

# Public Document Pack



To: Councillor McRae, Chairperson; and Councillors Boulton, Farquhar (not Review Four), Greig and Macdonald.

Town House,  
ABERDEEN 10 June 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, 17 JUNE 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 21 Balgownie Crescent - Erection of 2.5 Storey Extension to side/rear; formation of Dormers to front and rear - Planning Ref Number 231558

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 231558.

2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 7 - 30)

2.3 Planning Policies Referred to in Documents Submitted (Pages 31 - 32)

2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 33 - 58)

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 Football Ground, Denmore - Installation of replacement of floodlights - Planning Ref Number 231489

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 231489.

3.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 59 - 84)

3.3 Planning Policies Referred to in Documents Submitted (Pages 85 - 86)

3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 87 - 94)

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 Esplanade Filling Station, North Esplanade West - Installation of air/water/vacuum upstand and replacement of 3 parking spaces with 3 additional EV charging bays, erection of associated infrastructure including enclosure and upstands (retrospective) - Planning Ref Number 230675

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 230675.

- 4.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 95 - 116)

- 4.3 Planning Policies Referred to in Documents Submitted (Pages 117 - 118)

- 4.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 119 - 132)

- 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

### **REVIEW FOUR**

- 5.1 216 Westburn Road - Formation of driveway, removal of hedge and boundary stones to front - Planning Ref Number 231479

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 231479.

- 5.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 133 - 152)

- 5.3 Planning Policies Referred to in Documents Submitted (Pages 153 - 154)

- 5.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 155 - 208)

- 5.5 Determination - Reasons for Decision

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

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

Website Address: [aberdeencity.gov.uk](http://aberdeencity.gov.uk)

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

## 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.



## Strategic Place Planning

Report of Handling by Development Management Manager

<b>Site Address:</b>	21 Balgownie Crescent, Aberdeen, AB23 8EJ
<b>Application Description:</b>	Erection of 2.5 storey extension to side/rear; formation of dormers to front and rear.
<b>Application Ref:</b>	231558/DPP
<b>Application Type:</b>	Detailed Planning Permission
<b>Application Date:</b>	11 December 2023
<b>Applicant:</b>	Mr and Mrs Calum and Monica Craig
<b>Ward:</b>	Bridge of Don
<b>Community Council:</b>	Bridge of Don

### **DECISION**

Refuse

### **APPLICATION BACKGROUND**

#### **Site Description**

The application site relates to a 1.5-storey semi-detached dwelling in Bridge of Don, with basement, approximately 170m north of the River Don, which adjoins 23 Balgownie Crescent to the west. The internal basement level is accessed via an access hatch from the kitchen comprising a crawl space for the foundations. The property forms a hipped roof and has existing flat-roofed dormer windows on both the front and rear elevations. The property has a north-facing principal elevation which faces onto Balgownie Crescent with a driveway to the front. To the east sits a detached garage, separated from the dwelling via a gate and access lane to the rear of the site. To the rear sits an existing single storey extension and patio extending around the side and rear of the property which leads down to the garden ground via steps dropping by 1.4m in height. The garden measures 35m in length and is treated with low level hedging along both the east and west boundary and a wall to the rear which backs onto the rear gardens of other residential properties. The edge of the Old Aberdeen Conservation Area sits beyond, on the other side of Balgownie Road.

#### **Relevant Planning History**

The adjoining property, 23 Balgownie Crescent has been previously extended to the side to form a gable end and has a flat-roofed extension at ground floor level with a small external access door at the basement level which projects 3.5m along the mutual boundary and then steps in by 1m projecting to a full length of 6m. It is noted that this application is believed to have gained planning consent (850330) in 1985 and was therefore considered under a different policy context. The property to the west (19 Balgownie Crescent) has a single-storey extension that sits to the side and rear of the property. This property has a planning consent (890025) from 1989, also sitting within a different policy context.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Detailed planning permission is sought for the erection of an extension that comprises two parts, a 1.5 storey side extension and a 2-/2.5-storey element to the rear, which wraps around the existing dwelling forming an 'L' shape. The development is expanded on further below.

#### Side extension

- The side extension would measure 4.4m in width, sitting flush with the front elevation of the dwelling and forming a gable end on the east elevation. This would incorporate a garage on the ground floor and a bedroom and bathroom on the first floor. The front elevation would be finished in roughcast render and fitted with a 3.1m by 2.2m grey roller garage door. The east elevation would be fitted with a single door and window, extract ducts and hand rails along the wall adjacent to the proposed side access path detailed below.
- A dormer would be erected on the front elevation of the side extension, measuring 1.78m in height and 3.55m in width, forming a three pane window with slate panelling on either side and 350mm high fascia.

#### Rear extension

- The rear extension which comprises the 2-/2.5-storey element would see a 2-storey element at the ground and basement level which would extend the width of the original dwelling and the 2.5-storey element which extends the width of the proposed side extension, however it is noted that owing to its design, the rear aspect of the extension gives the appearance of being 3-storeys. The projection at ground level would be c. 6.23m in length and the 2.5-storey element and flat roof at second floor level would project out further to c. 6.38m in length. The height of the extension would be c. 9.65m, with the ridge of the extension meeting the ridge of the original dwelling. The rear extension would accommodate a garden room at the lower ground level, an open kitchen/snug at the ground floor level and a bedroom with an en-suite on the top floor.
- The rear extension would be finished predominantly in glazing measuring 6.9m in width, with a 1.55m and 1.4m width of roughcast render on the either side. The second floor gable element would be triangular in shape and would also be predominantly glazed, framed with a grey aluminium fascia. The proposed roof would be finished in slate tiles to match the existing and fitted with a rooflight to the rear, three rooflights on the east elevation and two rooflights on the west elevation.
- The flat roof would be fitted with a flue on the southwest corner measuring 650mm in height, however while shown on the rear, south, elevational drawing, it has not been depicted on the side, east, elevational drawing.

#### Site alterations

- The proposed extension would extend over the existing patio to meet the garden level and remove the steps. There would be a new external path along the east side of the dwelling, with three steps up to the new door on the east elevation, and additional steps down to meet the ground level, which would sit along the east boundary of the site.
- To the front of the property, there would be an increased driveway, measuring 5m in width and 5.31m in length, removing the low level boundary wall and lowering the dropped kerb to allow access into the driveway.

### **Amendments**

The second floor patio and spiral staircase has been removed from the proposal. The dormer extension forming a door from bedroom 4 has also been removed.



## 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=S5HSX2BZIEZ00>

## CONSULTATIONS

**ACC - Roads Development Management Team** – The proposed garage would be marginally too small, and not meet the 5.7m internal length between the internal walls of the garage. The driveway would allow two cars to be parked and the dropped kerb being greater than 10m in width would be acceptable due to the scale of the neighbouring dropped kerb.

**Bridge of Don 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)
- Policy T3 (Parking)

### Aberdeen Planning Guidance

- Householder Development Guide
- Materials
- Transport and Accessibility

## **EVALUATION**

### **Principle of Development**

In terms of the Aberdeen Local Development Plan 2023 (ALDP), the application site is located in a residential area under Policy H1 (Residential Areas) and the proposal relates to householder development. Householder development would accord with Policy H1 in principle if it does not constitute overdevelopment, adversely affect the character and amenity of the surrounding area or result in the loss of open space.

The main planning considerations for this proposal relate to the scale and design of the proposed extension in the context of the impact it may have on the appearance and character of the surrounding conservation area. There is also a consideration for the impact on the amenity of any neighbouring properties.

The proposal comprises an extension within an existing residential curtilage and would thus not result in the loss of any open space. All other matters are discussed below.

### **Scale and Design**

Policy 14 (Design, Quality and Place) of National Planning Framework 4 (NPF4) expects development to be designed to improve the quality of an area, be consistent with the six qualities of successful places and would not support development proposals which are poorly designed or detrimental to the amenity of the surrounding area. Policy 16 (Quality Homes) of NPF4 notes that the development must not impact on the character or environmental quality of the home and surrounding area in terms of size, design and materials. To determine the effect of the proposal on the character of the area it is also necessary to assess it in the context of Policy D1 (Quality Placemaking) of the ALDP. This policy expects all development to ensure high standards of design, create sustainable and successful places and have a strong and distinctive sense of place. Proposals are required to ensure quality architecture, craftsmanship and materials and a well-considered layout.

### ***Overdevelopment***

In respect to the first criteria of Policy H1, guidance on what constitutes “overdevelopment” is set out within ‘General Principles 4 and 5’ at Section 2.2 of the Householder Development Guide (HDG) Aberdeen Planning Guidance (APG). This states that the built footprint of a dwellinghouse, as extended, should not exceed twice that of the original dwelling and no more than 50% of the rear curtilage of a dwelling should be covered by development. In terms of the current proposal, the existing dwelling has a footprint of 49m<sup>2</sup> and the rear curtilage around the dwelling extends to 455m<sup>2</sup>. In relation to the site, the existing two outbuildings and proposed extension would cover 154m<sup>2</sup> (34%) and while this is a substantial area in relation to the original dwelling, would not overdevelop the rear curtilage of the site. However, the proposed extension has a footprint of 98m<sup>2</sup> and as such, would result in the footprint of the dwelling, as extended, being three times the size. It is noted that there are extensions in the surrounding area which have extended to the rear and side, albeit often to a lesser extent in terms of rear projection and floor area covered. An assessment of the properties in the surrounding area has been outlined below. Given the extent of the proposed footprint and the unacceptable level of development, which results in a 200% increase to the footprint of the existing dwelling, the proposal would adversely impact the character of the original dwelling and an extension of this scale would not be supported unless it remains visually subordinate to the original dwelling and does not present harm to the amenity of the surrounding area.

