: Gavin Clark

Customer Details

Name: Paul Slater

Address: 4 Hillcrest Peterculter Aberdeen

Comment Details

Commenter Type: Neighbour

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

Comment Reasons:

Comment: We do not object to application 231289/S42 Variation of condition 4 (time limit for development) of Planning Permission 221571/DPP | Greenpasture, Anguston, Peterculter, Aberdeen, AB14 0AE to support completion of the dwellinghouse on the provision that this variation is not permitted to extend any further than the additional 9 months requested and that the temporary chalet then be removed from the site in accordance with the granted permissions. Unchecked persistence of additional accommodation beyond this would continue to contravene policies NE2 Green Belt, D1 Quality Placemaking and Design and D2 Landscape particularly given the history of the planning applications on site. We continue to welcome the improvement of the land and encourage the further development of the business and building of the dwellinghouse as per the original application approval.

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Comments for Planning Application 231289/S42

Application Summary

Application Number: 231289/S42

Address: Greenpasture Anguston Peterculter Aberdeen

Proposal: Variation of condition 4 (time limit for development) of Planning Permission 221571/DPP

Case Officer: Gavin Clark

Customer Details

Name: Mr David hainsworth

Address: 3 hillcrest Peterculter

Comment Details

Commenter Type: Neighbour

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

Comment Reasons:

Comment: We really would like to see the house completed and the chalet removed. I can understand that the construction process takes time so I can understand the need for a further extension as requested.

I can only hope that no further extensions will be required.

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Dear madam/sir,

When Mr Stewart applied for the extension last year I made a 'neutral comment' my comment still stands. We would welcome the successful completion of the house and the prompt removal of the chalet. We can also understand why more time was requested, but would like to see a positive conclusion this Summer and sincerely hope that there will be no need for further extensions thereafter.

Yours, sincerely, David hainsworth,
3 Hillcrest,
Peterculter

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Dear Madam/Sir,

We made a neutral comment to the application made last year to vary the time limit for development of Planning Permission 221571/DPP. This was on the provision that this variation would not be permitted to extend any further than the additional 9 months requested and that the temporary chalet then be removed from the site in accordance with the granted permissions. Unchecked persistence of additional accommodation beyond this would continue to contravene policies NE2 Green Belt, D1 Quality Placemaking and Design and D2 Landscape particularly given the history of the planning applications on site. We continue to wish to see successful completion of the house in summer 2024 and removal of the chalet as per previous application approvals and would not support extensions beyond summer 2024.

Yours sincerely,
Paul and Marion Slater

4 Hillcrest
Peterculter
Aberdeen
AB14 0PP

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Application 231289/S42 - Greenpasture, Anguston

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)

- Policy 1 (Tackling Climate and Nature Crises)
- Policy 2 (Climate Mitigation)
- Policy 3 (Biodiversity)
- Policy 8 (Green Belts)

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

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

- Policy NE1 (Green Belt)
- Policy D1 (Quality Placemaking)

Other Material Considerations

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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 100666290-001

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="McWilliam Lippe Architects"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="McWilliam Lippe"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Architects"/>	Building Number:	<input type="text" value="4"/>
Telephone Number: *	<input type="text" value="01467 622 785"/>	Address 1 (Street): *	<input type="text" value="St James's Place"/>
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="Scotland"/>
		Postcode: *	<input type="text" value="AB51 3UB"/>
Email Address: *	<input type="text" value="info@mcwla.co.uk"/>		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Greenpasture"/>
First Name: *	<input type="text" value="George"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Stewart"/>	Address 1 (Street): *	<input type="text" value="Anguston"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Peterculter"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Aberdeen"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB14 0AE"/>
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="GREENPASTURE"/>
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="AB14 0AE"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="802952"/>	Easting	<input type="text" value="381136"/>
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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)

Appeal Against Refusal of Planning Permission 231289/S42 to vary condition 4 (time limit for development) of planning permission 221571/DPP.

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.

See separate appeal statement

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

Yes No

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

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

1 Location Plan 2 Site Plan 3 Chalet Details 4 Letter from Donview Vets 5 Letter from Lambridden Stud 6 Supporting Planning Statement 7 Report of Handling 8 Refusal Decision Notice 9 Approval decision notice 201480/DPP 10 Approval decision notice 221571/DPP

Application Details

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

231289/S42

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

13/10/2023

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

03/01/2024

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 McWilliam Lippe Architects

Declaration Date: 27/03/2024

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McWILLIAM LIPPE
ARCHITECTS

SUPPORTING PLANNING STATEMENT FOR LOCAL REVIEW BODY

Please note that the information in this statement is as per the originally submitted application for the temporary chalet 201480/DPP along with addendums related to the applications seeking to retain the temporary chalet 221571/DPP and then related to the Section 42 application 231289/S42 which is the subject of this appeal. A further section providing comments on the report of handling and the further justification for the retention of the chalet for a further temporary period is also provided at the end of the statement.

Information related to history of applications including approval of application 201480/DPP for temporary chalet

- 1.1 This is an application for full planning permission for the erection of a temporary mobile residential lodge on land at Baads Farm, Peterculter. The applicants are a Mr and Mrs G Stewart who, since purchasing the ground with permission for the stud business, stables and a dwellinghouse, have established Green Pasture Stud Farm. However, without the presence of any on-site accommodation, the introduction of stud animals to the stables is impossible due to the nature of the business and the care required on site. They seek permission to house the temporary mobile residential lodge at the site for a period of eighteen months while the house is being constructed, but most importantly, the business cannot be established without the applicant living on the site to allow the supervision and care required for stud horses, who quite simply could not be introduced safely to the stables without the 24 hour presence of the owners on site.
- 1.2 The site is located in the countryside some approximately 2 miles north west of Peterculter. It lies to the east of Baads and houses at Hillcrest Courtyard. The wider ground in the ownership of the applicant and which has planning permission for the business and house measures 2.3 hectares. The area where the temporary mobile home will be located measures 675 square metres and is part of the ground which has been granted planning permission for the business, stables and dwellinghouse. It does not impact on any of those areas as it is located within the garden ground of the granted dwellinghouse. An existing single track provides a means of access.

- 1.3 For clarity, in legal terms a mobile home is, broadly speaking, any structure designed or adapted for people to live in which is capable of being moved from one place to another (whether by being towed or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted. It will therefore be as equally easy to remove the mobile lodge from the site as it will be to place it there.
- 1.4 The planning permission which granted approval for the stud business, stables and dwellinghouse was granted on 11 October 2011 and this development has lawfully commenced. Condition 2 required that *the stud farm hereby granted planning permission and all associated infrastructure shall be constructed, completed and brought into use prior to the commencement of the construction of the dwellinghouse and garage hereby approved - in order to ensure that the dwellinghouse and garage are constructed only in association with and for an operational business in accordance with the provisions of Policy 28 of the Aberdeen Local Plan.*
- 1.5 A previous application 200040/DPP for change of use of land for erection of chalet/mobile a home was refused on 30 April 2020. The reasons given in the refusal stated that:
- The proposed development comprises a change of use of land to caravan site for the erection of a residential chalet/mobile home for a period of up to 5 years. This is a stand-alone application, which if approved, would allow for the change of use to caravan site and subsequent residential occupancy of that site to occur without any obligation for the construction of the previously approved stud farm being progressed.*
- It is the considered opinion of the planning authority that provision of any form of residential accommodation on the application site in advance of the aforementioned stud farm being constructed and brought into use would undermine the policies which seek to protect the integrity of the Green Belt, and safeguard against unsustainable development and suburbanisation of the area. Such development would have an adverse effect on the character of the area and the landscape setting within which the site lies.*
- The proposed development would be clearly contrary to the expectations of Scottish Planning Policy (SPP) and to the requirements of Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan, and would only partially address the expectations of Policy D1 (Quality Placemaking by Design) and Policy T2 (Managing the Transport Impact of Development).*
- That the proposal, if approved, would set an undesirable precedent for applications of a similar nature which would result in the proliferation of sporadic, temporary residential accommodation in the Green Belt, and in turn lead to the erosion of the character of the Green Belt and adversely affecting the landscape setting of the City.*
- 1.6 It is put forward that the refusal of the previous application is unreasonable in the circumstances and does not allow the establishment of the business which has planning permission. Since purchasing the ground, the applicant has already invested

a significant amount of money in preparing the ground for all of the development, has erected the stables for the stud farm and created the access points for both the stables and stud farm and the dwellinghouse. The stud farm is ready to be brought into use but without on-site supervision and care the stud horses cannot be brought to the farm. Given this, the stud farm cannot be brought into use.

- 1.7 It is suggested that appropriate consideration was not given by officers to the fact that a stud business, due to the type of animals involved, simply cannot be established without some form of temporary accommodation on site to enable the successful establishment of the business. There is little point in going over the intention of the original condition, it is of more importance to consider what harm would be caused by the introduction of a temporary residential home on the site to achieve the very ends of the original permission which was granted.
- 1.8 It should be noted that a number of other Planning Authorities have specific policies to cover such temporary residential development. The circumstances where approval can be given usually relates to the temporary provision of accommodation on site while other development, usually dwellinghouses, are being constructed. Indeed, such accommodation is often also granted planning permission as part of approval for dwellinghouses to allow applicants to live on site while dwellinghouses are being built. It follows that it appears to be a very strict approach in this case, particularly where the temporary accommodation facilitates the safe and secure establishment of the stud farm business in the location where it already has planning permission, and that a temporary permission could be granted.
- 1.9 The applicant wishes to be clear that the proposal is not an attempt to circumvent any planning regulations as has been alluded to in the past by neighbouring residents. This is a simple application for temporary accommodation to support the establishment of the business that many have complained has not been established as granted. The accommodation will also allow the dwellinghouse to be completed. As a temporary permission, the development with permission will be completed and the mobile home will subsequently be removed. Contrary to previous comments, approval of this application would not set a precedent as there is very specific planning history in this case and the overarching Green Belt policy would not normally permit such development. Others comment that there is no viable stud business operating so the proposal should not be supported, but this is the very point, as it is too risky to introduce animals to the site without appropriate accommodation on site. Since Mr and Mrs Stewart have purchased the land, they have improved this significantly, carrying out varying site clearance, erecting the stable building and erecting good quality gate piers to both the entrance to the stable and to the proposed dwellinghouse. Signage for Green Pasture Stud Farm has also been erected on the gates beside the entrance to the stables. They cannot go any further with putting the business into action without temporary accommodation on site.
- 1.10 The view of the Planning Authority that the provision of any form of accommodation on the site in advance of the stud farm being constructed and brought into use would

undermine the policies which seek to protect the green belt is an unreasonable position in this particular case, and planning law is clear that every case must be treated on its own merits.

1.11 However, Policy NE2 of the Aberdeen City Local Development Plan is clear that proposals for development associated with existing activities in the green belt will be permitted but only if all of the following criteria are met:

a) The development is within the boundary of the existing activity;

b) The development is small-scale;

c) The intensity of activity is not significantly increased; and

d) Any proposed built construction is ancillary to what exists.

1.12 The granting of a time limited permission for temporary accommodation is compliant with Policy NE2 as the application site for the temporary residential accommodation is within the approved red line boundary, it is a small, two bedroom mobile home, the residential use of the temporary mobile home will cease once the dwellinghouse is completed so there will be no additional activity or intensity of activity and as a temporary residential building it is clearly ancillary to what exists and has permission and will be removed from the site once all other construction is complete and this can also be suitably controlled by condition.

1.13 Although the Planning Authority recognised in the previous application which sought permission for temporary accommodation that *a case could potentially be made following construction of the stud farm and business and it having become operational for allowing on site temporary accommodation whilst the permanent dwellinghouse is built*, this is still of no value to the applicant. This scenario could allow for a temporary home to be granted immediately after the business is established on site and horses introduced, but this seems nonsensical to a business owner and operator who cannot fully establish the business and introduce the horses with the risk this would bring to the animals without having a permanent residential base at the site.

1.14 The letters attached to this application seek to provide further justification for a temporary residential building at Green Pasture Stud. Another stud operator, Lambridden Stud in Ayrshire, is clear that having successfully operated a stud farm since 1984, horses and in particular, the stallions which would be core to the stud business, should not be living at any site where there is no on-site accommodation. Such horses, require 24 hour supervision as could be confirmed by the SSPCA. Insurance liability issues would also automatically come into play if horses were living on site with no supervision. A local vet, Donview Vets in Inverurie, has also stated that in their professional opinion a stud farm must have on-site accommodation for supervision for the animals. It is stated that stallions in particular, can be very fractious, especially during the covering season and the close proximity of mares in heat. Any injury must be identified immediately to being able to carry this out from living at the site is essential to the welfare of the horses.

- 1.15 In conclusion, there are very specific considerations in this case which would allow permission for temporary accommodation to be granted for a limited period of time. A clear and temporary need has been demonstrated in this case. It also cannot be underestimated that in these more challenging times, the commitment of the applicant to a business such as this should be commended and supported. The economic impact of development must also be taken into account as a material consideration in the determination of planning applications and in this case, and without a temporary approval for the residential accommodation proposed, there is no prospect for this business. There is not yet a viable stud business operating as it is too risky to introduce animals to the site without accommodation. The farm and stables are established but cannot be put into operation without accommodation on-site given the essential supervision and care needs of the stud horses. There is no doubt that the need for 24 hour on-site security is essential to address potential theft or damage and that on-site presence is critical to the health and wellbeing of the horses. The development respects the character and amenity of the surrounding area and it can be satisfactorily serviced. The wider site has been sympathetically upgraded by the applicant since taking over the ownership of it. The Planning Authority will be able to retain satisfactory control over any temporary approval with appropriate conditions and it is therefore respectfully requested that temporary planning permission is granted.