### *Scale*

The Householder Development Guide (HDG) APG expects extensions to be architecturally compatible in design and scale with the host building and surrounding area and for the materials used to be complementary.

The proposed side extension would extend the property in a similar way to other half of the semi-detached property, following the form and height of the existing dwelling and being of a width that appears subordinate to the dwelling. The extension to the side therefore appears compatible in the context of the site from the front elevation. However, there are significant concerns with the scale of the overall development especially that which extends to the rear.

In accordance with the HDG, extensions to semi-detached properties will be restricted to 4m in projection along the boundary shared with the other half of the semi-detached property. In this case, the extension to the rear would be in conflict as it extends to a total projection of 6.38m at the second floor level of the extension, extending beyond the two extensions to the neighbouring properties on either side. This projection is not appropriate when considering the context of the site. In relation to height, the extension to the rear would comprise a 2.5-storey extension, which has the appearance of 3-storeys when viewed from the rear, to a 1.5-storey dwelling and as such, would not and could not be considered as being subordinate to the original dwelling. This is made more visually prominent as the ridge would extend up to meet the ridge of the side extension/original dwelling as opposed to being set lower to provide a clear separation and subordinate addition to the rear of the original dwelling. A key concern with the height of this extension is the introduction of a full-height basement level which diverges from the character of 1.5-storey dwellings along this row of properties and worsens the above identified overdevelopment impact, with other properties at most incorporating a raised patio or a shallow access door to the basement level. The width of the rear extension would measure 9.8m, spanning the width of the original dwelling and proposed side extension. The sheer scale of this extension in terms of its width creates an unacceptable form of development, which almost doubles the existing width of the dwelling. Therefore, the substantial height and width of the rear extension and addition of a full basement floor level would appear prominent on the rear elevation, encapsulating a significant majority of this 12m wide site and projecting further than the other extensions along Balgownie Crescent.

### *Side Extension Design and Front Dormer Window*

The HDG would allow a hipped roof to be extended on one half of a semi-detached house where the other half of the building has already been altered in this way. The other half of the semi-detached property has been previously altered, extending to the side to introduce a garage and form a gable to the west elevation. The principal of a side extension of a similar form to the application property would therefore be acceptable and suitable in the context of the site. When reviewing the design of the side extension, the front and east elevations have been designed as an in keeping addition to the original dwelling, matching the form by continuing the existing eaves and ridge heights. The side extension in itself would therefore be complementary and compatible with the existing dwelling and takes due consideration for how the other half of the property has already been extended. However, in relation to the design detail, there is a substantial wall head above the garage door which presents a wide section of solid wall and as such, the door appears too short in relation to the proportions of the dwelling, though, this is not thought to represent any detrimental harm to the character or appearance of the dwelling or the surrounding area. The side extension has also been finished in suitable materials to complement the original dwelling and the proposed door and window, and handrails attached to the wall appear compatible with the original dwelling and would not present visual harm to the surrounding area.

The HDG expects new dormers to respect the scale of the building and to avoid dominating, overwhelming or unbalancing the original roof. The dormer should not be built off the wall head or incorporate a solid apron below the window. Box dormers are also required to sit 600mm below

the ridge of the existing roof and sit 600mm away from the gable. In terms of glazing, dormers should have more glazing than solid panelling and windows should be placed at the extremities of the dormer, echoing the proportions and window arrangement of the floor below. The design of the dormer should have a horizontal proportion and be finished in materials to match the dwelling. In this case, the proposed front dormer is of a similar form to the existing, with a suitable level of glazing and would comply with the dimensions of the HDG. However, the dormer does not match the existing in that the proposal comprises panelling at the extremities of the dormer and in addition to diverging from the design of the existing dormer would represent a conflict with the HDG as these areas should be glazed. The dormer also sits at a slightly different height on the roof, creating an unbalanced appearance and does not align with the garage door on the ground floor level. As such, the dormer has not been ideally designed nor is it in keeping with the original dwelling and thus it is not cohesive with the proposed garage design. While this design is not detrimental to the character of the surrounding area, it would adversely impact the appearance of the semi-detached properties. In summary, the principle of a 1.5-storey side extension would be acceptable to this property, given the existing context of the semi-detached properties, however the dormer has not been appropriately designed and would not be compatible with the original dwelling.

### *Rear Extension Design*

The existing ground floor level has an external height of 3.35m from the patio level to the underside of the eaves, which is the form, proportion and scale of other 1.5-storey dwellings in the surrounding area. The steps from the patio drop by 1.4m in height to the garden level. Due to the introduction of the additional basement level, using this drop in ground level, the rear elevation would have a 3-storey appearance which would diverge from the form and 1.5-storey appearance of the existing rear elevation and cover the appearance of the original dwelling. The introduction of this additional level would also result in the basement and ground floor levels having an approximate external height of c. 2.4m each, resulting from the limited 1.4m height offered from the change in ground level. This, combined with the extended width of the extension, gives these two floors levels a short and elongated appearance when compared with the rear elevation of the original dwelling as well as other rear elevations along Balgownie Crescent. The second floor pitched element, however, has a height of 4.9m from the fascia to its ridge height. In terms of the architecture of a building, as the windows and extension become larger as they move up the building, these two elements of the rear elevation give it a top heavy form which dominates the roof and proposed extension. This concern is made more prominent as the flat roof and pitched roof would overhang the lower floor levels by 700mm, presenting an overbearing second floor element. In respect to the rear elevation as a whole, the second floor element and the existing dormer do not appropriately align with the glazing on the ground and basement levels, creating further unbalance to this rear elevation. The presence of the wide render border on each side of the glazing draws further attention to this and makes the glazing appear out of proportion to the rest of the dwelling and extension. There is a further disconnect in that the second floor presents a separation between the existing roof space and the new second-storey element, where the lower levels present one expansive width, losing the form of the original rear elevation. This adds to the dominant appearance on the existing roof space and in making the lower floor levels appear compressed in comparison, with a lack of cohesion between the existing building and proposed design.

In assessing the modern design of the rear extension and the proposed materials, there is a mix of materials to match the existing dwelling and new materials aiming to present the extension as a modern addition. The use of slate to match the roof would be acceptable as it would be complementary and allows this material to be used on the side and front elevations of the dwelling. However, the use of render on the rear elevation, paired with grey aluminium windows and fascia around the second floor element of the extension draws focus to the fact that the design of the extension does not relate to the original dwelling and is unbalanced. The APG on materials identifies render as a tool to unifying an aesthetic and for modern properties, expects its use to

either complement the existing building or for contemporary design to offer an assertive contrast. In this case, the form and chosen materials do not fully align to visually create a clear separation between the dwelling and the contemporary extension. In addition, where a modern addition is introduced, this, as outlined above, should remain subservient to the original dwelling in the interesting of maintaining the character of it and as such, should not wrap around it. Although the elevation of this extension would sit to the rear, it would still present harm to the appearance of the surrounding area, given that there is a wide driveway and opening at 18 Balgownie Road, making the rear of the dwelling visible from public view; sitting opposite the public footpath that leads from Mill Cottages, resulting in an open view of the proposed rear elevation from the Old Aberdeen Conservation Area.

The character of the surrounding area is fairly consistent, with predominantly 1.5-storey semi-detached properties of a similar style to the application property. Many of these properties have been previously extended to the side, as has the other half of the semi-detached property and as such, this element of the proposal would be in keeping with the surrounding area. When reviewing the tension with the APG, the concern with the proposal relates to overdevelopment, wrapping around the dwelling to the side and rear, its projection of 6.38m and the height of a 2.5-storey extension with 3 full floor levels and a ridge that meets that of the original 1.5-storey dwelling. In relation to the surrounding area, there are examples of extensions which extend to the rear and side (No's 5, 7, 19) and while these properties do not have any recent planning consent, they do contribute to the context of the area given the level of development in the area. It is noted however, that these properties form single storey extensions which remain subordinate to the original dwelling.

In relation to this projection, this would be greater than the neighbouring properties and the prominent context of the area. While it is noted that the neighbouring property (23 Balgownie Crescent) has a projection of 6m in total, this is stepped off the boundary and measures 3.5m along the mutual boundary to avoid overshadowing the application site, and comprises a ground floor extension with an access door at basement level which remains subordinate to the dwelling. There is an additional property at 25 Balgownie Crescent with an apparent external basement access, however, this sits under a modest ground floor extension measuring c. 4m in width and 2.5m in projection to the side of the patio. The extension at 11 Balgownie Crescent comprises a side and rear extension with a pitched roof gable which extends the width of the dwelling. Although it is noted that this development gained planning consent (ref. 111413) in 2011, while it was approved under a different planning context, its merits when reviewing the context of the surrounding area can be considered. This extension presents a 1.5-storey extension to a 1.5-storey dwelling with a ridge height sitting below the side extension/original dwelling ridge height. There is also a clear break between the two rear extensions to avoid its massing and maintaining a distinction between the existing dwelling and an addition. The extension to this site also measures c. 3.5m in projection and does therefore not conflict with the current HDG. As such, there are extensions with a large footprint in the surrounding area, as well as extensions which span the width of the original dwelling and side extension. However, there are no extensions along this row of properties which introduce a full external basement level to create an extension which matches the appearance and projection as the one proposed. As such, the combination of the proposals height, projection and footprint, resulting in a design which does not relate to the original dwelling and surrounding area, would present adverse harm to its appearance and character. This could also set a precedent for both a projection of this extent for rear extensions to semi-detached properties and other 2.5-storey extensions to properties of this size.

In summary, the principal of extending the dwelling to the side to match the neighbouring property could be acceptable, however, the scale and design of the proposed front dormer and rear extension would not be compatible with the original dwelling or subordinate to its existing scale. Due to the context of the site in relation to the scale of the garden and existing extensions to the neighbouring properties, development which diverges from the HDG in relation to its projection,

height or floor area may be justified, however, this combination of overdevelopment comprising a 2.5-storey extension, with the appearance of a 3-storey rear elevation to a 1.5-storey dwelling, wrapping around the rear and side elevations presents excessive development to the site and adversely impacts the architectural form of the original dwelling as well as the character and appearance of the surrounding area. This visual impact would also extend to views from the Old Aberdeen Conservation Area to the south at Balgownie Road. The design further adds to the visual impact of the proposal, introducing a top heavy second floor element which presents an overbearing and unbalanced rear elevation and makes the basement and ground floor levels look compacted in comparison, diverging from the form and appearance of the original dwelling and adding to the lack of cohesion across the design on the front and rear elevations. The proposal would therefore conflict with Policy 14 and Policy 16 of NPF4 and Policy H1 and D1 of the ALDP in respect to the adverse impact of its size and design on the character of the surrounding area.

### *Site Alterations*

The proposed path and steps along the east boundary would follow the existing ground levels dropping to the garden ground. This path would rise by three steps (c. 750mm) to meet the new door on the east elevation and descend again on the other side of the door. The proposed path and steps would not present adverse visual harm to the original dwelling and surrounding area in relation to their scale and design and would be acceptable provided they would not result in adverse overlooking to the neighbouring property. This consideration has been assessed below.

### Amenity

Policy 16 of NPF4 under section g) ii) would support householder development where it does not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking. Policy D2 (Amenity) expects development to be designed to optimise the amenity afforded to the application dwelling and avoid adversely affecting any external private and public space. The proposal is not considered to adversely impact the amenity afforded to the original dwelling and would incorporate sufficient glazing for views and light.

In relation to overshadowing, the 45° calculation for sunlight and the 45° method for daylight under appendix 2 of the HDG has been assessed using the site plan and site visit information. In relation to 23 Balgownie Crescent, these assessments have approximated less than 1m<sup>2</sup> of adverse overshadowing to the neighbouring site, confined to a strip immediately to the rear of the neighbouring extension. Due to its location and the fact that the gardens are south facing, this is not considered to present detrimental harm to the enjoyment of the site. In relation to daylight, there is a window to the rear of the neighbouring extension, however, daylight to this window would likely be unaffected due to its height on the extension and as such would not cause any overshadowing. In relation to 19 Balgownie Crescent, the overshadowing assessment has identified up to 23m<sup>2</sup> of adverse overshadowing resulting from the 2.5-storey pitch of the rear extension. Due to the existing extension at the neighbouring property, the impact of this overshadowing would be confined to a c. 3m<sup>2</sup> area (accounting for the raised height of the neighbouring patio) of adverse overshadowing to the neighbouring patio, extending to the rear of the window to the neighbouring extension. In relation to daylight, the 45° method would suggest that the 2.5-storey extension would not block daylight afforded to this neighbouring rear window facing onto the patio.

In terms of privacy, the proposed door on the east elevation would exit onto the external path, raised c. 750mm above the existing path level. However, this door would face the solid wall of the neighbouring extension and therefore not result in overlooking from this aspect of the proposal. Due to the nature of the proposed dormer sitting on the front elevation of the dwelling, this would overlook the public road and therefore also not present any harm to the privacy of neighbouring properties. The proposed rear extension would introduce a gable end facing towards the rear garden on the site which would be finished in substantial glazing up to the second floor level. On

the basement level and ground floor, the glazing would sit 1.55m and 2.5m from the west and east boundary respectively and the outlook from these would be similar to any rear window to a dwelling, however noting that full length windows of this span may encourage persons to stand and look out for longer periods of time than a standard window. As such, there would not be detrimental harm to the privacy of the neighbouring sites in relation to overlooking from these levels. In relation to the 2.5-storey element, these windows sit 1.5m from the east boundary, with the higher windows which someone would be expected to look out of sitting 2.6m from the boundary. Due to the height of the boundary treatment in the garden, there is potential for overlooking at this second floor level into the neighbouring gardens from the use of full height windows, presenting an opportunity for users to look down into the garden. However, as the first-floor plans depict that the windows are set back from the fascia and the smaller side windows would not offer an opportunity to look out of, there would not be a detrimental impact on the privacy of the neighbouring sites.

In summary, the proposed extension would result in minor overshadowing on the east neighbouring site to the side of the patio but would not block daylight from entering any windows to the neighbouring properties. This overshadowing is present due to the 6.38m projection and height of the second floor element of the extension which extends beyond the length of the two neighbouring extensions. The proposal would present minor tension with Policy 16 of NPF4 and Policy D2 of the ALDP and as such, the scale of the development, diverging from the 4m restriction to the projection (in line with the HDG ) would not be acceptable as it is not suitable in the context of the site and would not avoid harm to the neighbouring site which would otherwise be mitigated through a reduction in its projection.

### Parking

The proposed extension would increase the number of bedrooms to 4. The Transport and Accessibility APG states that the parking requirement for this would increase from two off street parking spaces to three.

The APG requires garages to meet the following minimum dimensions:

- Internal size of 5.7m by 2.7m.
- Minimum effective entry of 2.25m wide and 1.98m in height.

The proposed garage would have an internal length of c. 5.67m and would therefore be marginally too short in relation to the requirements of the APG. However, as this is only 0.03m below the standards for a garage, it would not prevent a car from parking in the space and would therefore be acceptable. There are proposed steps within the garage, however, there would still be a 3.3m internal width at this point which would be sufficient for parking a car.

A driveway is required to be 5m in length and either 3m in width for a single driveway or 5m in width for a double driveway. The proposed driveway plan shows a proposed driveway of 5m in width and 5.31m in length. As such this would be suitable to accommodate two parking spaces to the front of the dwelling. The parking to the site has been accommodated to widening the existing dropped kerb to share with the neighbouring property. Roads Development Management have agreed to the proposed 13.6m dropped kerb due to the existing width of the neighbouring single dropped kerb. The proposal would therefore allow for three spaces for car parking, complying with Policy T3 of the ALDP.

### Tackling the Climate and Nature Crises, Climate Mitigation and Biodiversity

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires planning authorities when considering all development proposals to give significant weight to encouraging, promoting and facilitating development that addresses the global climate emergency and nature crisis. Similarly,

Policy 2 (Climate Mitigation and Adaptation) of NPF4 encourages, promotes and facilitates development that minimises emissions and adapts to the current and future impacts of climate change. Policy 3 (Biodiversity) seeks the enhancement of biodiversity.

Due to the small-scale nature of the development it does not offer the opportunity to address the global climate emergency and nature crisis, minimise emission or to enhance biodiversity.

## **DECISION**

Refuse

## **REASON FOR DECISION**

The proposal would result in overdevelopment of the site, resulting in the built footprint of the dwellinghouse, as extended, being three times the size of the original dwelling. The scale and design of the proposed rear extension would not be subordinate or compatible with the original dwelling and would be in conflict with the Householder Development Guide Aberdeen Planning Guidance due to its projection which extends by more than 4m, resulting in adverse overshadowing to the neighbouring site. The combination of this overdevelopment, introducing a 2.5-storey extension, with the appearance of a 3-storey rear elevation, to a 1.5-storey dwelling and the non-complaint projection would present excessive development on the site, diverging from the character and appearance of the original dwelling and surrounding area. The design of the rear extension, spanning the width of the dwelling and side extension and extending the proposed gable end up to the ridge of the original dwelling further adds to the visual dominance of the proposal, presenting an overbearing second floor element above the two lower floor levels, which appear misaligned and too short in comparison. The proposal therefore does not complement the form or design of the original dwelling and would present visual harm to the character and appearance of the surrounding area. The proposal is therefore not complaint with Policy 14 (Design, Quality and Place) and Policy 16 (Quality Homes) of National Planning Framework 4 (NPF4) and Policy H1 (Residential Areas), Policy D1 (Quality Placemaking) and Policy D2 (Amenity) of the Aberdeen Local Development Plan (ALDP) 2023 and there is significant conflict with the Householder Development Guide Aberdeen Planning Guidance.





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 100654516-002

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)

3 storey extension to the rear of the property

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:	All Design (Scotland) Limited		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Amy	Building Name:	Unit 15
Last Name: *	Bowie	Building Number:	<input type="text"/>
Telephone Number: *	01224701576	Address 1 (Street): *	James Gregory Centre, Campus 2
Extension Number:	<input type="text"/>	Address 2:	Aberdeen Innovation Park, Balgownie
Mobile Number:	<input type="text"/>	Town/City: *	Aberdeen
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	AB22 8GU
Email Address: *	amy.bowie@all-design.co.uk		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr and Mrs	Building Name:	<input type="text"/>
First Name: *	Calum and Monica	Building Number:	21
Last Name: *	Craig	Address 1 (Street): *	Balgownie Crescent
Company/Organisation	<input type="text"/>	Address 2:	Bridge of Don
Telephone Number: *	<input type="text"/>	Town/City: *	Aberdeen
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	AB23 8EJ
Fax Number:	<input type="text"/>		
Email Address: *	paul@all-design.co.uk		

## Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

21 BALGOWNIE CRESCENT

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB23 8EJ

Please identify/describe the location of the site or sites

Northing

809699

Easting

394489

## 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: Amy Bowie

On behalf of: Mr and Mrs Calum and Monica Craig

Date: 08/12/2023

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: Miss Amy Bowie

Declaration Date: 08/12/2023

## Payment Details

Online payment: ABSP00010346  
Payment date: 08/12/2023 18:00:00

Created: 08/12/2023 18:00



## DECISION NOTICE

### The Town and Country Planning (Scotland) Act 1997

### Detailed Planning Permission

Amy Bowie  
All Design (Scotland) Limited  
Unit 15  
James Gregory Centre, Campus 2  
Aberdeen Innovation Park, Balgownie Drive  
Aberdeen  
AB22 8GU

on behalf of **Mr and Mrs Calum and Monica Craig**

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.