Addendum to supporting statement to illustrate the most up to date position and information as part of 221571/DPP

- 2.1 It should be noted that the original application for the chalet was granted temporary approval for 18 months and while this has expired, the principle of allowing a temporary approval has been established. The circumstances which allowed the temporary permission to be granted (see comment from Committee report below) have not changed and the need for the development for a further temporary period remains.
- 2.2 *With this in mind, the current status of the stud farm is therefore quite critical in terms of our assessment and determination of this application. The stable building has now been constructed including appropriate drainage infrastructure, thus permitting a temporary completion certificate to be issued which allows its use and occupation, and a full connection for the site to the mains water supply has also been confirmed by Scottish Water. So whilst the stud farm business is not yet in operation, it has been suitably demonstrated that the essential infrastructure is now in place and its operation could therefore be deemed imminent, thereby giving more weight to welfare and security requirements, if these are indeed deemed to be valid.*
- 2.3 The appellant has progressed the establishment and operation of the stud farm and the erection of the dwellinghouse originally approved which is tied to the stud farm. However, the house is not yet complete and a further period of time is required to

allow the house to be completed and this application seeks a period of time until 22 October 2023 (which is one year over and above the originally approved temporary 18 month permission). This is seen as reasonable in the circumstances as there was a period of time where there remained some uncertainty about the decision the Planning Authority would make on the Certificate of Lawfulness application and the applicant was concerned about proceeding with the house for a period of a few weeks/months as a result. However, work has since proceeded at pace.

- 2.4 The delegated report for the Certificate of Lawfulness application for the existing use of land as a stud farm as required by condition 2 of planning application reference 120873 stated that:
- 2.5 *In support of the application, the applicant has provided details of the stud farm, which has included journal entries, details of the purchase, stabling and upkeep of the stud horse, a business plan, signed affidavit from a customer, whose own horse was impregnated by the stud, various advertising revenues and other information, which would lead to the view that a business has begun operation on site under the terms of the original planning approval ref 110648 (and the subsequent variation which is in the process of being implemented Ref: 120873). It is also noted that an access, and stabling and other facilities for horses have been constructed on site in line with the approved drawings for the aforementioned planning application. Whilst further evidence could have been submitted in relation to the proposals, for example the registration of the business and a more detailed business plan, the Planning Authority are content, on the balance of probabilities, that the stud farm is now in operation and the construction of the associated dwellinghouse is therefore lawful. Based on these factors, it is therefore recommended that a Certificate of Lawfulness be issued in relation to the existing use.*

Further addendum to supporting statement to illustrate the most up to date position and information in support of Section 42 application 231289/S42 to vary condition 4 (time limits) of 221571/DPP Change of Use of Land For Erection of Temporary Chalet/Mobile Home

- 3.1 It should be noted that this application is made as a variation of the time condition on the most recent temporary approval 221571/DPP. The most recent application was made as a new application for planning permission for change of use rather than a Section 42 variation application on the basis that the original approval for the temporary mobile home 201480/DPP had expired and the conditions could therefore not be varied. As the existing temporary permission has not yet expired (23rd October 2023), this new application is made under Section 42 to vary the time limit condition.
- 3.2 Firstly, it should be highlighted that the policies which are now relevant to this case are contained in the Aberdeen City Local Development Plan 2023 and the National Planning Framework 4. The general policy principles of both documents align with those of the previous Local Development Plan and other national planning policy. At

the time the mobile home was granted the initial temporary approval (22nd April 2021), the Aberdeen Local Development Plan 2017 was the adopted development plan. At the time of the most recent approval (2nd March 2023) for a further period of time for the mobile home, the Proposed Aberdeen Local Development Plan had not yet been adopted but the National Planning Framework was adopted on 14th February 2023. For the purposes of clarity the documents and policies which are applicable are as follows:

National Planning Framework 4

- Policy 1: Tackling Climate Change and Nature Crises
- Policy 2: Climate mitigation and adaptation
- Policy 3: Biodiversity
- Policy 8: Green Belts
- Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings
- Policy 13: Sustainable Transport
- Policy 14: Design, Quality and Place
- Policy 22: Flood Risk and Water Management

Aberdeen City Local Development Plan 2023

- D1: Quality Placemaking by Design
- D2: Landscape
- T2: Managing the Transport Impact of Development
- NE2: Green Belt
- NE6: Flooding, Drainage and Water Quality
- R6: Waste Management Requirements for New Development

3.3 The reasons on which the Council based its decision to grant a further temporary period to retain the mobile home under application 221571/DPP is as follows:

3.4 *The provision of the principle of development on site for a temporary period has previously been established on site, with further evidence submitted to as to why the development was not completed within the initially consented 18-month period, and why a further period of 7 months is required.*

3.5 *The Planning Authority have previously accepted that an on-site presence is required, the stud farm is in operation, and the associated dwellinghouse appears close to completion. Taking the above into account, it is considered that there are material considerations, including current personal circumstances of the applicants, which*

would carry sufficient weight and provide clear justification for the planning authority to support the application in this instance, notwithstanding that the requirements of Policy 8: Green Belts of National Planning Framework 4 and Policy NE2 (Green Belt) of the Aberdeen Local Development Plan 2017 may not be fully addressed.

- 3.6 *The proposals would not be acceptable on a permanent basis due to the adverse impact on the surrounding landscape, but on a further temporary period it is considered that the proposals would not be contrary to the aims and aspirations of Policies 1: Tackling Climate Change and Nature Crises, 2: Climate mitigation and adaptation, 3: Biodiversity, 9: Brownfield, Vacant and Derelict Land and Empty Buildings, 13: Sustainable Transport, 14: Design, Quality and Place and 22: Flood Risk and Water Management of National Planning Framework 4 and Policies D1: Quality Placemaking by Design, D2: Landscape, T2: Managing the Transport Impact of Development, NE6: Flooding, Drainage and Water Quality and R6: Waste Management Requirements for New Development of the Aberdeen Local Development Plan, given the temporary nature of the proposal and the limited scale of development which would result.*
- 3.7 *A similar conclusion to the above would also be the outcome when assessed against Policies NE1: Green Belt, NE4: Our Water Environment, D1: Quality Placemaking, D2: Amenity, D4: Landscape, R5: Waste Management Requirements for New Development and T2: Sustainable Transport of the Proposed Aberdeen Local Development Plan 2020.*
- 3.8 The general policy principles of the newly adopted Aberdeen Local Development Plan do not fundamentally alter how a planning application for a further temporary approval would be considered and this application to vary the time limit can be made on the same basis. However, there is a requirement to provide further justification which would allow a further period of time to retain the temporary mobile home on the site to allow the continued support for the stud farm business and the completion of the dwellinghouse.

Photographs of the ongoing build of the dwellinghouse







- 3.9 As can be seen, the house build is continuing well but is not yet near completion and while it is appreciated that this is far from ideal, the applicant is doing everything they can, when they can, on this self-build project to ensure completion as soon as possible. The applicant is heavily involved in the build along with the builders Mr Stewart is employing. However, the stud farm and Mr Stewart's own business occupy most of their time and both businesses need to continue operating on a full-time basis to ensure the continuation and completion of the build.
- 3.10 It is appreciated that the house has not yet been completed within the timescales of the further extension granted until 23rd October 2023, however, there should be some recognition that the applicant had no confidence to proceed with the house build until such times as the associated Certificate of Lawfulness for the stud farm was granted on 23rd August 2022.
- 3.11 The estimate for completion of the build is currently summer 2024, which largely accords with either appealing a refusal or appealing an enforcement notice if this was to be pursued should a Section 42 application not be submitted. The application is therefore made seeking until the end of July 2024 for completion of the house and removal of the temporary mobile home.

Comments on the report of handling and the further justification for the retention of the chalet

- 4.1 As has been previously highlighted, the applicant was unable to start the house build properly until the Certificate of Lawfulness application for the stud farm was approved. Over the period of time that the most recent applications have been made, the applicant is pleased to report that neighbour relationships are improving, that the stud business is going well and providing the applicant with full-time employment (applicant's wife). While the planning history with the various developments at the site is somewhat complicated, the recent assistance of the Planning Service has been welcome. It is therefore disappointing that notwithstanding this, that the need for an extension to the time to complete the house build has been refused. While the Planning Service has alluded to some kind of 'policy' they operate with regard to temporary refusals, it is unclear what this is or what the basis for it is. The applicant is keen to complete the build, which although still not without challenges as effectively a self-build project, is not being moved on to completion as quickly as the Planning Service or the applicant would like. The applicant would therefore like to take this opportunity to reiterate that the refusal of a further temporary permission is not reasonable when they are required to live on site to run the business and for animal welfare reasons and to allow them to complete the house, move in and to support the stud farm and horses. The need to retain the temporary mobile home on site is greater than any impact on the character and appearance of the surrounding area.



Blackhall Industrial Estate, Inverurie AB51 4FW
t: 01467 621429

20 School Road, Kintore AB51 0UX
t: 01467 634803

w: donviewvets.co.uk
e: reception@donviewvets.co.uk

26/10/2020

To Whom It May Concern,

Re – Green Pasture Stud Farm, Baads Farm, Anguston, Peterculter, AB14 0PP belonging to Allison and George Stewart.

I the undersigned, hereby confirm, that it is my considered opinion an operating stud farm must have onsite accommodation for supervision of the horses. Stallions can be very fractious, especially during the covering season and the close proximity of mares in heat. Early identification of any injury they might sustain is essential on welfare grounds. Having someone stay on the stud farm enables regular inspection of the horses to be carried out throughout the day.

Yours faithfully

Bruce Bremner BVM&S MRCVS

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www.internationalstallions.org
Lambridden Stud, Abercorn Cottage, Oldhall Murray Farm,
Aiket Rd, Dunlop, Ayrshire KA3 4BW
Tel: 01560 480131 Mob: 07747 111994
E-Mail: lambridden@hotmail.co.uk

Mr G. Stewart
2 West Kirkton
Pitmeden Rd
Dyce
Aberdeen
AB21 0EY

21/10/20

Site address: Baads Farm, Anguston Rd, Peterculter, Aberdeen, AB14 0PP

Dear Mr Stewart,

Further to our conversation yesterday, I would confirm that my wife and I have run a stud farm since 1984 using our own stallions and top stallions from all over the world. I, although retired now, was one of Scotland's senior showjumping judges. Julie, apart from being a competitor was a member of the British young riders team.

I would confirm prior to our conversation, you were not known to me. During our discussion you indicated that you had approval and have spent a lot of money constructing stables and fencing at the site address above, having permission to run this as a stud farm and to build a house on the property. You also stated that AB council are refusing to allow you to have a temporary mobile home on site during construction of the house. You should not have horses on a site like this, especially stallions, where there is no on-site accommodation, temporary or otherwise. Horses require 24hr on-site supervision. I am sure that if you speak to the SSPCA, they will confirm this. I would also envisage problems re liability insurance if you were not living on-site.

For some reason, I have been asked to deal with this problem before in Ayrshire and South Lanarkshire and I'm glad to say, common sense prevailed in both cases for two genuine families who now run successful businesses.

I thank you for your offer of compensation for writing this letter but it is not required and I trust you will be successful in your new business venture.

Kind Regards

Thomas Smith

Tom Smith, Director

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Lippe Architects & Planners Ltd
4 St. James Place
Inverurie
AB51 3UB

on behalf of **Mr & Mrs G. Stewart**

With reference to your application validly received on 2 December 2020 for the following development –

**Change of use of land for erection of temporary chalet/mobile home
at Baads Farm, Anguston Road**

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

Drawing Number	Drawing Type
5707-LOC	Location Plan
5707-01	Site Layout (Proposed)

REASON FOR DECISION

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

Planning legislation requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. Scottish Planning Policy (SPP) sets out the purpose of green belt designation and a caravan site would not be compliant with its intended purpose which includes that of directing planned growth to the most appropriate locations and protecting and enhancing the quality, character, landscape setting and identity of towns and cities. In this instance, the proposal, if considered in isolation, does not sit comfortably with the general principles of the Aberdeen City Local Development Plan, given that it does not comply with the requirements of Policy NE2 (Green Belt) & therefore with SPP. However, the acceptability of this proposal must be considered in the context of the development which was granted conditional consent in 2011, for the erection of a residential dwelling, garage and associated stud farm at Baads. The current proposal is seeking a change of use of land within the Baads site for the erection of a temporary chalet/mobile home which would provide the applicants with residential accommodation on site for a period of 18 months to allow for the aforementioned approved stud farm to become fully operational as a business, and which would therefore facilitate the dwellinghouse associated directly to the stud farm to be erected on site.

It is considered that suitably robust evidence has been provided and validated, both demonstrating that the business operation of the approved stud farm is imminent, and that the current status of the stud farm is such that a 24 hour on-site presence would indeed now be required in order to suitably address the animal welfare and security requirements of the stud farm.

Taking the above into account, it is considered that there are material considerations, including current personal circumstances of the applicants, which would carry sufficient weight and provide clear justification for the planning authority to support the application in this instance, notwithstanding that the requirements of Policy NE2 (Green Belt) may not be fully addressed.

It is considered that the proposal would not be contrary to the overall expectations of Policies D1 (Quality Placemaking by Design), T2 (Managing the Transport Impact of Development) and NE6 (Flooding, Drainage and Water Quality) of the Aberdeen City Local Development Plan, given the temporary nature of the proposal and the limited scale of development which would result.