<b>Application Reference Number</b>	231558/DPP
<b>Address of Development</b>	21 Balgownie Crescent Aberdeen AB23 8EJ
<b>Description of Development</b>	Erection of 2.5 storey extension to side/rear; formation of dormers to front and rear.
<b>Date of Decision</b>	14 February 2024

#### DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION

The following amendments were made to the application –  
The second floor patio and spiral staircase have been removed from the proposal. The dormer extension forming a door from bedroom 4 has also been removed.

## REASON FOR DECISION

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

The proposal would result in overdevelopment of the site, resulting in the built footprint of the dwellinghouse, as extended, being three times the size of the original dwelling. The scale and design of the proposed rear extension would not be subordinate or compatible with the original dwelling and would be in conflict with the Householder Development Guide Aberdeen Planning Guidance due to its projection which extends by more than 4m, resulting in adverse overshadowing to the neighbouring site. The combination of this overdevelopment, introducing a 2.5-storey extension, with the appearance of a 3-storey rear elevation, to a 1.5-storey dwelling and the non-complaint projection would present excessive development on the site, diverging from the character and appearance of the original dwelling and surrounding area. The design of the rear extension, spanning the width of the dwelling and side extension and extending the proposed gable end up to the ridge of the original dwelling further adds to the visual dominance of the proposal, presenting an overbearing second floor element above the two lower floor levels, which appear misaligned and too short in comparison. The proposal therefore does not complement the form or design of the original dwelling and would present visual harm to the character and appearance of the surrounding area. The proposal is therefore not complaint with Policy 14 (Design, Quality and Place) and Policy 16 (Quality Homes) of National Planning Framework 4 (NPF4) and Policy H1 (Residential Areas), Policy D1 (Quality Placemaking) and Policy D2 (Amenity) of the Aberdeen Local Development Plan (ALDP) 2023 and there is significant conflict with the Householder Development Guide Aberdeen Planning Guidance.



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

AD 1708 / BP01 A	Multiple Floor Plans (Proposed)
AD 1708 / 04 D	Multiple Floor Plans (Proposed)
AD 1708 / BP02 Rev E	Other Floor Plan (Proposed)
AD 1708 / 05 E	Multiple Floor Plans (Proposed)
AD 1708 / 08 E	Multiple Elevations (Proposed)
AD 1708 / 07 E	Site Cross Section

Signed on behalf of the planning authority

A handwritten signature in cursive script 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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The previous Roads response noted:

*"I note that this application is for the Erection of 3 storey extension to side/rear; formation of dormers to front and rear; installation of external stairs with glazed screen and balustrade and raised balcony/ external area. The site is located in the outer city, outwith any controlled parking zone.*

*The property is currently a 2 bedroom dwelling (requiring 2 parking spaces) with a driveway and garage. As such, the existing parking meets the existing requirements. The proposed garage is marginally too short to meet our standards which dictate that it should be at least 2.7m wide and 5.7m in length, can the length be increased to accommodate this? The property is increasing to 4 bedrooms which increases the parking requirement from 2 to 3 spaces. None of the submitted drawings highlight the dimensions of the parking area to the front - this is required to assess whether the required parking standards are adhered to.*

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

The most recent submission by the applicant has done nothing to address these concerns. The garage has not been elongated – instead the applicant has changed the location of the measurement from the internal wall to the door – as such the internal length is still marginally too small.

No detailed plans of the front of the house / parking area have been provided.

As it stands Roads Development Management would recommend this application for refusal based upon the lack of information which has been requested, however should this information be submitted we would be better placed to provide an updated response which may have a different stance.

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The previous Roads response noted:

*"I note that this application is for the Erection of 3 storey extension to side/rear; formation of dormers to front and rear; installation of external stairs with glazed screen and balustrade and raised balcony/ external area. The site is located in the outer city, outwith any controlled parking zone.*

*The property is currently a 2 bedroom dwelling (requiring 2 parking spaces) with a driveway and garage. As such, the existing parking meets the existing requirements. The proposed garage is marginally too short to meet our standards which dictate that it should be at least 2.7m wide and 5.7m in length, can the length be increased to accommodate this? The property is increasing to 4 bedrooms which increases the parking requirement from 2 to 3 spaces. None of the submitted drawings highlight the dimensions of the parking area to the front - this is required to assess whether the required parking standards are adhered to.*

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

The applicant has provided an updated layout showing the existing extent of dropped kerbs for themselves and their adjacent neighbour, highlighting that by combining both into a single footway crossing would result in a total length of 13.5m. Whilst this is greater than our usually permitted 10m for 2 adjacent properties, we acknowledge that the neighbours dropped kerb is already substantial, resulting in this over provision.

There are no Roads concerns with this proposal.

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## **Application 231558/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)

- 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
- T3 – Parking

### **Other Material Considerations**

#### **Aberdeen Planning Guidance**

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

Householder Development Guide  
Materials  
Transport and Accessibility

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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            100669012-001

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="Karen Clark Planning Consultancy"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Karen"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Clark"/>	Building Number:	<input type="text" value="69"/>
Telephone Number: *	<input type="text" value="07930566336"/>	Address 1 (Street): *	<input type="text" value="Brechin Road"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Kirriemuir"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
		Postcode: *	<input type="text" value="DD8 4DE"/>
Email Address: *	<input type="text" value="karen@ktclark.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 and Mrs"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Callum and Monica"/>	Building Number:	<input type="text" value="21"/>
Last Name: *	<input type="text" value="Craig"/>	Address 1 (Street): *	<input type="text" value="Balgownie Crescent"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB23 8EJ"/>
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="21 BALGOWNIE CRESCENT"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB23 8EJ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="809699"/>	Easting	<input type="text" value="394489"/>
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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)

Proposed house extension to front, side and rear

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

Please refer to attached Statement of Appeal

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)

• Appendix 1 Application Forms • Appendix 2 Plans and Location Plan • Appendix 3 Refusal Notice • Appendix 4 Report of Handling

## Application Details

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

231558/DPP

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

11/12/2023

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

14/02/2024

## 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

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

## Checklist – Application for Notice of Review

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

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

Yes  No

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

Yes  No

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

Yes  No  N/A

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

Yes  No

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

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

Yes  No

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

## Declare – Notice of Review

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

Declaration Name: Mrs Karen Clark

Declaration Date: 19/04/2024

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**Town and Country Planning (Scotland) Act 1997 as amended.**

**Application for Review Against the Refusal of Planning Permission for the Erection of 2.5 storey extension to side/rear; formation of dormers to front and rear 21 Balgownie Crescent Aberdeen AB23 8EJ**

**Application Reference 231558/DPP**

**For Mr. and Mrs. Craig (The appellant)**

**By Aberdeen City Council (The Council)**

**Karen Clark, Planning Consultancy, Mayriggs, Brechin Road, Kirriemuir DD8 4DE**

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- 1. Executive Summary**
- 2. Reasons for refusal**
- 3. Grounds of Appeal**
- 4. Site Appraisal**

- 4.1 Site Description**

- 4.2 Surrounding Area**

- 5. Appellants**

- 6. Site History**

- 7. Design Process**

- 7.1 Design Brief**

- 7.2 Response to Site and Context**

- 7.3 Development Proposals**

- 7.4 Sustainability**

- 8. Development Plan**

- 8.1 National Planning Framework 4**

- 8.2 Aberdeen Local Development Plan 2023**

- 9. Discussion**

## **Appendices**

- Appendix 1 Application Forms
- Appendix 2 Plans and Location Plan
- Appendix 3 Refusal Notice
- Appendix 4 Report of Handling



## 1. Executive Summary

This appeal statement has been prepared on behalf of Mr. and Mrs. Craig (the appellant) in respect of the decision of Aberdeen City Council (the Council) to refuse an application for full planning permission for the Erection of 2.5 storey extension to side/rear; formation of a new dormer to front, 21 Balgownie Crescent Aberdeen AB23 application Ref 231558/DPP. The application was lodged on the 11<sup>th</sup> of December 2023 and refused under delegated powers on the 14<sup>th</sup> of February 2024.

The appeal statement considers in detail the reasons for refusal and demonstrates that the proposal complies with the policies of National Planning Framework 4 and the Aberdeen Local Development Plan 2023. There is some conflict with the Householder Design Guide, however justification is provided to set aside strict adherence to this guidance.

The Local Review Board is respectfully requested to uphold the review and grant planning permission.

## 2. Reasons for Refusal

The decision notice dated the 14<sup>th</sup> of February 2024 provides the following statement on which the Council has based this decision.

“The proposal would result in overdevelopment of the site, resulting in the built footprint of the dwellinghouse, as extended, being three times the size of the original dwelling. The scale and design of the proposed rear extension would not be subordinate or compatible with the original dwelling and would conflict with the Householder Development Guide Aberdeen Planning Guidance due to its projection which extends by more than 4m, resulting in adverse overshadowing to the neighbouring site. The combination of this overdevelopment, introducing a 2.5-storey extension, with the appearance of a 3-storey rear elevation, to a 1.5-storey dwelling and the non-complaint projection would present excessive development on the site, diverging from the character and appearance of the original dwelling and surrounding area. The design of the rear extension, spanning the width of the dwelling and side extension and extending the proposed gable end up to the ridge of the original dwelling further adds to the visual dominance of the proposal, presenting an overbearing second floor element above the two lower floor levels, which appear misaligned and too short in comparison. The proposal therefore does not complement the form or design of the original dwelling and would present visual harm to the character and appearance of the surrounding area. The proposal is therefore not compliant with Policy 14 (Design, Quality and Place) and Policy 16 (Quality Homes) of National Planning Framework 4 (NPF4) and Policy H1 (Residential Areas), Policy D1 (Quality Placemaking) and Policy D2 (Amenity) of the Aberdeen Local Development Plan (ALDP) 2023 and there is significant conflict with the Householder Development Guide Aberdeen Planning Guidance.

## 3. Grounds of Appeal

It is submitted that the proposed alterations reflect the scale and design of the existing house while making best use of the site. The surrounding area includes a range of house types the majority of which have been altered and extended over time with variety of designs and finishes in evidence and as such there is no consistency in the design or appearance of the area. The proposal must be viewed as part of this overall streetscape which is defined by the mix of house types and the various

alterations and extensions which have occurred over the years, all of which do not detract from the character of the area.

The proposed alterations to the public frontage is consistent with the design of the original house and the many examples of alterations and extension which have occurred over time in the surrounding streets. The rear extension, which is unseen from surrounding public view, makes maximum use of the generous plot and the site levels creating a high quality and innovative design solution finished in appropriate materials which does not detract from the amenity of the surrounding residents by virtue of overshadowing, loss of privacy or overlooking.

It is submitted that the proposal complies with the policies of National Planning Framework 4 and the Aberdeen Local Development Plan 2023. There is some conflict with the Householder Design guidance, however this is "guidance" only. It is clear the generous plot can easily accommodate the proposed alterations making maximum use of an existing house site within an established residential area, supporting compact urban growth and local living, two of the main planks of current Scottish Government policy.

#### **4. Site Appraisal**

##### **4.1 Site Description**

The property subject of the current appeal comprises a semi-detached 1.5 storey house built around the late 1930s with hipped roof and dormers to the front and rear. The site includes significant land variation with the front/north elevation appearing as 1.5 storey while the rear elevation includes an existing basement area and therefore is currently 2.5 storey to the rear. The property includes a single garage to the side/east and a small garden room extension, which is now beyond viable repair, to the rear. The house benefits from a generous plot with a long rear garden approx. 35m deep and a smaller front garden. The house is not in a conservation area.

The house, which sits on a generous plot, provides limited living space with 2 bedrooms on the upper floor, both of which are restricted by the sloped ceilings. On the ground floor, is a kitchen and living room and an existing extension in the form of a garden room which is now in a poor state of repair. Finally, due to the existing level difference the house includes a large basement space, as a result the house, and the adjoining neighbour, sits at a higher position than the rear garden area.

The adjoining house at 23 Balgownie Crescent has been extended to the side and rear with the rear extension extending 5.96 meters from the rear wall of the property.



View of appeal site No.21 Balgownie Crescent and adjoining house at 23 Balgownie Crescent, previously extended to front and rear.



Rear view of appeal site, existing small garden room extension. Adjoining property at 23 Balgownie Crescent includes large rear extension and side extension.



Rear view, house sits at a higher level than the rear garden allowing for basement area.



Long narrow rear garden approx.35 m.

#### 4.2 Surrounding Area

The property is located within an established residential area. The area includes a range of house types, with semi-detached and some detached in evidence, all built around the same time. Most of the houses within the street, including the adjoining house at 23 Balgownie Crescent, have been altered and extended, with a range of designs and finishes in evidence. The existing variety of alterations and extensions have not impacted on the character or appearance of the area.

The following examples are provided, the purposes of providing these examples is to demonstrate the range and of alterations and extensions. (all properties can be viewed on a site visit which we would recommend)



32 Balgownie Crescent 220809/DPP Erection of single storey extension. The Report of Handling confirms the extension is not out of character from the surrounding residential area and would be of an acceptable scale in the context of the site.



8 Mount Pleasant Aberdeen front view, rear view as seen from 33 and 35 Ellon Road.

In considering the application the Report of Handling confirms “The extension has been designed with due consideration to the unique shape of the plot and as such provides an architecturally interesting design” going on “Properties within the immediate vicinity feature many different extensions and alterations and those on the west side of the circle are sat higher on a bank than properties on the east side, making the application property less prominent. Therefore, the area does not possess a sense of uniformity and the principle of a distinctive, modern extension is welcomed.”



11 and 9 Balgownie Crescent Bridge of Don. The Report of Handling for the extension at 11 Balgownie Crescent confirmed the proposal would have no adverse impact on the residential character and amenity of the area, and minimal impact on neighboring properties.

There are many other examples of alterations an extension to the front, rear and side of houses in the immediate area and, while it is recognised that these may have been approved under a different policy context, the previous alterations and extensions demonstrate the wide variety of alterations and extensions, none of which have altered the character or appearance of the immediate area. It is submitted that the various changes made by householders has added to the character of the area,

allowing individual householders to develop and extend their homes to meet their individual needs without impact on the immediate area.

## 5. The Appellants

The appellants Mr. & Mrs. Craig are looking to modernise this small, dated property to provide a home more fitting for the 21<sup>st</sup> century including a range of sustainable energy elements, including making the most of the south facing aspect and the solar gain opportunities.

The appellants are committed to the area which is close to their work minimising their commuting time and energy and close to local facilities and services.

## 6. Planning History

There is no planning history of relevance to the current house.

## 7. Design Process

### 7.1 Design Brief

The appellants wish to extend the house to suit their needs. The existing first floor accommodation is restricted by sloped ceilings, while the ground floor accommodation is small and lacks natural daylight. The appellants are looking to make maximum use of their property and the generous plot while creating a sustainable and innovative design which contributes to the wider area while not detracting from the amenity of the area or the immediate neighbours.

### 7.2 Development Proposals

The current proposal seeks full planning permission for alterations and extension to the existing property. The design creates a cohesive and considered extension which from the north/front reflects the existing pattern of development and recently permitted extensions and alterations. The rear extension creates an innovative design solution which takes advantage of the level difference creating a sustainable design which takes advantage of the south facing aspect and the solar gain opportunities while respecting the amenity of the near neighbours. Considering the different elements:

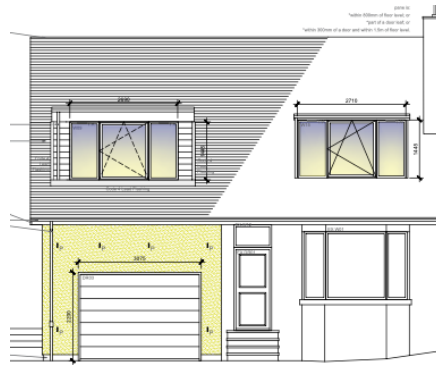
Side Extension- The house will be extended to the side/east with a new pitched roof to match the adjoining house. This will allow 2 additional bedrooms on the upper floor with a kitchen and garage on the ground floor. To the front elevation one additional dormer will be installed in line with the existing dormer window.

Rear extension- to the rear the extension will extend 5.90 metres beyond the existing rear wall, extending the width of the property, replacing the existing semi derelict garden room. The rear wall of the extension will approximately 400mm behind the existing extension at No. 23. At first-floor level the pitched roof is extended towards the rear over the extended area to form an apex extension.

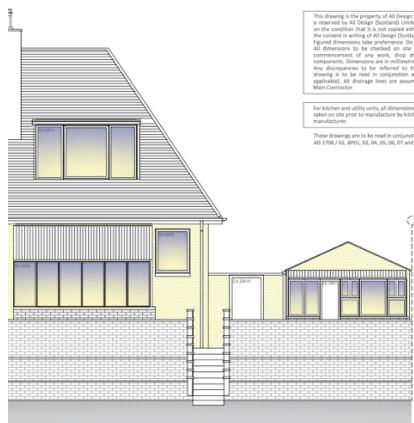
Basement- Garden room- as a result of the level difference the existing property includes a basement area. This space will be opened making the best use of the space as a result of the existing under build provided by the proposed rear extension.



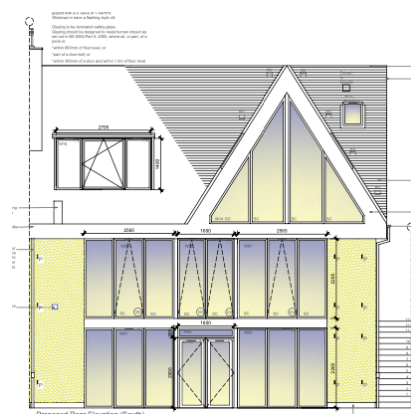
Existing front elevation



Proposed front elevation.



Existing rear elevation



Proposed rear elevation.

In terms of proposed finishing materials for the extensions these are natural slate tiles with roughcast to match the existing property and new aluminum windows.

### 7.3 Sustainability

The appellants are committed to ensure that their home is sustainable. It is submitted that maximising the opportunities of the existing house and large plot within an established residential area is sustainable in itself. The proposed alterations include high levels of insulation to comply with current building regulations, triple glazed rooflights, and the extensive south facing glazing will provide excellent solar gain. The new drainage system will in part be a SUDS (Sustainable Urban Drainage System), in that the rainwater will discharge to a soakaway in the rear garden.

## 8. Development Plan Policy

### 8.1 National Planning Framework 4

NPF4 was adopted on the 13<sup>th</sup> of February 2023 and now forms part of the development plan. NPF4 is guided by spatial principles, of relevance in the determination of the current application are:

- Conserving and recycling assets. making productive use of existing buildings, places, infrastructure and services, locking in carbon, minimising waste, and building a circular economy.
- Local living. supporting local livability and improve community health and wellbeing by ensuring people can easily access services, greenspace, learning, work and leisure locally.
- Compact urban growth. limiting urban expansion so we can optimise the use of land to provide services and resources, including carbon storage, flood risk management, blue and green infrastructure and biodiversity.

The current proposal fully aligns with these spatial principles as it will make best use of an existing house and the associated generous plot supporting local living and compact urban growth by optimising the use of land in an established residential area with excellent connections to existing services and facilities including public transport links.