It is considered that the relevant policies in the Proposed Local Development Plan 2020 raise no additional concerns beyond those already addressed under current policy. Matters raised in representations are noted, however these are not of sufficient weight to warrant refusal of the application for the reasons outline above.

CONDITIONS

This permission is granted subject to the following conditions.

(01) That the caravan site hereby granted planning permission, shall not be occupied by any person other than a person employed full-time in the stud farm (approved under application Ref P110648 & P120873) and the dependants, widow or widower of such a person in accordance with the Planning Authority's policy of restricting isolated developments in the countryside unless specifically required in connection with an essential rural occupation.

Reason: to preserve the amenity and integrity of the Green Belt and in accordance with Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan.

(02) That the caravan site hereby granted planning permission shall be limited to one caravan/mobile home/chalet on site at any one time.

Reason: that the justification provided and deemed necessary to allow the stud farm to become fully operational would not support multiple homes on site, and in the interests of visual amenity and to suitably protect the landscape character and setting of the Green Belt, in accordance with Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan.

(03) That the caravan site hereby granted planning permission shall not be occupied unless a detailed scheme for the provision of foul sewerage facilities has been submitted to and approved in writing by the Planning Authority, and that the said scheme has been installed and is fully operational.

Reason: in the interests of public health.

(04) That prior to occupation of the caravan site hereby granted planning permission, details of all external finishing materials to the roof and walls of the caravan/mobile home/chalet unit to be located on site have been submitted to, and approved in writing by the Planning Authority and thereafter the approved material finish is maintained for the duration of the caravan/mobile home/chalet unit being located on site.

Reason: in the interests of visual amenity and to suitably protect the landscape character and setting of the Green Belt, in accordance with Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan.

(05) The following time limits and related conditions on the planning permission hereby granted shall apply:

5.1. The development permitted by this planning permission shall begin no later than six months from the date of this decision notice, and if not begun within those six months this planning permission shall expire.

5.2. The development permitted by this planning permission shall endure for a period of eighteen months from the date that the said development is begun, and for no longer period.

5.3. By the date on which that eighteen month period in condition 5.2 ends, the land on which the development permitted by this planning permission shall be reverted to its previous use (as land for the curtilage of the dwellinghouse or otherwise land clear of any structure permitted by this planning permission and any caravan/mobile home/chalet removed), and without prejudice to the foregoing generality, shall include the following works or operations:

5.3.1. Removal of any caravan/mobile home/chalet and associated structures permitted by this planning permission from the land for which this permission relates.

5.3.2. The completion of any works necessary to restore the land to its previous position before the use of the caravan site was begun.

5.3.3. Restoration of the land's use as curtilage to the dwelling house on the development site.

Reason: in the interests of visual amenity and to suitably protect the landscape character and setting of the Green Belt, in accordance with Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan.

Date of Signing: 22 April 2021

A handwritten signature in black ink that reads "Daniel Lewis". The signature is written in a cursive style with a clear, legible font.

Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS PERMISSION

DURATION OF THIS PERMISSION

In accordance with the power granted to it under section 58 of the Town and Country Planning (Scotland) Act 1997, the planning authority direct that section 58(2) shall apply in respect of this planning permission, with the substitution of the period of three years with that of six months.

This planning permission therefore lapses on the expiration of six months, beginning with the date on which the permission is granted, unless the development to which the permission relates is begun before that expiration.

COMMENCEMENT AND COMPLETION OF DEVELOPMENT

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

DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL, AS AGREED WITH APPLICANT (S32A of 1997 Act)

None.

RIGHT OF APPEAL

1. If the applicant is aggrieved by the decision of the planning authority –
 - a) to refuse planning permission for the proposed development;
 - b) to refuse approval, consent or agreement require by a condition imposed on a grant of planning permissions;
 - c) to grant planning permission or approval, consent or agreement subject to conditions,

the applicant may appeal to the Scottish Ministers under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice.

Applicants may obtain information on how to submit an appeal by visiting gov.scot/Topics/Built-Environment/planning/Appeals/howtosubmitanappeal or contacting

Planning and Environmental Appeals Division
Scottish Government

4 The Courtyard
Callendar Business Park
Callendar Road
Falkirk
FK1 1XR

Telephone: 01324 696 400

E-mail: DPEA@gov.scot

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

OTHER ADVISORY NOTES

NOTICE OF INITIATION OF DEVELOPMENT

The Town and Country Planning (Scotland) Act 1997

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

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

Application reference number: **201480/DPP**

Date of issue: 22 April 2021

Address of site to which permission applies: Baads Farm, Anguston Road

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

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

Date of Submission of Notice

IMPORTANT

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

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

General Data Protection Regulations – How we use your data

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

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

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

NOTICE OF COMPLETION OF DEVELOPMENT

The Town and Country Planning (Scotland) Act 1997

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

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

Application reference number: 201480/DPP

Date of issue: 22 April 2021

Address of site to which permission applies: Baads Farm, Anguston Road

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

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

Date of Submission of Notice

IMPORTANT

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

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

General Data Protection Regulations – How we use your data

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

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

For further information on how we use, store & protect your data please see our website

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

McWilliam Lippe Architects
4 St James's Place
Inverurie
AB51 3UB

on behalf of **Mr & Mrs G. Stewart**

Aberdeen City Council in exercise of its powers under the above mentioned Act hereby **grants planning permission** for the development specified below and shown in the approved plans and drawings.

Application Reference Number	221571/DPP
Address of Development	Greenpasture, Anguston, Peterculter, Aberdeen, AB14 0AE
Description of Development	Change of use of land for erection of temporary chalet/mobile home
Date of Decision	2 March 2023

DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION

None.

REASON FOR DECISION

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

The provision of the principle of development on site for a temporary period has previously been established on site, with further evidence submitted to as to why the development was not completed within the initially consented 18-month period, and why a further period of 7 months is required.

The Planning Authority have previously accepted that an on-site presence is required, the stud farm is in operation, and the associated dwellinghouse appears close to completion. Taking the above into account, it is considered that there are material considerations, including current personal circumstances of the applicants, which would carry sufficient weight and provide clear justification for the planning authority to support the application in this instance, notwithstanding that the requirements of Policy 8: Green Belts of National Planning Framework 4 and Policy NE2 (Green Belt) of the Aberdeen Local Development Plan 2017 may not be fully addressed.

The proposals would not be acceptable on a permanent basis due to the adverse impact on the surrounding landscape, but on a further temporary period it is considered that the proposals would not be contrary to the aims and aspirations of Policies 1: Tackling Climate Change and Nature Crises, 2: Climate mitigation and adaptation, 3: Biodiversity, 9: Brownfield, Vacant and Derelict Land and Empty Buildings, 13: Sustainable Transport, 14: Design, Quality and Place and 22: Flood Risk and Water Management of National Planning Framework 4 and Policies D1: Quality Placemaking by Design, D2: Landscape, T2: Managing the Transport Impact of Development, NE6: Flooding, Drainage and Water Quality and R6: Waste Management Requirements for New Development of the Aberdeen Local Development Plan, given the temporary nature of the proposal and the limited scale of development which would result.

A similar conclusion to the above would also be the outcome when assessed against Policies NE1: Green Belt, NE4: Our Water Environment, D1: Quality Placemaking, D2: Amenity, D4: Landscape, R5: Waste Management Requirements for New Development and T2: Sustainable Transport of the Proposed Aberdeen Local Development Plan 2020.



A full evaluation and account of the processing of the application is contained in the report of handling, which is available by entering the application reference number at <https://publicaccess.aberdeencity.gov.uk/>.

CONDITIONS

This permission is granted subject to the following conditions.

(01) USE OF CARAVAN

That the caravan site hereby granted planning permission, shall not be occupied by any person other than a person employed full-time in the stud farm (approved under application Ref P110648 & P120873) and the dependants, widow or widower of such a person in accordance with the Planning Authority's policy of restricting isolated developments in the countryside unless specifically required in connection with an essential rural occupation.

Reason: to preserve the amenity and integrity of the Green Belt and in accordance with Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan, Policy NE1: Green Belt of the Proposed Aberdeen Local Development Plan 2020 and Policy 8: Green belts of National Planning Framework 4.

(02) NUMBER OF CARAVANS

That the caravan site hereby granted planning permission shall be limited to one caravan/mobile home/chalet on site at any one time.

Reason: that the justification provided and deemed necessary to allow the stud farm to become fully operational would not support multiple homes on site, and in the interests of visual amenity and to suitably protect the landscape character and setting of the Green Belt, in accordance with

Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan, Policy NE1: Green Belt of the Proposed Aberdeen Local Development Plan, and Policy 8: Green belts of National Planning Framework 4.

(03) MATERIALS

That within one month of the date of this permission, details of all external finishing materials to the roof and walls of the caravan/mobile home/chalet unit to be located on site have been submitted to, and approved in writing by the Planning Authority and thereafter the approved material finish is maintained for the duration of the caravan/mobile home/chalet unit being located on site.

Reason: in the interests of visual amenity and to suitably protect the landscape character and setting of the Green Belt, in accordance with Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan 2017, Policy NE1: Green Belt of the Proposed Aberdeen Local Development Plan 2020 2017 and Policy 8 Green Belts of National Planning Framework 4.

(04) TIME LIMITS

The following time limits and related conditions on the planning permission hereby granted shall apply:

- a) The development permitted by this planning permission shall expire on the 23rd October 2023 and for no longer period.
- b) By the 23rd October 2023 the land on which the development permitted by this planning permission shall be reverted to its previous use (as land for the curtilage of the dwellinghouse or otherwise land clear of any structure permitted by this planning permission and any caravan/mobile home/chalet removed), and without prejudice to the foregoing generality, shall include the following works or operations:
 - i. Removal of any caravan/mobile home/chalet and associated structures permitted by this planning permission from the land for which this permission relates.
 - ii. The completion of any works necessary to restore the land to its previous position before the use of the caravan site was begun.
 - iii. Restoration of the land's use as curtilage to the dwelling house on the development site.

Reason: in the interests of visual amenity and to suitably protect the landscape character and setting of the Green Belt, in accordance with Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan 2017, Policy NE1: Green Belt of the Proposed Aberdeen Local Development Plan 2020 2017 and Policy 8 Green Belts of National Planning Framework 4.

APPROVED PLANS AND DRAWINGS

5707-LOC	Location Plan
5707-01	Site Layout (Proposed)
221571-01	Planning Statement

Signed on behalf of the planning authority



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION NOTICE

RIGHT OF APPEAL

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

1. to refuse planning permission for the proposed development;
2. to refuse approval, consent or agreement require by a condition imposed on a grant of planning permissions;
3. to grant planning permission or approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A 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

If permission to develop land is refused or granted subject to conditions, 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 which has been permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).

CONDITIONS



Failure to comply with any condition or limitation subject to which planning permission has been granted is a breach of planning control and may lead to enforcement action being initiated.

A request to discharge a condition which requires the submission and approval of information must be made by submitting the form available at <https://www.aberdeency.gov.uk/post-decision-submissions>.

COMMENCEMENT AND COMPLETION OF DEVELOPMENT

Prior to implementing this planning permission, a person intending to do so, must give notice to the Council of the date development is expected to commence, by submitting Form A. Failure to do so is a breach of planning control and may lead to enforcement action being initiated.

Subsequently, as soon as is practicable after completion of the development, notice must be given

to the Council of the completion date, by submitting Form B.

Forms can be submitted to pi@aberdeencity.gov.uk or the address at the top of this notice.

OTHER CONSENTS

This permission does not provide exemption from obtaining other consents administered by Aberdeen City Council, such as listed building consent, building warrant, premises license, or roads construction consent. Those carrying out development associated with this permission are responsible for obtaining all relevant consents from the Council and other regulatory bodies.

Notification of Initiation of Development

Town and Country Planning (Scotland) Act 1997 – Section 27B

Application reference number: 221571/DPP

Site address: Greenpasture, Anguston

Date of decision: 2 March 2023

Person or company intending to carry out the development	
Name and address	
Phone number or e-mail address	
Owner of the land to which the development relates (if different from above)	
Name and address	
Phone number or e-mail address	
Site agent or contractor appointed to oversee development	
Name and address	
Phone number or e-mail address	

Date it is intended to initiate development: DD / MM / YYYY

General Data Protection Regulations – How we use your data

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

For the purposes of processing this information Aberdeen City Council is the Data Controller. The Information Commissioner Office is the UK's regulator of data protection law (www.ico.org.uk). For further information on how we use, store & protect your data please see our website www.aberdeencity.gov.uk/your-data/privacy-notices/your-data-planning-application

Notification of Completion of Development

Town and Country Planning (Scotland) Act 1997 – Section 27B

Application reference number: 221571/DPP

Site address: Greenpasture, Anguston

Date of decision: 2 March 2023

Person or company completing development	
Name and address	
Phone number or e-mail address	

Date on which development was completed:

DD / MM / YYYY

General Data Protection Regulations – How we use your data

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

For the purposes of processing this information Aberdeen City Council is the Data Controller. The Information Commissioner Office is the UK's regulator of data protection law (www.ico.org.uk). For further information on how we use, store & protect your data please see our website www.aberdeencity.gov.uk/your-data/privacy-notices/your-data-planning-application

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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Site Address:	First Floor Left, 22 Allan Street, Aberdeen, AB10 6HD
Application Description:	Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people
Application Ref:	231145/DPP
Application Type:	Detailed Planning Permission
Application Date:	13 September 2023
Applicant:	MIDU Ventures Ltd
Ward:	Airyhall/Broomhill/Garthdee
Community Council:	Ashley and Broomhill
Case Officer:	Jack Ibbotson

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The property to which this application relates is a first floor flat within a semi-detached tenement building located in the residential area to the south west of the city centre. The building is divided into six flats with access to this flat via a rear stairway leading to the first floor. One other flat is accessed from this communal door and corridor (First floor right 22 Allan Street). Other flats in the building have separate access doors and lobby accesses. The flat is laid out with two bedrooms, a kitchen and a living room. The building has a large communal garden to the rear.

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 STL is 4 persons at any one time, with a minimum stay duration of 3 nights. The property would be operated as an STL on a permanent basis and waste from the property would be collected from the on street residential waste bins. The property would have no maximum period of stay. There is an existing key safe to allow access located on the front door frame.

There is no proposed off street car parking. The surrounding streets are uncontrolled parking areas.

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=S0XAO9BZFM00>

- Short term let check list
- Email from agent confirming details of maintenance and waste storage/collection.

CONSULTATIONS

Roads Development Management Team – On the basis of a maximum occupancy of 4 guests in this 2 bedroom flat, there is no objection to the proposed use in terms of parking as there is not anticipated to be a net change in parking requirements between a residential use and the short term let use.

Waste and Recycling – Continued use of on street waste and recycling bins until the commercial waste status can be determined.

Ashley and Broomhill Community Council – No response received.

REPRESENTATIONS

Two representations have been received one of which sets out an objection to the proposal the other setting out neutral comments regarding the proposal. The matters raised can be summarised as follows –

- Car parking is an existing issue within the vicinity of the application property and the use of the flat as a short term let has/would exacerbate this issue. This is the basis for the representation objecting to the scheme.
- A neighbour seeks clarification that waste storage and collection as well as communal/mutual maintenance of the building are considered by the applicant and that they ensure this takes place.

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

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 16 (Quality Homes)
- Policy 30 (Tourism)

Aberdeen Local Development Plan 2023

- Policy H1 (Residential Areas)
- Policy D1 (Quality Placemaking)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy VC2 (Tourism and Culture)
- Policy VC4 (City Centre and Retail Core)

Other National Policy and Guidance

Scottish Government publications

- 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

Key Considerations

The key material consideration in the assessment of this planning application for the change of use of the property to STL accommodation is whether the proposed use (for which consent is sought retrospectively) would harm the amenity of neighbouring residential properties to any significant degree and thus conflict with the Development Plan. Matters for consideration in assessing the potential harm to residential amenity include: impacts on privacy and sense of security, whether actual or perceived, and disturbance through having to share a communal entrance, and vestibule area solely with the frequently changing transient non-residents that would access and occupy the STL accommodation. The evaluation is set out in detail below, and these matters are considered in detail with the other relevant material considerations.

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

Policy 30 (Tourism), paragraph (e) of 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

Although the application property is situated within a residential area as zoned in the ALDP Proposals Map, the site lies in relatively close proximity to shops and services on Holburn Street which would be a 650/700m walk to the city centre boundary to the north east. Allan Street is a relatively quiet road although traffic may use it in both directions. This is therefore considered to be a relatively quiet residential area, and although it is in very close proximity to busier roads such as Holburn Street, Broomhill Road and Great Western Road it does have a quieter character than the busier character of the city centre.

By virtue of the number of flats in this 6 flat tenement building and surrounding similar buildings, the density of development is quite high which, even in residential occupation, would generate relatively high numbers of comings and goings, and therefore the use as an STL would not create an uncharacteristic increase in comings and goings against the existing character of the wider area. This was considered acceptable as part of the assessment for an application at attic floor right, 21 Allan Street (ref. 231088/DPP). However, in this case, the impact on the only other direct neighbour (First Floor Right, 22 Allan Street) that shares the same entrance corridor would be a significant change in comings and goings, which is discussed further below, and thus differs from this neighbouring planning permission (231088/DPP) where the access was a shared tenement with multiple flats sharing the communal entrance areas.

In terms of impacts on the amenity of neighbours, the property shares an entrance door and stairwell with only one other property which is in use as a mainstream residential flat. Other properties within the building have separate entrance doors but would use the combined external side path and some would share the external stair.

It is considered that the use of the property as an STL could result in increased harm to the amenity of the neighbouring properties within the tenement building, in particular the single other flat sharing the entrance vestibule, 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.

In this instance, the proposed STL is a 2-bedroom flat with a stated maximum occupancy of four people. The 47m² Gross Internal Area and limited occupancy mean that it is considered highly unlikely that the flat would be used for the hosting of parties or other events. This avoids to a greater degree the potential of causing anti-social impacts that could harm the amenity of neighbouring properties in terms of noise from activities within the property during the more sensitive late night and early morning periods. Such activities could nevertheless take place in the property if operated as mainstream residential accommodation. This therefore, in isolation, this would not be a reason to refuse the application.

Access to the flat by customers of the property is however considered to be problematic and likely to harm the amenity of neighbours living in permanent residential flats within the building.

Access to the property is via the communal garden area via a side path and stairs so visitor comings and goings would have some effect on the enjoyment of the secluded rear garden area by residents using the garden. Whilst the garden is already overlooked and is not a wholly private area, the frequent comings and goings of effectively strangers within the secluded rear garden is likely to cause permanent residents to perceive the area to be less secure and safe when compared to with comings and goings of known permanent residents.

The application property shares a corridor with one other property at first-floor level. Therefore there is a direct neighbour that would be affected on the same level by the comings and goings on this corridor and around the base of the stairs and rear garden access, which is discussed further below. Other than this flat, other residents above and below may notice the guests to the application STL using this communal path and external area when they move through these areas or use the communal garden which might result in a perceived or actual reduction in safety.

It is considered that the impact on amenity from the change of use of this flat at 22 Allan Street to STL accommodation would arise from the detrimental impact on the safety and security, either actual or perceived, and the potential disturbance to the privacy of the occupant(s) of the neighbouring flat resulting from the properties sharing a residential doorway, vestibule and garden.

The full-time STL would be occupied solely by transient non-residents, in addition to cleaners using the spaces after each visit, thus presenting an increase in activity and coming and goings by frequently changing people unknown to the resident or residents in that flat, compared to if it were to revert to mainstream residential use. The internal communal vestibule is narrow and relatively small, and the private door of the adjoining flat is close to that of application flat. It is considered that the use of this space by frequently changing transient persons staying on a non-residential basis, unknown to the occupants of the other residential flat would have an adverse impact on their amenity through the loss of privacy and a sense of safety and security, either actual or perceived. Considering the requirements of Policy 14 of NPF4 and D1 of the ALDP, which require proposals to be designed for lifelong wellbeing through ensuring spaces, routes and buildings feel safe, as well as development to be safe and pleasant, it is considered that the resulting arrangement would conflict with the aims of these policies, as well as the aims of Policy D2 of the ALDP.

Aside from the actual or perceived impact on the security of the flat opposite, it is considered that there would be impacts on amenity of other residents in the building 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 from regular arrivals and departures by customers, via noise transmission through the ceilings (particularly given the building is a historic tenement of traditional construction), and to the impact on safety and security from the use of the communal entrance and stairwell by transient non-residents, either actual or perceived.

It is considered that the scale of the application property and proposed occupation (with a maximum of four customers when in use), could result in harm to the amenity of the neighbouring mainstream residential properties within the building through noise transmission. However, considering that the use is not necessarily full time occupancy with likely spells of vacancies or letting to parties of less than 4 people, it is not considered to be significantly higher impact upon amenity when compared to the property remaining in / reverting to mainstream residential use.

It is therefore considered that the use of the property as an STL does cause significant harm to amenity of the direct neighbour which shares a access and corridor which does not accord with Polies 30(e)(i) and 14 of NPF4, and Policies D1, D2 and H1 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 within approximately 175m walking distance Holburn Street local shopping street and approximately 650/700m to the city centre boundary. For many customers of the STL this would be within relatively easy walking distance and there are also extensive public transportation from the city centre to within close proximity of the site with bus routes to Broomhill Road, Great Western Road and Holburn Street, the former two locations would provide buses approximately every 15 minutes to the city centre and are in short walking distance of not more than 300m. This would allow access to existing services and may mean that guests contribute to the local economy through dinners out, visits to attractions or by choosing Aberdeen as a place to come to do business.

However, as the site is outside of the city centre area this does represent some limited tension with Policy VC2 of the ALDP. This tension is limited by the small scale of this development, i.e. one flat would not displace significant tourist accommodation from the city centre, and currently the cumulative change in the spatial location of tourist accommodation has not been evidenced in a significant shift outwith the city centre. It is also noted that the siting of the accommodation could have the benefit as set out in the Scottish Government's publication on 'Short Term Lets: Business and regulatory impact assessment' in offering more affordable accommodation helping to attract tourists that have a lower budget and offering accommodation which is not currently served by hotels or hostels.

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. 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 in close proximity to the city centre.

In relation to the duration of planning permissions for Short Term Lets, the Scottish Government Circular 1/2023 (Short-Term Lets and Planning) notes that:

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

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

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

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

It is recognised in general terms that the location of this STL accommodation would likely have local economic benefits in that it would provide tourist accommodation which is accessible to and from the city centre, the amenities and businesses of George Street and it is in a location that is accessible via public transportation. Additionally, were the application to be approved, a 5-year time limit condition could have been used to address the long-term impact on housing supply. However, the specific circumstances of this site and the proposal are such that it would result in an unacceptable impact on the local amenity of the area to degree that would significantly outweigh any local economic benefit that would arise from this one STL accommodation unit. The proposal would therefore conflict with the aims of Policy 30 (Tourism) of NPF4.

Transport & Accessibility

Policy 13 (Sustainable Transport) on NPF4 and Policy T2 (Sustainable Transport) of the ALDP promote and encourage the use of sustainable and active modes of travel where possible, as opposed to private vehicle trips. The application property lies outside the city centre boundary but within close walking distance of the city centre amenities and bus routes linking to the city's main railway and bus station.

It is anticipated that the majority of customers staying at the property on a short-term basis would be tourists or business visitors who would be likely arrive in the city by plane, train or bus and access the property sustainably, not generating any traffic or requiring any car parking.

No dedicated car parking is proposed for the STL but this is considered to be acceptable due to its accessible location. The change of use is not considered to result in more trips to the site by private car than were the property in permanent residential use. The objection relating to on street parking pressure and lack of parking restrictions being in place is noted.

However, on balance it is considered that should people visit in cars the impact through parking is not likely to be significantly higher than the level were the property being used as a residential flat and would not therefore be a reason for refusal. The current flat has a short fall in off street parking provision and therefore the proposal would have a similar shortfall, and is therefore not likely to result in a worse situation. It is therefore considered to broadly comply with Policy T3 (Parking) as the development is not likely to increase parking shortfalls in the area.

The proposals are therefore compliant with Policies 13 of NPF4 and T2 and T3 of the ALDP.

Waste Management

Policy 12 (Zero Waste) of NPF4 and Policy R5 (Waste Management Requirements for New Developments) 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 is a business and therefore does not pay Council Tax, it would be possible that customers of the STL utilise existing domestic on-street general waste and recycling bins.

The Council's Waste & Recycling Service have advised that the customers of the property can continue to 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. This addresses the question raised by a neighbouring resident who was concerned that the business waste requirement would result in on site commercial waste bins, however this is not required. The proposals are therefore acceptable in accordance with Policies 12 of NPF4 and R6 of the ALDP.

Tackling the Climate and Nature Crises, Climate mitigation and Biodiversity

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

The proposed development, comprising the change of use of an existing property, with no associated external alterations, would not make any adverse material difference to the global climate and nature crises nor to climate mitigation and adaptation. As a change of use there are limited opportunities to minimise greenhouse gas emissions given the nature of the proposal which does not proposed any building work. Therefore the proposals are considered compliant with Policies 1 and 2 of NPF4. The proposed development is wholly internal, small-scale and does not significant 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.

Matters Raised in Representation

Matters as raised in the two letters of objection set out above have been addressed within the report above.

DECISION

Refuse

REASON FOR DECISION

The change of use of the property from a residential flat to short term let accommodation would have a significant adverse impact on the amenity of the occupants of the neighbouring residential flat which shares an access and entrance vestibule. This is because the occupants of the neighbouring flat would have to share the communal entrance and vestibule solely with frequently changing transient guests and cleaners of the short term let accommodation unit, who would be unknown to them. Taking into account the small size of the vestibule and close proximity of the private entrances of each property to each other, this would result in a significant adverse impact on the privacy and sense of security, whether actual or perceived, on the occupants of the neighbouring flat, as well as result in likely general noise disturbance compared to if the application property was in mainstream residential use. The proposal would therefore adversely affect the residential amenity of the surrounding area, contrary to the aims of Policy 14 (Design, Quality and Place) of National Planning Framework 4 (NPF4), and Policies H1 (Residential Areas), D1 (Quality Placemaking) and D2 (Amenity) of the Aberdeen Local Development Plan 2023.