Considering the policies of relevance to the current application:

#### Policy 1 (Tackling the Climate and Nature Crises)

**Policy Intent:** To encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.

When considering all development proposals significant weight will be given to the global climate and nature crises.

#### Policy 2 Climate Mitigation and Adaptation

**Policy Intent:** To encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.

Response to Policies 1 and 2, while the current proposal is small scale, it is considered that by maximising the opportunities of this existing house and large plot, allowing the appellants to stay in their home, close to their work and family commitments, providing highly insulated adaptable accommodation fulfils the policy intents of making best use of existing assets, minimising waste and emissions.



#### Policy 14 Liveable Places Design, quality and place

**Policy Intent:** To encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.

a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

b) Development proposals will be supported where they are consistent with the six qualities of successful places:

**Healthy:** Supporting the prioritisation of women's safety and improving physical and mental health.

**Pleasant:** Supporting attractive natural and built spaces.

**Connected:** Supporting well connected networks that make moving around easy and reduce car dependency

**Distinctive:** Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

**Sustainable:** Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

**Adaptable:** Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Response: The proposal seeks to maximise the opportunities of the existing home. The house is located within an established residential area, where examples of a range of alterations and extensions are evident. The house benefits from easy access to local facilities and services and therefore adheres to the principles of local living. The extension and alterations will allow the family to continue to live in the area where they are well established with work and family commitments close by. The house benefits from easy and convenient access to the local roads and well-lit footpath network which connects the safely to the wider area. The proposed house has been designed to complement the immediate area while providing adaptable accommodation allowing residents to live long term in the property.

Therefore, it is submitted that the proposal complies with Policy 14 Liveable Space.

## Policy 16 Quality homes

**Policy Intent:** To encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.

g) Householder development proposals will be supported where they:

i. 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; and

ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

Response: The design of the alterations and extension have been specifically designed to provide additional accommodation while not having a detrimental impact on the character or environmental quality of the house or the immediate surrounding area. The alterations reflect similar extensions in the immediate area which have been undertaken with the appropriate consent. The proposed alterations will not have a detrimental impact on the amenity of the neighbouring properties by virtue of the physical impact, overshadowing or overlooking. No representations have been received from any local resident.

Therefore, it is submitted that the development accords with NPF4 policy 16-part g.

### [8.2 Aberdeen Local Development Plan 2023](#)

The Aberdeen Local Development Plan 2023 is the extant plan in the determination of the current proposal, considering the policies of relevance:

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

Further the Householder Development is also of relevance.

Considering the relevant Local Development Plan policies in detail:

Policy H1 – Residential Areas, states

“Within existing residential areas (H1 on the Proposals Map) and within new residential developments, proposals for new residential and householder development will be approved in principle if it:

1. does not constitute over-development; and
2. does not have an adverse impact to residential amenity and the character and appearance of an area; and
3. does not result in the loss of open space.”

Response: The current proposal seeks to extend an existing property making maximum use of the basement, ground and first floor levels. Overall, the house will be extended by 97m<sup>2</sup>. However, the existing house includes a detached garage and a conservatory. The garage is integral with the new design and the conservatory is built over. The existing garage has a footprint of 24m<sup>2</sup>, and the conservatory has a footprint of 10m<sup>2</sup>. Therefore, the ground floor increase is actually 63m<sup>2</sup> in the ground floor footprint. The proposal leaves the existing front and rear garden substantially untouched. The proposed extended house will cover 24% of the total plot area. Therefore, it is clear that the development does not constitute overdevelopment of the curtilage, this is accepted in the Report of Handling.

The issue highlighted by the Council is that the overall increase in floor area is larger than the existing house. However, and as indicated, the proposed extension will not impact on the overall garden area, it is acknowledged that the extension will exceed the existing house area, however the existing property consists of a small house on a large plot within an established residential area. All Scottish Government policy encourages making best use of land as a scarce resource.

The current proposal will result in an innovative and sustainable extension, which makes best use of this generous plot within an existing residential area which benefits from excellent connections to local services and amenities. The design has been carefully developed, and as confirmed by the Report of Handling, will not have an impact on the near neighbours by virtue of loss of privacy or overlooking.

The alterations to the front/main elevation replicates many of the extensions within the immediate area. The alterations to the rear of the property, which are unseen from public view due to the size of the garden, level distances and existing properties on Balgownie Road, provide an innovative and sustainable design which makes best use of both the generous plot and the south facing aspect. Innovative design has been welcomed within the area previously, this is apparent at 8 Mount Pleasant when, the Report of Handling in approving an architecturally interesting design, confirmed “the area does not possess a sense of uniformity and the principle of a distinctive, modern extension is welcomed.”

With regard to the impact on the character and appearance of the immediate area. As has been demonstrated and is self-evident at a site visit, the wider area includes a range of house types the majority of many have been altered and extended over time with the necessary consents in place and therefore were considered appropriate in terms of design and impact on the character of the area at that time. It is clear that despite the many alterations and extensions the prevailing character of the area has remain unaltered as an attractive, low density residential area. The various altered and extended houses have not in any way detracted from the character or appearance of the area. As such the current proposal, will not in any way detract from the character or residential amenity and the character and appearance of an area.

There have been no representations from local residents. The Report of Handling confirms that the proposal will not block any daylight, will not result in overlooking or harm the privacy of the neighbouring property.

Finally, the development, which is for a householder extension and alteration, will not result in the loss of any open space.

Therefore, it is considered that the current proposal complies with Policy H1.

Policy D1 - Quality Placemaking by Design, states

All development must ensure high standards of design, create sustainable and successful places and have a strong and distinctive sense of place which is a result of detailed contextual appraisal.

Proposals are required to ensure:

- quality architecture, craftsmanship and materials;
- a well-considered layout, including biodiverse open space, high quality public realm and landscape design.
- a range of sustainable transportation opportunities ensuring connectivity commensurate with the scale and character of the development.

Successful places will sustain and enhance the social, economic, environmental, wellbeing and cultural attractiveness of the city. Proposals will be considered against the following six essential qualities.

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

Response – The proposed design has been carefully considered taking account of the context of the site and the surrounding properties. The proposed house represents an innovative and sustainable design providing additional accommodation for the residents, allowing this well-established family to continue to live in the area maintaining their ties to the local community. It is submitted that the proposed house responds positively to the six qualities by making best use of the opportunities, providing a welcoming and resource efficient solution, providing adaptable accommodation which is well located to existing services and facilities.

Therefore, it is submitted that the alterations and extension to this existing house comply with Policy D1.

## Policy D2 – Amenity

In order to ensure provision of amenity the following principles will be applied. Development will be designed to:

- make the most of any opportunities offered by the site to optimise views and sunlight through appropriate siting, layout and orientation;
- ensure that occupiers are afforded adequate levels of amenity in relation to daylight, sunlight, noise, air quality and immediate outlook;
- ensure that occupiers are afforded adequate levels of amenity in relation to daylight, sunlight, noise, air quality and immediate outlook;
- have a public face to the street to ensure natural surveillance, and active street frontages;
- ensure that refuse and recycling facilities, cycle storage, low and zero carbon technology, plant and services are sensitively integrated into the design;
- ensure that external lighting minimises light spillage into adjoining areas and the sky.

Residential developments will also:

- ensure that occupiers are afforded adequate levels of privacy;
- ensure minimum standards for internal floor space and private external amenity space in terms of quantity and quality;
- provide no less than 50% usable amenity space where it is necessary to provide car-parking within a private court. Underground and/or decked parking will be expected in higher density schemes;
- ensure minimal shading of external private and public spaces;
- ensure all residents have access to usable private/ semi-private open spaces and sitting-out areas provided by way of balconies, terraces, private or communal gardens;
- have a private face to an enclosed garden or court to ensure a sense of safety and enclosure.

Response – the proposed development seeks to maximise the opportunities of this existing home while creating a high-quality living environment for the residents which complies with all necessary building standards. The design has been carefully developed to complement and continue the development pattern which, to a great extent, is characterised by the various alterations and extensions which have been undertaken in the surrounding streets without resulting in a detriment to the amenity of the residents or the character of the area. The proposed alterations will not result in any loss of amenity for the existing neighbours in terms of daylight, sunlight, noise, air quality, privacy and ensure that occupiers are afforded adequate levels of privacy.

The existing large garden area will be unaffected by the development. Finally, off street parking has been provided which meets the required standards of ACC.

Therefore, it is submitted the proposals comply with Policy D2 Amenity.

## Householder Design Guidance

The HDG provides guidance and supports the Development Plan and is a material consideration in the determination of planning applications. Considering the various elements of the proposal

### **General Principles**

1. Proposals for extensions, dormers and other alterations should be architecturally compatible in design and scale with the original house and its surrounding area. Materials used should be complementary to the original building. Any extension or alteration proposed should not serve to overwhelm or dominate the original form or appearance of the dwelling and should be visually subservient in terms of height, mass and scale.

Response: The current proposal seeks an innovative and sustainable design solution providing additional accommodation for an existing house. The existing property comprises a small house on a large plot and therefore the proposal seeks to make best use of the large plot and existing level difference resulting in a carefully considered development. From the main/front elevation, the extension reflects the street scene and the previously extended adjoining property. To the rear, the extension provides a modern and innovative solution making best use of the south facing aspect and the solar gain opportunities. The adjoining property to the west, 23 Balgownie Crescent, has previously been extended, as have the properties to the east at 19 and 17 Balgownie Crescent. The proposed rear extension reflects these existing extensions, providing a rear extension which extends 5.9 metres from the rear wall which 400mm shorter than the existing extension on the adjoining property at No.23. The two-storey element extends only partially over the rear extension. The proposed rear extension provides a creative response to the rear elevation with an innovative design solution creating interest and additional light to the proposed fourth bedroom.

2. No extension or alteration should result in a situation where the amenity of any neighbouring properties would be adversely affected. Significant adverse impact on privacy, daylight and general amenity will count against a development proposal.