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



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 100643192-001

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

Type of Application

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

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

Description of Proposal

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

Change of use from residential flat (sui generis) to short term let comprising 1 bedrooms and a maximum of 2 occupants (sui generis)

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:	SJA Property Group LTD		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Mitchell	Building Name:	<input type="text"/>
Last Name: *	Clark	Building Number:	7
Telephone Number: *	07787117918	Address 1 (Street): *	Albert Street
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Aberdeen
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	AB251XX
Email Address: *	Mitchell@sjaproperty.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	James	Building Number:	7
Last Name: *	Duguid	Address 1 (Street): *	Albert Street
Company/Organisation	MIDU Ventures Ltd	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: *	AB251XX
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:

FIRST FLOOR LEFT

Address 2:

22 ALLAN STREET

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB10 6HD

Please identify/describe the location of the site or sites

Northing

805041

Easting

392971

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

43.00

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)

Change of use from residential flat (sui generis) to short term let comprising 3 bedrooms and a maximum of 5 occupants (sui generis)

Access and Parking

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

Yes No

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

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

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

Awaiting further information

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: Mitchell Clark

On behalf of: MIDU Ventures Ltd

Date: 13/09/2023

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

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

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

Provide copies of the following documents if applicable:

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

Declaration Date: 13/09/2023

Payment Details

Online payment: ABSP00010044
Payment date: 13/09/2023 12:48:00

Created: 13/09/2023 12:49

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Mitchell Clark
SJA Property Group LTD
7 Albert Street
Aberdeen
AB251XX

on behalf of **MIDU Ventures Ltd**

Aberdeen City Council in exercise of its powers under the above mentioned Act hereby **refuses planning permission** for the development specified below and shown in the plans and drawings listed.

Application Reference Number	231145/DPP
Address of Development	First Floor Left 22 Allan Street Aberdeen AB10 6HD
Description of Development	Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people
Date of Decision	1 February 2024

DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION

None.

REASON FOR DECISION

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

The change of use of the property from a residential flat to short term let accommodation would have a significant adverse impact on the amenity of the occupants of the neighbouring residential flat which shares an access and entrance vestibule. This is because the occupants of the neighbouring flat would have to share the communal entrance and vestibule solely with frequently changing transient guests and cleaners of the short term let accommodation unit, who would be unknown to them. Taking into account the small size of the vestibule and close proximity of the private entrances of each property to each other, this would result in a significant adverse impact on the privacy and sense of security, whether actual or perceived, on the occupants of the neighbouring flat, as well as result in likely general noise disturbance compared to if the application property was in mainstream residential use. The proposal would therefore adversely affect the residential amenity of the surrounding area, contrary to the aims of Policy 14 (Design, Quality and Place) of National Planning Framework 4 (NPF4), and Policies H1 (Residential Areas), D1 (Quality Placemaking) and D2 (Amenity) of the Aberdeen Local Development Plan 2023.

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



A full evaluation and account of the processing of the application is contained in the report of handling, which is available by entering the application reference number at <https://publicaccess.aberdeencity.gov.uk/>.

PLANS AND DRAWINGS

Location Plan
Ground Floor Plan (Proposed)
Other Drawing or Plan

Signed on behalf of the planning authority

A handwritten signature in blue ink that reads "Daniel Lewis".

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

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

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Application Address: 22 Allan Street, Aberdeen, AB10 6HD

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

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

COMMENTS

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

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

Site Specific comments:

- To make use of current on street communal bins until commercial status can be determined.

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: L Todd

Date: 21/09/2023

Email: wasteplanning@aberdeencity.gov.uk

Consultee Comments for Planning Application 231145/DPP

Application Summary

Application Number: 231145/DPP

Address: First Floor Left 22 Allan Street Aberdeen AB10 6HD

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

Case Officer: Jack Ibbotson

Consultee Details

Name: Mr scott lynch

Address: Marischal College, Gallowgate, Aberdeen AB10 1YS

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

Comments

I note that this application is for the Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people. The site is located in the outer city, outwith any controlled parking zone.

I note that the submitted application states, under description of proposal: "change of use...to short term let comprising 1 bedroom and a maximum of 2 occupants".

This appears to contradict the application title which states there is a maximum occupancy of 4 people. Furthermore, under the "existing use" section it states:

"Change of use from residential flat to short term let comprising 3 bedrooms and a maximum of 5 occupants".

As such, this application says it's for 2, 4, and 5 residents in different locations. This should be clarified.

The site is noted as having 0 parking, and none is proposed.

The plan submitted shows 2 bedrooms, so I assume the maximum occupancy is 4 people. There is no net change in parking requirement between a 2 bedroom flat in the outer city, and a 2 bedroom short term let.

If the assumption about the number of bedrooms is correct there are no further Roads concerns, if not the applicant should provide further information in this regard.

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Comments for Planning Application 231145/DPP

Application Summary

Application Number: 231145/DPP

Address: First Floor Left 22 Allan Street Aberdeen AB10 6HD

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

Case Officer: Jack Ibbotson

Customer Details

Name: Mrs Sarah Manson

Address: 20 Allan Street Aberdeen

Comment Details

Commenter Type: Neighbour

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

Comment Reasons:

Comment: I would like to provide comments on two aspects of this application:

1. The applicant has ticked 'No' in relation to the question 'Does the property have access to any communal amenities, including garden ground or roof terraces?'. This is incorrect as all six flats in the block have shared ownership and access to the back garden. I would like to ensure that the landlord is aware of this and thereby contributes to the upkeep, along with the other 5 property owners.

2. I note that in the waste consultation documents it says that commercial waste bins will need to be installed, and arrangements made for private removal of this waste. Will neighbours be consulted regarding where these bins are placed? Given the property in question is 1st floor, where will these bins be placed so that they do not negatively impact the ground floor properties? Either by being visible from windows, being allowed to overflow and attract vermin, or being disturbed by people coming to empty them? We already have council bins outside our front window.

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Comments for Planning Application 231145/DPP

Application Summary

Application Number: 231145/DPP

Address: First Floor Left 22 Allan Street Aberdeen AB10 6HD

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

Case Officer: Jack Ibbotson

Customer Details

Name: Mr Calum Seivwright

Address: 18 Allan Street Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Parking is already a nightmare on this street. If this short term let allows up to 4 people that is potentially 4 cars or 2 cars if 2 couples stay.

How will the owner manage this to ensure it doesn't negatively impact the already bad parking on the street.

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Application 231145/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
- 16. Quality Homes
- 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
- VC4 City Centre and Retail Core
- 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 100668374-001

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

Applicant or Agent Details

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

≤ Applicant **T** Agent

Agent Details

Please enter Agent details

Company/Organisation:	SJA Property Group LTD		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Mitchell	Building Name:	
Last Name: *	Clark	Building Number:	7
Telephone Number: *	07787117918	Address 1 (Street): *	7
Extension Number:		Address 2:	Albert Street
Mobile Number:		Town/City: *	ABERDEEN
Fax Number:		Country: *	United Kingdom
		Postcode: *	AB25 1XX
Email Address: *	mitchell@sjaproperty.com		

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

≤ Individual **T** Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text" value="7"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Albert Street"/>
Company/Organisation	<input type="text" value="MIDU Ventures Ltd"/>	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="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB251XX"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="FIRST FLOOR LEFT"/>
Address 2:	<input type="text" value="22 ALLAN STREET"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB10 6HD"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="805041"/>	Easting	<input type="text" value="392971"/>
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Description of Proposal

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

Change of use from residential flat (sui generis) to short term let comprising 2 bedrooms and a maximum of 4 occupants (sui generis)

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.

I am appealing the planning authority's decision to deny the change of use at 22 Alan Street. The property has been operated responsibly as a Short-Term Let without objections for over a year, and both the planning and license applications were submitted without any objections to my knowledge. The concerns raised do not reflect its actual impact. I request reconsideration.

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)

Appeals Letter

Application Details

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

100643192-001

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

13/09/2023

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

01/02/2024

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 Mitchell Clark

Declaration Date: 15/04/2024

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Subject: Planning Appeal for Change of Use at [Property Address]

To whom it may concern,

I am writing to appeal the decision of the planning department regarding the change of use application for [Property Address]. The property has been operating as a Short-Term Let (STL) for over a year without any objections from neighbours, and both the planning and license applications were submitted, neither of which received any objections to my knowledge.

I respectfully disagree with the reasons provided for the denial of the planning application, which stated:

"The change of use of the property from a residential flat to short-term let accommodation would have a significant adverse impact on the amenity of the occupants of the neighboring residential flat which shares an access and entrance vestibule. This is because the occupants of the neighboring flat would have to share the communal entrance and vestibule solely with frequently changing transient guests and cleaners of the short-term let accommodation unit, who would be unknown to them. Taking into account the small size of the vestibule and close proximity of the private entrances of each property to each other, this would result in a significant adverse impact on the privacy and sense of security, whether actual or perceived, on the occupants of the neighboring flat, as well as result in likely general noise disturbance compared to if the application property was in mainstream residential use. The proposal would therefore adversely affect the residential amenity of the surrounding area, contrary to the aims of Policy 14 (Design, Quality and Place) of National Planning Framework 4 (NPF4), and Policies H1 (Residential Areas), D1 (Quality Placemaking) and D2 (Amenity) of the Aberdeen Local Development Plan 2023."

I would like to address the concerns raised:

Shared Access and Entrance Vestibule: While it is acknowledged that the property shares an access and entrance vestibule with a neighbouring residential flat, it's important to note that the property has been operating as an STL for over a year without any issue. As far as I'm aware there has been no objections from neighbouring occupants regarding shared access or any disturbances caused by transient guests. Its also worth noting that the apartment door is clearly signposted, and guests receive a check in video which walks them from the street right to the apartment entrance which helps to limit time guests are spending in communal areas.

Regarding privacy and security concerns, it's important to note that there have been no reported incidents indicating a decline in privacy or security for neighboring occupants. The property has been managed responsibly, with measures in place to ensure the safety and security of all occupants. Lockbox combinations are regularly changed, and neighbors have access to my personal number, with the assurance that they can call anytime if there are any issues.

Noise Disturbance: Contrary to the assertion made, the operation of the property as an STL, Mainly catering to contractors has not resulted in any significant noise disturbances.

In conclusion, the operation of the property as an STL has been conducted responsibly and without any adverse effects on the surrounding area. The concerns raised by the planning department are speculative and do not reflect the actual situation on the ground.

I kindly request that you reconsider the planning application for the change of use at 22 Allan Street. I am willing to provide any additional information or address any concerns raised to ensure that the operation of the property as an STL continues to be in compliance with regulations and does not adversely affect the surrounding community.

Thank you for your time and attention to this matter. I look forward to a fair and thorough review of my appeal.

Sincerely,
Mitchell

Short Term Let Accommodation


Planning Application Supporting Information Checklist



Property Address and Floor Level: 22A Allan Street – 1st Floor Left

What is the maximum number of occupants that would be allowed to stay in the property?	4 people maximum
How many bedrooms and beds would there be?	2 bedrooms with 2 beds
What is the minimum duration of stays for customers?	3 nights
Please also state the maximum duration of stay, if applicable	No limit on length of stay
Would there be any car parking available for customers? If yes, how many spaces and what type? (i.e. dedicated off-street space, on-street etc)	No off street parking. On street parking in vicinity
Would the property be in use as a Short Term Let (STL) on a permanent basis, or would it only be available to hire for certain periods of the year only? If not permanent, please provide further details	Yes
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?	Key box Check in - 3pm Check out - 10am
Please advise what the arrangements would be, including frequency, for cleaning the property and how would waste be disposed of?	After each stay
Does the property share a communal access with any other properties and if so, how many?	2flats of a communal access
Does the property have access to any communal amenities, including garden ground or roof terraces? If so, provide details	No
If known, how many other properties in the building are currently in use as Short Term Let accommodation?	Not sure
If the application seeks permission retrospectively, how long has the property been in use as Short Term Let accommodation? Please provide any existing online links to view & book the accommodation, if available:	September 2022 22A Allan Street

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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:	63 Grove Crescent, Aberdeen, AB16 5DU
Application Description:	Erection of single storey extension to the side and rear, formation of dormer to rear and formation of roof terrace on rear extension
Application Ref:	231029/DPP
Application Type:	Detailed Planning Permission
Application Date:	11 September 2023
Applicant:	Mr Marek Kowalczyk
Ward:	Mid Stocket/Rosemount
Community Council:	Rosemount and Mile End
Case Officer:	Jennifer Keohane

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site is situated within the residential area of Cornhill, located to the north west of Aberdeen City Centre. The application property comprises of a one storey semi-detached property which holds a north facing principal elevation which overlooks a double driveway. The rear, south facing, elevation overlooks a large curtilage, where a single storey garage is situated to the south east of the curtilage, accessed via Grove Crescent to the south. A side curtilage to the west of the dwelling allows access from the front curtilage into the rear amenity space. The dwelling adjoins 61 Grove Crescent to the east and shares its boundary with neighbouring 65 Grove Crescent to the west.

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for multiple components of development which would be set within the side and rear curtilage of the application site. Firstly, permission is sought to erect a single storey extension, projecting 4.5 metres from the south, rear, elevation, spanning the entire 6.5 metre width of the existing dwelling, with an approximate height of 2.9 metres. The total footprint of the rear extension would measure approximately 28.7sqm. A window opening is proposed on its west elevation and double glazed sliding doors and an glazed paned are proposed for the south elevation, which would measure 2 metres high and 5.4 metres wide. The west and

south elevation would be harled to match the existing property. A roof terrace is proposed on the roof of the extension, accessed via the proposed dormer extension, which will be detailed below. A glazed balustrade is proposed along the perimeter of the terrace, which would measure 1.1 metres in height, resulting in an extension with a total height of 4 metres. The proposed plans received detail that the proposed terrace/roof of the rear extension would be tiled to finish.

The dormer extension is proposed for the south elevation of the existing roof plane and would have a depth of 4.4 metres and a width of 3.4 metres. The proposed dormer would be built off the wall head to a height of 2.4 metres. Glazed sliding doors would be located on the south elevation, allowing access onto the proposed terrace. The west elevation of the proposed dormer would be tiled to match the existing roof.

Finally, a side extension is proposed which would project 4 metres from the west facing gable and would measure 5.3 metres in length. The proposed side extension would sit 3 metres behind the north facing principal elevation and would measure 3 metres in height where the total floorspace would measure approximately 21.5 sqm. The north, south and west elevations would be harled to match the existing dwelling where a horizontal window would be located on the south elevation, measuring 3 metres wide and 500mm in height. The north facing elevation of the side extension would have an access door and window, where the flat roof would be finished in Sarnafil single ply membrane.

The proposed drawings detail a proposed first floor extension to sit above the existing single storey garage, but without providing any elevational drawings of the resultant building. However, this element of the proposal was not included in the description of the development on the application form and thus is considered to not form part of the proposed development. As such, this element of the proposal cannot be considered as part of this application.

On review of the plans provided, inconsistencies with the measurements across all plans have been noted, therefore all measurements quoted in this report are approximate.

Amendments

None.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RZSBO7BZMN300>

CONSULTATIONS

Rosemount and Mile End Community Council – No comments received

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Development Plan

National Planning Framework 4

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 14 (Design, Quality and Place)
- Policy 16 (Quality Homes)

Aberdeen Local Development Plan 2023

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

Aberdeen Planning Guidance

- Householder Development Guide

EVALUATION

Principle of Development

The site falls within a “Residential Area” designation on the Aberdeen Local Development Plan (ALDP) Proposals Map to which Policy H1 in the ALDP applies. Policy H1 supports new development and householder development within such areas providing it satisfies the following criteria:

- 1) Does not constitute “overdevelopment”;
- 2) Does not have an adverse impact to residential amenity and the character and appearance of an area; or
- 3) Does not result in the loss of open space.

Overdevelopment and loss of open space

To ensure the proposal does not constitute as “overdevelopment” the built footprint of a residential property as extended should not exceed twice that of the original and no more than 50% of the rear curtilage should be covered in development.

Further to the note above regarding inconsistencies with the plans submitted, the measurements for the following calculations have been taken from the proposed plot layout.

The original footprint of the dwelling is approximately 59.3sqm and the proposed extensions would measure approximately 44.6sqm. Therefore, the combined proposal would increase the footprint of the main dwelling by approximately 75%. Whilst this would not double the footprint, the proposal would significantly increase the size of the dwelling. Due to the size of the rear curtilage, measuring at approximately 320.2sqm, the proposed side and rear extension, along with the existing garage and shed, would constitute 23% site coverage. As such, the proposal would not erode more than 50% of the rear garden space. Taking these considerations into account, the

proposal would not result in 'overdevelopment' of the site. However, overdevelopment cannot just be looked at in this sense. The siting of the proposal development and the potential adverse impact on the character and amenity of the surrounding area must also be considered and such an assessment is undertaken below.

The proposal would also not give rise to loss of open space as it would be contained within the existing residential curtilage.

Impact on the character and amenity of the surrounding area

Further to criteria 2 of Policy H1, consideration to the potential impact on character and amenity as a result of the proposed development will now be undertaken. To determine the effect of the proposal on the character of the area it is necessary to assess it in the context of Policy D1 (Quality Placemaking). This policy recognises that not all development will be of a scale that makes a significant placemaking impact but recognises that good design and detail adds to the attractiveness of the built environment. This is echoed by the intent of Policy 14 (Design, Quality and Place) of NPF4, which sets out the six qualities of successful places. In addition, Policy 16 (Quality Homes), specifically section g, of NPF4 advises that householder development proposals will be supported where they do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials. The second part of section g) states that proposals should not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

Furthermore, the Council's Aberdeen Planning Guidance (APG), the Householder Development Guide, details that proposals for extensions and or alterations require to be architecturally compatible in design and scale with the original house and surrounding area. Materials used should be complementary to the original building. Any extension or alteration proposed should not serve to overwhelm or dominate the original form or appearance of the dwelling and should be visually subservient in terms of height, mass and scale. In addition, section 2.6 of the APG details that new dormers or roof extensions should respect the scale of the building and they should not dominate, overwhelm or unbalance the original roof.

As the overall application is multi-faceted, to allow for a full review of all elements, the potential impact on the character and amenity of the surrounding area will be considered under each section of the proposed works.

Proposed extension to rear with roof terrace

Good quality design, careful siting and due consideration of scale, context and design of the main dwelling are key to ensuring that development does not erode the character and appearance of residential areas. The proposed rear extension would measure approximately 4.5 metres in length, 6.8 metres wide and approximately 3 metres in height. Whilst consideration has been given to the main dwelling in terms of the material finish, through the use of harling to match the main dwelling, there are concerns with the proposed projection of the extension. Section 2.3 of the APG states that single storey extensions will be restricted to four metres in projection along the boundary shared with the other half of the semi-detached property, as such, the proposed length of the rear extension does not comply with the APG. The applicant has not asked for any specific or mitigating factors or circumstances to be taken into account by the Planning Service. As such, as the proposal raises significant amenity impacts, as discussed below, there is no overarching reason to depart from the maximum projection in the guidance. Whilst the width of the extension does not conflict with policy or guidance, the overall scale of the proposal does not sit comfortably against the main dwelling. Additionally, due to the length and height, the rear extension would adversely impact the amenity afforded to the adjoining property, which will be discussed later in the report.

The proposed roof terrace would be situated atop the proposed rear extension, sitting approximately 3 metres above ground level. On review of the wider area, it is noted that nothing of this type exists within the surrounding area. Whilst glass balustrades are proposed to enclose the roof terrace, thus reducing its massing against the main dwelling, in terms of the context of the site, it is noted that no other properties located within the surrounding area have a roof terrace. As such, the installation of such a feature would not be in keeping with the character of the surrounding area. Furthermore, consideration in terms of the impact the proposed roof terrace would have on residential amenity, in particular the adjoining house at 61 Grove Terrace is required. As detailed previously, the proposed extension would project 4.5 metres along the shared boundary and sit approximately 3 metres above ground level. Whilst the proposed plans do not include information relating to the adjoining property, following a site visit it was noted that the adjoining 61 Grove Crescent has a single storey extension to the rear, where no further alterations to the property are apparent. The proposed rear extension would far surpass that of the neighbouring property, where the combined projection and height would impact the neighbouring property. Additionally, the installation of a roof terrace would allow direct visibility into the rear curtilage of this adjoining property from this elevated position, significantly reducing the privacy of the neighbouring residents.

Further to the above, Policy H1 of ALDP details that householder development will be approved in principle if it does not have an adverse impact on the residential amenity of the surrounding area. This is echoed within Policy 16, specifically section g), of NPF4, which advises that development should not have detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking. In terms of daylighting and sunlighting (overshadowing), Appendix 2 of the Council's APG details the requirements in ensuring extensions and alterations do not impact the amenity afforded to neighbouring properties. Due to the siting of the proposal, neighbouring 65 Grove Crescent, located to the west of the application site, would not be impacted in terms of daylighting and sunlighting (overshadowing). With regard to the adjoining property at 61 Grove Crescent, it is noted that this dwelling has a small single storey extension to the rear where windows and doors are located closest to the shared boundary treatment. In addition, there is a paved area situated closest to this boundary which would appear to be used as an outdoor seating area. In line with assessments detailed under Appendix 2 of the APG, in terms of daylight, whilst it is noted the proposal would be situated to the west of the neighbouring property, assessments show the proposal would adversely impact the neighbouring property in terms of daylight, this would likely be the case as the sun moves east to west and would be particularly evident in winter months when the sun is lower in sky. Furthermore, in terms of sunlighting (overshadowing), the combined projection and height of the extension would adversely impact the neighbouring property, particularly the windows situated closest the shared boundary and the paved area which appears to be used as an outdoor seating area. This calculation of the impact has been made without including the glazed balustrade for the terrace, which does not, in itself, contribute to the loss of sunlight.

In terms of privacy, whilst the proposal rear extension would have glazed units on the south elevation, allowing visibility over and access into the enclosed rear curtilage, the main concern is the installation of a roof terrace, sitting at a height of approximately 3 metres above ground level. Appendix 3 of the APG details that the addition of balconies to the existing residential dwellings will require careful consideration of their potential impact upon privacy. Any proposed balcony which would result in direct overlooking of the private garden/amenity space of a neighbouring dwelling, to the detriment of neighbours' privacy, will not be supported by the planning authority. The installation of a roof terrace would allow clear visibility into the rear curtilage of the adjoining house 61 Grove Crescent and would be to the detriment of the neighbours privacy. The use of glazed balustrades, whilst minimising the visual impact or the impact on the neighbouring curtilage in terms of daylight and sunlighting (overshadowing) would serve to allow continuous outward

visibility while using the roof terrace. Where solid panelling may mitigate this issue, this would then increase the visual impact and the impact in terms of daylighting and overshadowing. The installation of a roof terrace, in such a location, would significantly impact the amenity of the surrounding residents, in particular that of adjoining 61 Grove Crescent, where the proposal is in direct conflict with the requirements set out under the APG.

In terms of character of the wider area, whilst the applicant has made reference to a neighbouring property, located to the southwest of the application site, where a large extension and dormers have been installed. Whilst this has been noted by the Planning Service, the context of that situation is substantially different to what is being proposed within this application. The alterations to that property complied with the relevant planning policies and guidance and did not result in any adverse impacts on the immediate neighbours. Although they are semi-detached houses, the alterations and extension were carried out as one project to avoid adverse impacts arising for either neighbour. Importantly, those alterations did not include a roof terrace. That situation has no bearing on the consideration of this current application. Furthermore, each application is assessed on its own merits.

Overall, whilst a single storey extension may be acceptable, in this instance the proposed design and scale of the rear extension and roof terrace are not in keeping with the character of the wider area. The adverse impact the proposal would have on surrounding area, specifically that of adjoining 61 Grove Crescent, deem the proposal as unacceptable. The proposed height and projection, along with the installation of a roof terrace create clear conflicts with the Householder Development Guide, specifically in terms of the impact it would have on daylighting, sunlighting (overshadowing) and privacy. Due to the adverse impact the proposal would have on the character and amenity of the wider area, the proposed rear extension and roof terrace does not comply Policy H1 (Residential Areas) and Policy D1 (Quality Placemaking) of the ALDP. Furthermore, the works would not be viewed as a successful place and would impact the character and environmental quality of the application dwelling as well as the surrounding area. The proposal would have a physical impact on neighbouring properties and would overshadow and allow direct visibility into the rear curtilage of the neighbouring properties. As such, the proposal does not comply with Policy 14 and Policy 16 of NPF4.

Formation of Dormer to Rear

As detailed previously, section 2.2 of the Council's APG details the general principles when assessing proposals for extensions, dormers and other alterations. In addition to these principles, section 2.6 of the APG details that new dormers or roof extensions should respect the scale of the building and should not dominate, overwhelm or unbalance the roof. Section 2.8 of the APG provides further clarity on assessing such applications, whereby, the dormer extension should not appear to dominate the original roof; the dormer extension should not be built directly off the wall head, a small apron may be acceptable on non-public elevations; the roof of the proposed extension should not extend to, or beyond, the ridge of the existing roof, the roof of the extension should generally be a minimum of 600 below the existing ridge; and the dormer extension should be a minimum of 600mm in from the gable.

In terms of this application, the proposed dormer is of a scale which would overwhelm and dominate the existing roof, the proposal would be built off the wall head and would measure approximately 2.4 metres in height and would project approximately 4.5 metres from the roof to allow direct access onto the proposed roof terrace. The roof of the proposal would sit approximately 400mm below the existing ridge and would meet the upper section of the hipped roof. Double glazed doors are proposed for the south elevation which would allow access onto the proposed roof terrace. Consideration in terms of adjoining 61 Grove Crescent is required, which currently has a roof light. The introduction of a dormer extension, as proposed, would completely unbalance the roof and serve to overwhelm and dominate both the application dwelling and roof of the adjoining property.

The scale of the dormer, its siting and size of the double doors would allow clear visibility over the rear curtilage of the application site and surrounding properties, thus, the proposal in its current form would significantly impact the character and visual amenity of the wider area, where there would be a significant impact in terms of privacy and overlooking. As such, the proposed dormer does not comply with the guidelines as detailed within the Council's APG, nor does it comply with Policies H1, D1 and D2 of the ALDP or Policies 14 and 16 of NPF4.

Single storey extension to side

As detailed previously, section 2.2 and 2.3 of the Council's APG gives clear guidance when assessing extensions or alterations to a residential dwelling. While this element has been detailed as a porch, due to its scale and formation of a bathroom internally, this would be considered a side extension although it is noted that the front door of the property is on this side elevation.

As with the rear extension, consideration to the main dwelling in terms of the material finish of the side extension have been made, again harled to match the existing dwelling. However, the scale, specifically in terms of its width and length, appears somewhat out of context to the main dwelling. This is evident when viewing the north elevation, where the extension would project some 4 metres out from the west facing gable. As a result, it would almost double the overall width of the property. The scale of the side extension would not marry well with the main dwelling. The width of the proposed side extension would, to some extent, unbalance the symmetry between the application dwelling and the adjoining 61 Grove Crescent where although a side entrance porch is located to the east of the neighbouring property, this is of a scale which would be seen as a porch and is suitably located so as not to dominate and overwhelm the adjoining properties. Notwithstanding, given other dwellings in the surrounding area have garage extensions to the side (albeit narrower than the extension proposed), the width of the side extension would not cause sufficient harm to the amenity of the area to, in itself, warrant refusal of planning permission.