Response: The Report of Handling confirms no loss of sunlight, daylight, privacy or any overlooking for the neighbouring properties.

3. No existing extensions, dormers or other alterations which were approved prior to the introduction of this planning guidance will be considered by the planning authority to provide justification for a development proposal which would otherwise fail to comply with the guidance set out in this document.

Response: The immediate area includes a range of alterations and extensions with the majority of the houses in the street altered. While it is understood these modifications occurred under a different policy context, the principles remain. At the time of these earlier applications the impact of the alterations and extensions were considered in the context of the surrounding development pattern and street scene and were considered appropriate.

4. The built footprint of a dwelling house as extended should not exceed twice that of the original dwelling.

Response: It is accepted that the proposed development exceeds the recommended guidance. However, it is clear that this the existing house currently comprises a small house on a large plot as a result the plot can accommodate the proposed extension. The extended house covers only 24% of the plot and cannot be considered overdevelopment of the site. Planning by proportions in instances such as these can be unhelpful as they do not allow for best use of land. All current Scottish Government policy supports productive use of existing buildings, places, infrastructure and services, local livability and compact urban growth. The current proposal, although small scale, supports these spatial principles, in that it makes best use of this existing house and the associated generous plot within an established residential area close to all local services and facilities.

5. No more than 50% of the front or rear curtilage shall be covered by development.

Response: The proposal will not impact on the large rear garden enjoyed by the existing house.

#### **Rear House Extensions Semi-Detached Dwellings**

b) On properties of 2 or more storeys, two storey extensions maybe possible, subject to the design considerations set out in the 'General Principles' section above. The projection of such extensions will generally be restricted to 3m along the boundary shared with the other half of the semi-detached property.

Response: In the current circumstances the proposed extension extends 5.9 metres from the rear wall of the house. However, the neighbouring property has an existing rear extension which currently extends 5.96 metres from the rear wall. Therefore, the proposed extension is in line with the existing development pattern. Indeed, to insist upon the suggested guideline would result in the appeal property being overshadowed by existing extension on the adjoining property.

#### **Dormer extensions**

- The dormer extension should not appear to dominate the original roof space;
- The dormer extension should not be built directly off the front of the wall head as the roof will then have the appearance of a full storey. On public elevations there should be no apron below the window, although a small apron may be acceptable on the rear or non-public elevations. Such an apron would be no more than three slates high or 300mm, whichever is the lesser;
- The roof of the proposed extension should not extend to, or beyond the ridge of the existing roof, nor should it breach any hip. Dormer extensions cannot easily be formed in hipped roofs. Flat roofed extensions should generally be a minimum of 600mm below the existing ridge;
- The dormer extension should be a minimum of 600mm in from the gable. The dormer haffit should never be built off the gable or party walls, except perhaps in the situation of a small semi-

detached house where the dormer extension may sometimes be built off the common boundary.

- The outermost windows in dormer extensions should be positioned at the extremities of the dormer. Slated or other forms of solid panel will not normally be acceptable in these locations. here should be more glazing than solid on the face of any dormer extension;
- Box dormer extensions should generally have a horizontal proportion. This need not apply however, to flat roofed individual dormers which are fully glazed on the front;
- Finishes should match those of the original building and wherever possible the window proportion and arrangement should echo those on the floor below; and
- The design of any new dormer extension should take account of the design and scale of the existing dormer

In the current circumstances, the proposed dormers have been designed to sit at the same height as the existing dormers, the dormers are suitably positioned, do not extend above the ridge, there is no apron, and the materials are acceptable. The Report of Handling has expressed concern with regard to the proposed front/north dormer being slightly off centre, this can be rectified, and a condition imposed ensuring the dormer window to the front elevation is centred with the garage door. Similarly, a condition can be employed to ensure the windows match the existing dormers.

## 9. Discussion

The Town and Country Planning (Scotland) Act 1997 as amended requires that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

The current appeal seeks planning permission for alterations and extension to an existing house allowing the family to continue to live and work in the area where they maintain strong ties to the local community. It has been demonstrated within this statement that the proposal complies with the policies of National Planning Framework 4 and the Aberdeen Local Development. Plan 2023. There is some conflict in terms of the Householder Design Guide however, it has been established, and will be apparent at a site visit, that the area has changed over time with many of the homes undergoing alteration and extension none of which have had a detrimental impact on the character and appearance of the area. Indeed, at the time of previous planning consents for similar alterations and extensions the Planning Service determined that the area does not possess a sense of uniformity and that alterations would not impact on the residential amenity or character of the area.

It is submitted that the current proposal will continue the established pattern of development which, as with all residential areas, is constantly evolving. Overall, the proposed extension offers a front/street elevation which reflects other properties in the area. To the rear, which is unseen from the surrounding streets, a contemporary design is proposed which makes best use of an existing generous residential plot, while not impacting upon the residential amenity of neighbours.



We would respectfully request that the planning refusal decision be overturned to allow the appellants to extend their house to give them much needed additional space for their family allowing them to remain in the area.

April 2024.

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 <p><b>ABERDEEN</b> CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <p style="margin: 10px 0 0 0;">Report of Handling by Development Management Manager</p>
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<b>Site Address:</b>	Football Ground, Denmore Road, Aberdeen
<b>Application Description:</b>	Installation of replacement of floodlights
<b>Application Ref:</b>	231489/DPP
<b>Application Type:</b>	Detailed Planning Permission
<b>Application Date:</b>	23 November 2023
<b>Applicant:</b>	Hall Russell United FC
<b>Ward:</b>	Bridge Of Don
<b>Community Council:</b>	Bridge Of Don

### **DECISION**

Approve Conditionally

### **APPLICATION BACKGROUND**

#### **Site Description**

The application site comprises the football grounds associated with the Hall Russell United Football Club within the Denmore Commercial Centre (Opportunity Site 75). The site is accessed from Denmore Road to the west and adjoins Ellon Road to the east, with a boundary treated with trees. To the north sits the football grounds associated with Hermes Football Club which is surrounded by pole and lattice mast lighting. To the south sits industrial units and to the west, beyond Demore Road, sits residential properties off Greenbrae Drive. The floodlights currently on the site are 6m in height.

#### **Relevant Planning History**

None

### **APPLICATION DESCRIPTION**

#### **Description of Proposal**

Planning permission is sought for the erection of four floodlights measuring 15.5m in height along the east and west sides of the existing football pitch, replacing the existing three floodlights on the pitch.

#### **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=S4L352BZHX200>

- Lighting Impact Assessment Report

## **CONSULTATIONS**

**ACC – Environmental Health** – No objection to the proposal. The lighting impact assessment meets the requirements of the service. A condition for the operational hours of the lighting has been applied to this permission.

**Roads Development Management** – No observations or objections.

**Bridge of Don 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 21 (Play, Recreation and Sport)
- Policy 27 (City, Town, Local and Commercial Centres)

#### **Aberdeen Local Development Plan (2023)**

- Policy VC8 (Town, District, Neighbourhood and Commercial Centres)
- Policy WB1 (Healthy Developments)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)

## **EVALUATION**

### **Principle of Development**

The application site is located in a Commercial Centre under Policy VC8 (Town, District, Neighbourhood and Commercial Centres) of the Aberdeen Local Development Plan (ALDP) 2023.

This policy expects such centres to contribute to providing a range of uses serving local communities and be of a scale which is appropriate to that centre and expects development:

- 1: makes a positive contribution to the vitality and viability of the centre;
- 2: will not undermine the principal function of the centre in which it is located;
- 3: caters for a catchment appropriate to the centre in which it is located;
- 4: creates or maintains an active street frontage and attractive shop frontage;
- 5: does not create overprovision and/or clustering of a particular use in the immediate vicinity which would undermine the character and amenity of the centre; and
- 6: does not conflict with the amenity of the neighbouring area/existing commercial uses

The proposed works would relate to the existing use of the football field and as such, would not undermine the function of the centre, impact on how the space caters for the local catchment or create an overprovision of any use. All other considerations will be assessed below.

Policy 27 (City, Town, Local and Commercial Centres) aims for centres which are vibrant, healthy, creative, enterprising, accessible and resilient places for people to live, learn, work, enjoy and visit. Development proposals that improve or enhance the vitality of centres will be supported.

The ALDP has also identified this as an opportunity site and expects any pitches lost to be replaced by new or upgraded pitches which are of comparable or greater benefit. As the pitch itself is not being replaced or upgraded, a flood risk assessment or ecological survey would not be required in this case. The impact of obtrusive light on residents and wildlife has been assessed within the Lighting Impact Assessment and an appropriate maximum allowance illuminance has been proposed for the identified environmental zone. This consideration has been outlined further below.

### Play and Healthy Development

NPF4 Policy 21 (Play, Recreation and Sport) expect improved play provisions to provide stimulating environments, provide a range of play experiences including opportunities to connect with nature, be inclusive, be suitable for different ages of children and young people, be easily and safely accessible by children and young people independently, including those with a disability, incorporate trees and/or other forms of greenery, form an integral part of the surrounding neighbourhood, be well overlooked for passive surveillance and be linked directly to other open spaces and play areas. Development proposals that include new or enhanced play or sport facilities will provide effective management and maintenance plans. NPF4 Policy 14 (Design, Quality and Place) further promotes improving women's safety and improving physical and mental health. ALDP Policy WB1 (Healthy Developments) expects developments are required to provide healthy environments, reduce environmental stresses, facilitate physical activity and promote physical and mental wellbeing.

The proposed works form small-scale improvements to introduce lighting to an existing playing field. As such, it would not undermine the use of the space as a play area or impact its operation and therefore does not require a management plan. The proposal would improve passive surveillance and be more safely accessible, upgrading the existing sports pitch, meeting the aims of NPF4 Policy 21 and Policy 14 and ALDP Policy WB1.