Due to the size and layout of the side curtilage, and the inaccuracies detailed on the plans received, there is concern the proposed extension would sit uncomfortably close to the shared boundary located to the west of the dwelling. Indeed, it appears from the information currently available, that the side extension would be a width that wouldn't fit within the space available at the side of the house. At 4 metres wide it appears to exceed the width of the side curtilage at that point.

As with the proposed rear extension, consideration in terms of the potential impact the proposed side extension would have on the amenity afforded to the surrounding area must be considered. Whilst the proposed side extension would not impact adjoining 61 Grove Crescent, consideration in terms of 65 Grove Crescent is required. Again, as detailed previously, information relating to the neighbouring properties has not been provided as part of the application, however, utilising information available to the Planning Service, assessments have been carried out. Due to its proximity to the shared boundary to the west, the proposed side extension would impact neighbouring 65 Grove Crescent in terms of daylight where the area most impacted would be the side curtilage located to the east of the neighbouring property. The proposed side extension would not impact the neighbouring property in terms of sunlight (overshadowing). In terms of privacy, the proposal would have windows on the north south elevation, where the overall impact would be negligible.

However, there are concerns that the overall scale of the proposal, both in its width and length, would not fit within the side curtilage. Whilst the proposed side extension element of the proposal does not significantly conflict with policies which would warrant refusal in its own right, when combined with the scale of the proposed rear extension, the overall development would almost double the footprint of the main dwelling and so, would negatively impact the character of the

wider area. As such, does not comply in full with Policies H1 and D1 of the ALDP, nor do they meet the criteria as detailed within Policy 14 and Policy 16 of NPF4.

Conclusion

The overall proposal is excessive in terms of the scale of the rear extension and while measurements generally used to determine whether overdevelopment would occur have not been exceeded, the cumulative impact of what is being proposed would significantly alter the application site thus leading to a form of overdevelopment. The projection of the rear extension does not comply with guidelines as detailed within the APG where there would be a significant negative impact on the adjoining property. This along with the proposed roof terrace and proposed dormer would adversely impact the character and amenity of the surrounding area, with the latter being wholly unacceptable due to its scale and overall design. It is noted that the proposed side extension, as a standalone element, does not significantly conflict with policies, this application has been assessed as a whole, where, the overall proposal is not acceptable. Whilst it is acknowledged that properties within the wider area have been altered, none have the amenity impacts on neighbours that arise from this proposal. The outcome of the assessment, as detailed within this report, shows the overall works are excessive and would significantly alter the application dwelling, where the character of the wider area would be impacted, as such, the proposal does not comply with Policy H1, D1 and D2 of the ALDP, nor does it comply with Policies 14 and 16, specifically section g, of NPF4, as such, this application cannot be supported.

National Planning Framework 4 (NPF4)

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 states that when considering all development proposals, significant weight will be given to the global climate and nature crises. Policy 2 (Climate Mitigation and Adaptation) encourages, promotes and facilitates development that minimises emissions and adapts to the current and future impact of climate change. While Policy 3 (Biodiversity) looks to protect biodiversity and ensure it is enhanced, however, given the nature of the proposal there are no requirements for this policies to be used in the assessment of this application.

In terms of this application, the works result in a significant increase in terms of development and therefore in respect of Policies 1 and 2 the works could result in a significant risk to and impact on climate change.

DECISION

Refuse

REASON FOR DECISION

The combined effect of the rear and side extensions, along with the proposed roof terrace and dormer extension would significantly overwhelm the dwelling and results in overdevelopment and therefore the proposal does not adhere to the relevant criteria of Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP).

The overall design and scale of all aspects of the proposal would alter the overall aesthetics of the dwelling as well as affecting its character and resulting in an unbalance of the symmetry between the application site and the adjoining property at 61 Grove Crescent. Furthermore, the projection of the rear extension does not adhere with Council guidance, as set out in the Householder Development Guide Aberdeen Planning Guidance. As such, the character of the area would be affected by this development and overall, the proposal fails to comply with Policy H1 (Residential Areas) and Policy D1 (Quality Placemaking) of the ALDP, the Householder Development Guide Aberdeen Planning Guidance and with Policy 14 (Design, Quality and Place) and Policy 16 (Quality Homes) of National Planning Framework 4 (NPF4).

The proposed dormer and roof terrace do not comply with the criteria outlined in the Householder Development Guide Aberdeen Planning Guidance, in that they would significantly impact on the existing level of residential amenity for neighbouring residents in terms of loss of privacy. Furthermore, the rear extension is would result in an adverse daylight and sunlight impact for 61 Grove Crescent. Therefore, the proposal fails to comply with Policy H1 (Residential Areas) and Policy D2 (Amenity) of the ALDP, the Householder Development Guide Aberdeen Planning Guidance and with Policy 16 (Quality Homes) of NPF4.

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100479616-002

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.

Description of Proposal

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

To construct a porch on the west side of the house and a full width extension on the rear side, and to form a dormer window on the rear slope of the roof with internal alterations to install a stair.

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

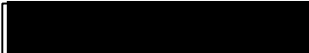
Company/Organisation:	Morris Associates		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	David	Building Name:	
Last Name: *	Morris	Building Number:	7
Telephone Number: *	01224637588	Address 1 (Street): *	Albert Terrace
Extension Number:		Address 2:	
Mobile Number:	07815 486521	Town/City: *	Aberdeen
Fax Number:		Country: *	United Kingdom
		Postcode: *	AB10 1XY
Email Address: *	morrisassociatesuk@gmail.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Marek	Building Number:	34
Last Name: *	Kowalczyk	Address 1 (Street): *	Smithfield Drive
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB16 7XN
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

63 Grove Crescent

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB16 5DU

Please identify/describe the location of the site or sites

Northing

808470

Easting

391601

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Trees

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

Yes No

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

Access and Parking

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

Yes No

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: David Morris

On behalf of: Mr Marek Kowalczyk

Date: 19/08/2023

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

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

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

Continued on the next page

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

You can attach these electronic documents later in the process.

Existing and Proposed elevations.

Existing and proposed floor plans.

Cross sections.

Site layout plan/Block plans (including access).

Roof plan.

Photographs and/or photomontages.

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

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

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

Declare – For Householder Application

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

Declaration Name: Mr David Morris

Declaration Date: 22/08/2023

Payment Details

Pay Direct

Created: 22/08/2023 09:35



DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

David Morris
Morris Associates
7 Albert Terrace
Aberdeen
AB10 1XY

on behalf of **Mr Marek Kowalczyk**

Aberdeen City Council in exercise of its powers under the above mentioned Act hereby **refuses planning permission** for the development specified below and shown in the plans and drawings listed.

Application Reference Number	231029/DPP
Address of Development	63 Grove Crescent Aberdeen AB16 5DU
Description of Development	Erection of single storey extension to the side and rear, formation of dormer to rear and formation of roof terrace on rear extension
Date of Decision	2 February 2024

DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION

None.

REASON FOR DECISION

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

The combined effect of the rear and side extensions, along with the proposed roof terrace and dormer extension would significantly overwhelm the dwelling and results in overdevelopment and therefore the proposal does not adhere to the relevant criteria of Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP).

The overall design and scale of all aspects of the proposal would alter the overall aesthetics of the dwelling as well as affecting its character and resulting in an unbalance of the symmetry between the application site and the adjoining property at 61 Grove Crescent. Furthermore, the projection of the rear extension does not adhere with Council guidance, as set out in the Householder Development Guide Aberdeen Planning Guidance. As such, the character of the area would be affected by this development and overall, the proposal fails to comply with Policy H1 (Residential Areas) and Policy D1 (Quality Placemaking) of the ALDP, the Householder Development Guide Aberdeen Planning Guidance and with Policy 14 (Design, Quality and Place) and Policy 16 (Quality Homes) of National Planning Framework 4 (NPF4).

The proposed dormer and roof terrace do not comply with the criteria outlined in the Householder Development Guide Aberdeen Planning Guidance, in that they would significantly impact on the existing level of residential amenity for neighbouring residents in terms of loss of privacy. Furthermore, the rear extension is would result in an adverse daylight and sunlight impact for 61 Grove Crescent. Therefore, the proposal fails to comply with Policy H1 (Residential Areas) and Policy D2 (Amenity) of the ALDP, the Householder Development Guide Aberdeen Planning Guidance and with Policy 16 (Quality Homes) of NPF4.



A full evaluation and account of the processing of the application is contained in the report of handling, which is available by entering the application reference number at <https://publicaccess.aberdeencity.gov.uk/>.

PLANS AND DRAWINGS

748.02	Existing/Proposed Ground Floor Plans
748.03	Existing/Proposed Elevations
748.04 A	Existing/Proposed Plot Layout

Signed on behalf of the planning authority

A handwritten signature in blue ink that reads "Daniel Lewis".

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

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

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Application 231029/DPP - 63 Grove Crescent

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)

- Policy 1 (Tackling Climate and Nature Crises)
- Policy 2 (Climate Mitigation)
- Policy 3 (Biodiversity)
- Policy 14 (Design, Quality and Place)
- Policy 16 (Quality Homes)

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

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

- H1 – Residential Areas
- D1 – Quality Placemaking
- D2 – Amenity

Other Material Considerations

Aberdeen Planning Guidance

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

Householder Development Guide

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NOTICE OF REVIEW

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

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

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

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr	Ref No.	
Forename	MAREK	Forename	DAVID
Surname	KOWALCZYK	Surname	MORRIS
Company Name		Company Name	MORRIS ASSOCIATES
Building No./Name	34	Building No./Name	7
Address Line 1	SMITHFIELD DRIVE	Address Line 1	ALBERT TERRACE
Address Line 2		Address Line 2	
Town/City	ABERDEEN	Town/City	ABERDEEN
Postcode	AB16 7XN	Postcode	AB10 1XY
Telephone		Telephone	01224 637588
Mobile		Mobile	07815 486521
Fax		Fax	
Email		Email	morrisassociatesuk@gmail.com
3. Application Details			
Planning authority	ABERDEEN CITY COUNCIL		
Planning authority's application reference number	240197/DPP		
Site address	<div style="border: 1px solid black; padding: 5px; min-height: 100px;"> <p>63 GROVE CRESCENT, ABERDEEN. AB16 5DU</p> </div>		
Description of proposed development	<div style="border: 1px solid black; padding: 5px; min-height: 100px;"> <p>ERECTION OF SINGLE STOREY EXTENSIONS TO SIDE AND REAR AND FORMATION OF DORMERS TO FRONT AND REAR.</p> </div>		

Date of application 2nd NOV 2023 11 NOV 2023 Date of decision (if any) 2 FEB 2024

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

4. Nature of Application

- Application for planning permission (including householder application)
- Application for planning permission in principle
- Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)
- Application for approval of matters specified in conditions

5. Reasons for seeking review

- Refusal of application by appointed officer
- Failure by appointed officer to determine the application within the period allowed for determination of the application
- Conditions imposed on consent by appointed officer

6. Review procedure

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

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

- Further written submissions
- One or more hearing sessions
- Site inspection
- Assessment of review documents only, with no further procedure

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

MY CLIENT MAY WANT TO SUBMIT WRITTEN STATEMENT.

7. Site inspection

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

- Can the site be viewed entirely from public land?
- Is it possible for the site to be accessed safely, and without barriers to entry? CAN BE ARRANGED

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

THE BEST VIEWING OF THE SITE CAN BE ACHIEVED FROM THE NEIGHBOURLINE SITE AT Nos 61 and 65 GROVE CRESCENT AND FROM GROVE CROCKET LANE

8. Statement

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

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

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

ON behalf of the applicant we seek to review on the application for the following reasons:
The surrounding area is mixed use in nature and residential properties. The current proposals took cognisance of and respected the context of the neighbouring properties within this location and are keeping with, and certainly not worse than, designed in terms of size, scale and design of layout and by choice of materials, to improve and enhance the dwelling and landscape. The integrity of the property has not been adversely compromised by the changes. Rather the essential characteristics and appearance of the dwelling has been improved. Whilst it is acknowledged that the proposals may not fully accord with the plan they do in sum greatly improve upon in every respect. Also there is clear precedent for this development in neighbouring properties which has been much admired.

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes No

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

→ Accordingly we feel that the proposals are worthy of and fully merit a site visit and discussion on site by the review panel prior to any decision for determination being made.

9. List of Documents and Evidence

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

: additional info : Below :

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

10. Checklist

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

- Full completion of all parts of this form
- Statement of your reasons for requesting a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

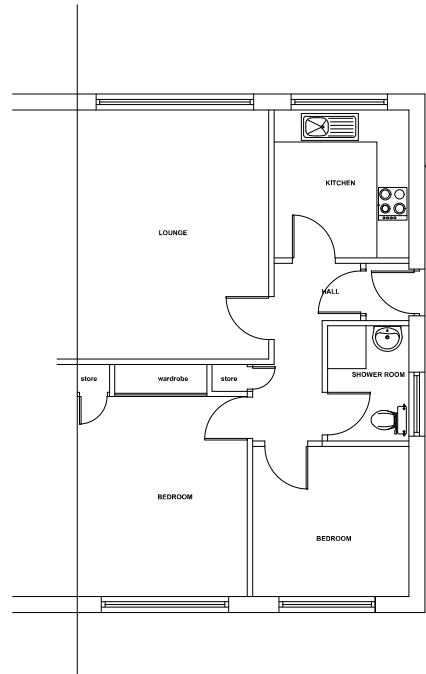
Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number,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

DECLARATION

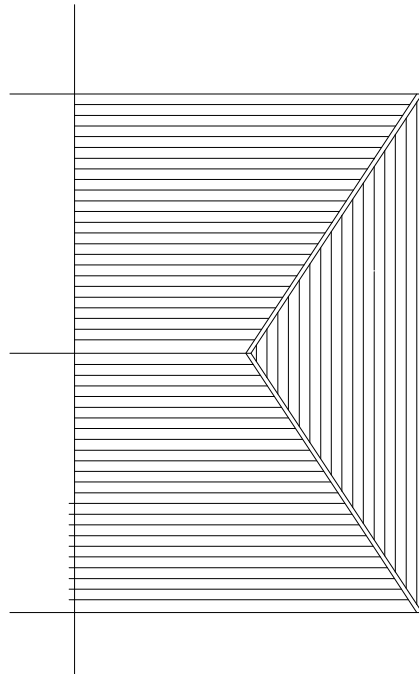
I, the ~~applicant~~ applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:  Name: Date:

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



Existing Ground Floor Plan



Existing Roof Plan

Do not scale from drawing
Contractor to check all dimensions on site
Report discrepancies to the architect

MORRIS ASSOCIATES
Chartered Architect
7 Albert Terrace Aberdeen AB10 1XY
TELEPHONE + 44 (0) 12 2463 7588
MOBILE 07815 486521
EMAIL morrisassociatesuk@gmail.com

JOB
Alterations to
63 Grove Crescent,
Aberdeen. AB16 5DU

CLIENT
Marek Kowalczyk,
34 Smithfield Drive,
Aberdeen. AB16 7XN

Date	Scale
Aug 2023	1/100

Drawn by dm

Drawing No. 749.01

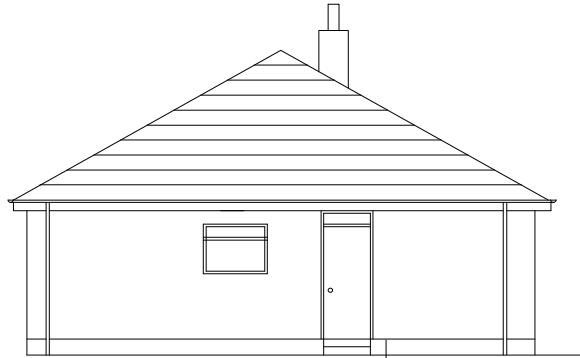
DRAWING Floor & Roof Plans

Cad File

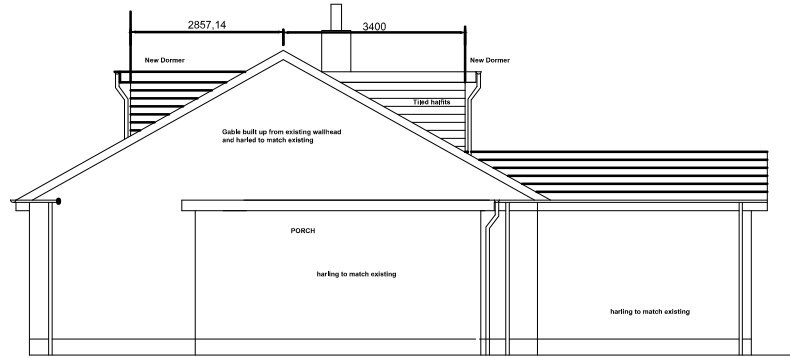
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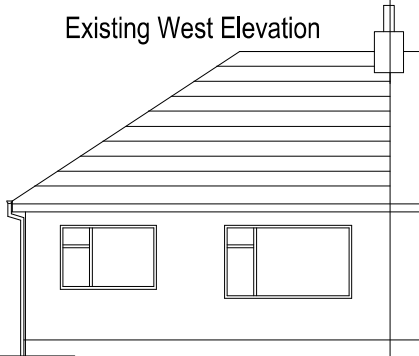
Do not scale from drawing
Contractor to check all dimensions on site
Report discrepancies to the architect



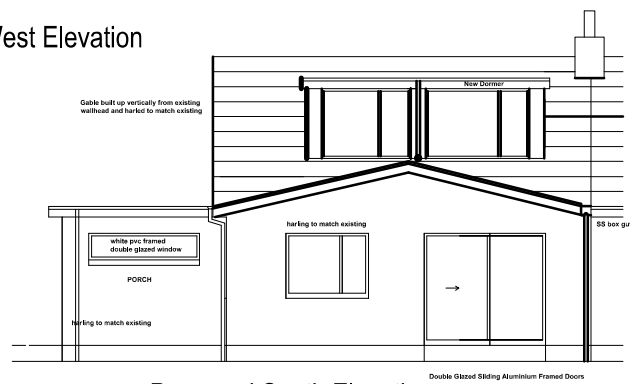
Existing West Elevation



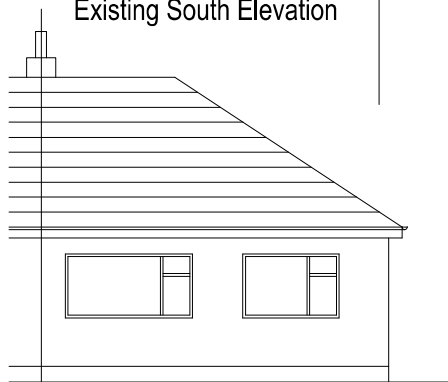
Proposed West Elevation



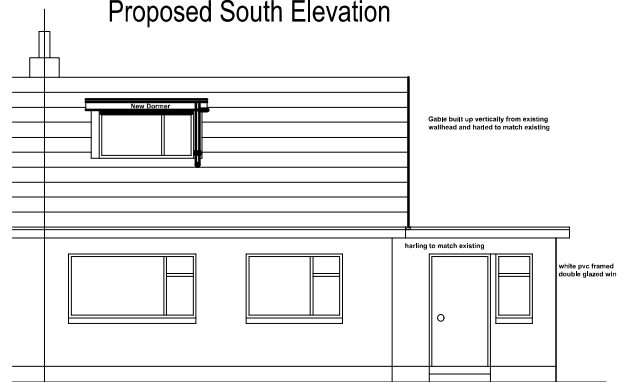
Existing South Elevation



Proposed South Elevation



Existing North Elevation



Proposed North Elevation

MORRIS ASSOCIATES
Chartered Architect
7 Albert Terrace Aberdeen AB10 1XY
TELEPHONE + 44 (0) 12 2463 7588
MOBILE 07815 486521
EMAIL morrisassociatesuk@gmail.com

JOB
63 Grove Crescent,
Aberdeen.

CLIENT
Marek Kowalczyk
34 Smithfield Drive,
Aberdeen, AB16 7XN

Date 1Aug 2023 Scale 1:100

Drawn by dm

Drawing No. 749.03 A

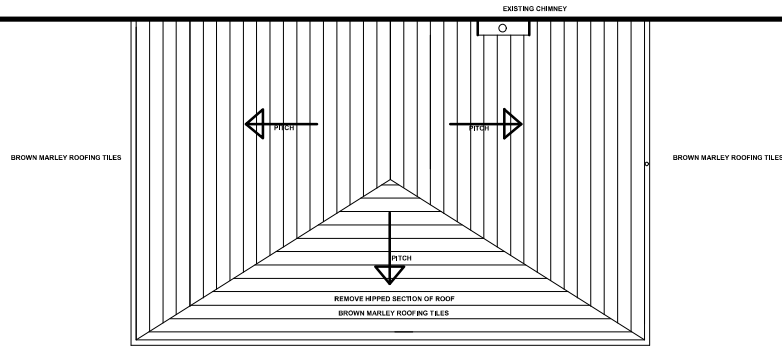
DRAWING Elevations

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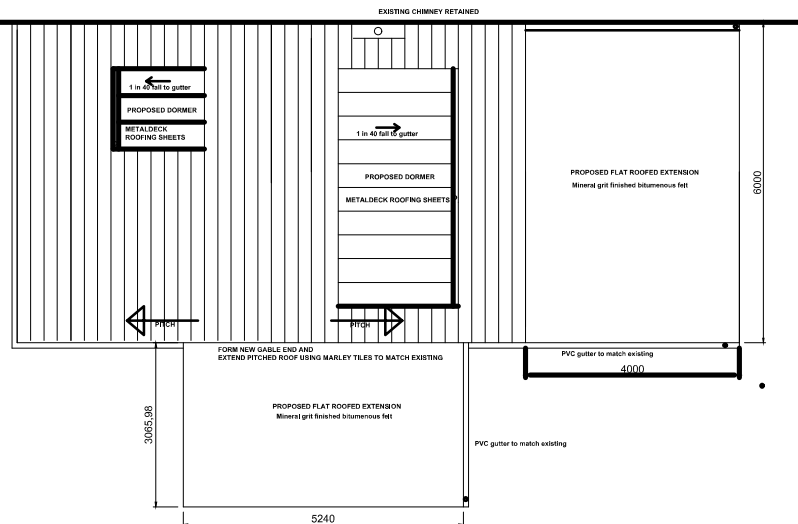
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Do not scale from drawing
Contractor to check all dimensions on site
Report discrepancies to the architect



Existing Roof Plan



Proposed Roof Plan

MORRIS ASSOCIATES
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MOBILE 07815 486521
EMAIL morrisassociatesuk@gmail.com

JOB
63 Grove Crescent,
Aberdeen.

CLIENT
Marek Kowalczyk
34 Smithfield Drive,
Aberdeen, AB16 7XN

Date	Scale
Feb 2024	1:100

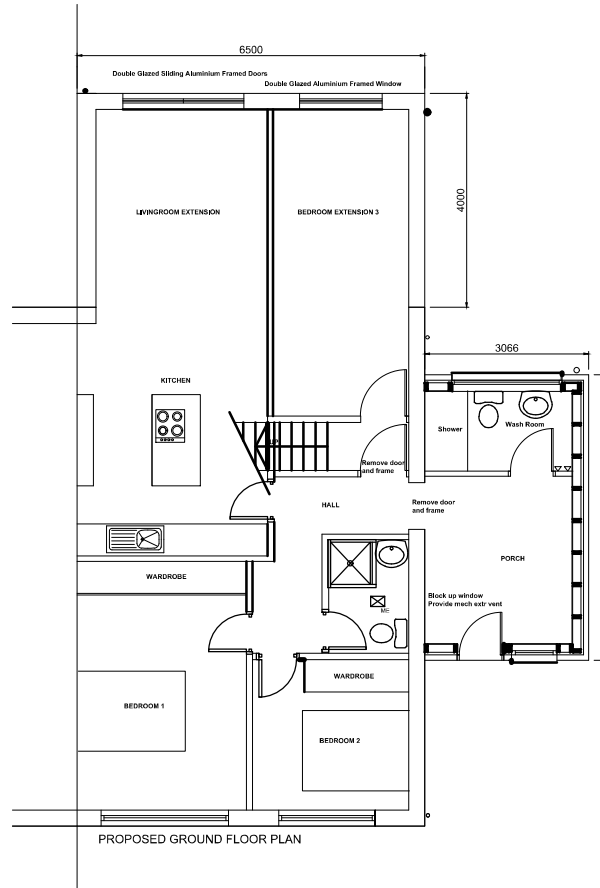
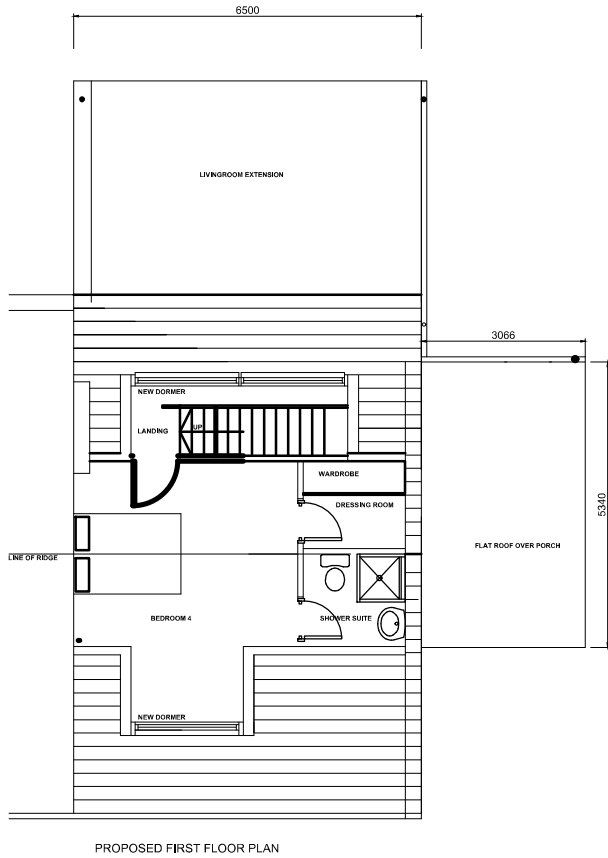
Drawn by dm

Drawing No. 749.05
DRAWING Roof Plans

Cad File

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Do not scale from drawing
Contractor to check all dimensions on site
Report discrepancies to the architect

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EMAIL morrisassociatesuk@gmail.com

JOB
Alterations to
63 Grove Crescent,
Aberdeen. AB16 5DU

CLIENT
Marek Kowalczyk,
34 Smithfield Drive,
Aberdeen. AB16 7XN

Date	Scale
Nov 2023	1:100

Drawn by dm

Drawing No. 749,02 B

DRAWING Proposed Floor Plans

Cad File

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