### **Siting and Appearance**

Policy 14 (Design, Quality and Place) of NPF4 expects development to be designed to be consistent with the six qualities of successful places and to not have an adverse impact on the amenity of the surrounding area. 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) of the ALDP. This policy expects all development to ensure high standards of design, create sustainable and successful places and have a strong and distinctive sense of place.

The application site comprises an existing football pitch within Denmore Industrial Park, set back from Denmore Road behind a car park used by lorries and other large vehicles over a small mound of grass, with the football pitch sitting at a slightly lower ground level (by approximately 2m) to the road. The boundaries to the north, south and east are treated with high level trees and as such, there would be a minimal visual impact on the surrounding area from these views. This is apparent from the view of the existing lattice tower floodlighting at Hermes FC to the north which sits at a similar height to the trees when viewed from Ellon Road. As such, the main view of the floodlighting would be from Denmore Road with the current outlook from this view being of the car park and street lighting along the road with the trees sitting in the backdrop. The nearest floodlight would sit c. 70m from the Denmore Road. At a height of 15.5m, the lighting on the west side of the pitch would appear taller than the trees in the distance, however, given the existing industrial character of the area and the existing high level floodlight at Hermes FC which are similarly visible from Denmore Road to the north of Speedy Services, the introduction of this lighting is not considered to present harm to the visual character of the area. The nearest mast would also sit c. 115m from the nearest residential dwelling, but this would likely be screened by trees located on Denmore Road and would not appear visually prominent from these properties.

The proposed lighting has been designed as a slimline pole to minimise its massing as far as possible, having a similar appearance as street lighting which sits closer to the road and would therefore not look out of place when travelling along Denmore. As such, the proposed works have been appropriately designed and located to avoid having an adverse visual impact on the character of the surrounding area and would be in keeping with similar floodlighting at the neighbouring football pitch. The proposal would therefore accord with NPF4 Policies 14 and 27 and ALDP Policies VC8 and D1.

### **Residential Amenity**

Policy D2 (Amenity) is aimed at ensuring that all development will result in acceptable levels of residential amenity for occupiers and neighbouring properties. The main impact of the replacement of floodlights for this existing sports pitch are in relation to light pollution. As part of the application, a Lighting Assessment by Kingfisher Lighting was submitted, undertaken in line with relevant guidance. This document categorises the environment into five different zones according to the degree of urbanisation and background illumination. The environmental zones range from '*Protected*' which would include 'dark skies' through to '*Urban*' which would include town and city centres. Within this range, the site and the immediate surrounding area was considered to fall in the category '*Suburban*' where medium district brightness applies. The report sets out that, if installed correctly, would meet environmental lighting standards and maintain the amenity of neighbouring properties, as well as mitigate any upward light. The proposed Flood Light Plan further shows compliance with obtrusive light testing against the nearest three houses on Greenbrae Avenue to the west. As such, it is considered that the proposed new lighting system would be appropriate in this regard, and would not result in an unacceptable adverse impact on residential amenity subject to a condition, as set out above, restricting their hours of use.

### **Impact on wildlife**

The lighting system has been designed to minimise any impacts on local wildlife. Upward light spill has been calculated at 0% with the individual light fittings having the ability to be angled exactly where the light is needed, i.e. onto the sports pitch. The lighting temperature would also be 5000K to be close to a comfortable and natural working environment. In addition, the floodlights will

generally be used during the winter months when some species would be in hibernation. Finally, the effects on wildlife have been considered in assessing the environmental zone in which the site sits in the Lighting Assessment.

## **Road Safety**

Roads Development Management have identified no concerns with the proposed lighting in relation to Ellon Road or other roads through the estate.

## **Tackling the Climate and Nature Crises, Climate Mitigation and Biodiversity**

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires planning authorities when considering all development proposals to give significant weight to encouraging, promoting and facilitating development that addresses the global climate emergency and nature crisis. Similarly, Policy 2 (Climate Mitigation and Adaptation) of NPF4 encourages, promotes and facilitates development that minimises emissions and adapts to the current and future impacts of 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 nature of the development would be in tension with NPF4 due to the power required to operate them. However, as the lighting is required for upgrading the existing playing field, it would accord with NPF4 Policies 14 and 21 for promoting safe and active areas to promote physical and mental health. The proposal is also for the replacement of existing floodlighting on the site and would therefore add a minimal additional power requirement for the site. An appropriate Lighting Assessment has also been undertaken for the relevant identified environmental zone to avoid impacts on wildlife. Sufficient steps have therefore been taken to protect wildlife and minimise light pollution and on balance, the lighting would provide a positive contribution for the area in terms of active and safe play areas and would therefore be in compliance with NPF4.

## **DECISION**

Approve Conditionally

## **REASON FOR DECISION**

The location of the proposed lighting sits sufficiently away from Denmore Road and at a lower ground level to avoid presenting an adverse visual impact from public view. The lighting has also been designed to minimise its massing and be in keeping with other lighting on the football grounds to the north. As such, the proposal is compliant with Policy 14 (Design, Quality and Place) and Policy 27 (City, Town, Local and Commercial Centres) of National Planning Framework 4 (NPF4) and Policy D1 (Quality Placemaking) of the Aberdeen Local Development Plan 2023 (ALDP).

The proposed floodlights are considered not to result in a significant adverse impact on residential amenity of surrounding properties caused by light as demonstrated from the Light Assessment Report and would not impact on road safety in accordance with Policy VC8 (Town, District, Neighbourhood and Commercial Centres) and Policy D2 (Amenity) of the ALDP

Consideration has been given to the positive impact of the proposal by increasing the useability of the existing pitch on encouraging healthy lifestyles and the positive impact this can have on the mental and physical well-being of participating children. The proposed works comprise replacement lighting and sufficient measures have been put in place to minimise harm to wildlife

and light pollution. Although the development would be in tension with Policy 1 (Tackling the Climate and Nature Crises) and Policy 2 (Climate Mitigation and Adaptation) of NPF4, the proposed would accord with Policy 3 (Biodiversity), Policy 21 (Play, Recreation and Sport) and Policy 14 (Design, Quality and Place) of NPF4 and Policy WB1 (Healthy Developments) of the ALDP and would therefore, on balance, accord with the aims of NPF4.

## **CONDITIONS**

### **(01) DURATION OF PERMISSION**

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 act.

### **(02) RESTRICTION ON HOURS**

That the floodlights hereby approved shall only be in both use between 15:00 and 21:00 hours and only be used during hours of darkness.

Reason – in the interest of residential amenity

### **(03) INSTALLATION IN ACCORDANCE WITH DETAILS**

That the development hereby approved shall be installed in accordance with the details as set out in the 'Hall Russell FC' lighting report prepared by Kingfisher Lighting; and associated drawing 51600 Rev B forming part of this application, and shall be retained as such.

Reason – in the interest of residential amenity





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 100652797-001

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)

Replacement floodlights

Is this a temporary permission? \*  Yes  No

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

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

No  Yes – Started  Yes - Completed

## Applicant or Agent Details

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

## Agent Details

Please enter Agent details

Company/Organisation:	J.V. Carroll, Chartered Architectural Technologists		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Ross	Building Name:	Inverden House
Last Name: *	Clarihew	Building Number:	<input type="text"/>
Telephone Number: *	01224 643106	Address 1 (Street): *	Queens Lane North
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: *	AB15 4DF
Email Address: *	info@jvcarroll.co.uk		

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: *	John	Building Number:	140
Last Name: *	Carroll	Address 1 (Street): *	Osborne Place
Company/Organisation	Hall Russell United FC	Address 2:	<input type="text"/>
Telephone Number: *	01224 643106	Town/City: *	ABERDEEN
Extension Number:	<input type="text"/>	Country: *	SCOTLAND
Mobile Number:	<input type="text"/>	Postcode: *	AB25 2DU
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:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Denmore Park, Denmore Road, Bridge of Don, Aberdeen, AB23 8JW

Northing

811396

Easting

394530

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Site Area

Please state the site area:

960.00

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)

FOOTBALL PITCH

## 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 <b>T</b> 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? <span style="float: right; border: 1px solid black; padding: 2px 10px;">0</span></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)? * <span style="float: right; border: 1px solid black; padding: 2px 10px;">0</span></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><b>Water Supply and Drainage Arrangements</b></p> <p>Will your proposal require new or altered water supply or drainage arrangements? *     ≤ Yes <b>T</b> No</p>
<p>Do your proposals make provision for sustainable drainage of surface water?? *     ≤ Yes <b>T</b> 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><b>T</b> 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><b>Assessment of Flood Risk</b></p> <p>Is the site within an area of known risk of flooding? *     ≤ Yes <b>T</b> 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 <b>T</b> No ≤ Don't Know</p>
<p><b>Trees</b></p> <p>Are there any trees on or adjacent to the application site? *     ≤ Yes <b>T</b> 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><b>Waste Storage and Collection</b></p> <p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *     ≤ Yes <b>T</b> No</p>

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

NOT APPLICABLE

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*  Yes  No

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*  Yes  No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 \*  Yes  No  Don't Know

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

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

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*  Yes  No

## Certificates and Notices

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

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

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

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

Are you able to identify and give appropriate notice to ALL the other owners? \*  Yes  No

## Certificate Required

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

Certificate B

## Land Ownership Certificate

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

I hereby certify that

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

or –

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

Name:

Address:

Date of Service of Notice: \*

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

or –

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

Name:

Address:

Date of Service of Notice: \*

Signed: Ross Clarihew

On behalf of: Hall Russell United FC

Date: 23/11/2023

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

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

Provide copies of the following documents if applicable:

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

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

## Declare – For Application to Planning Authority

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

Declaration Name: Mr Ross Clarihew

Declaration Date: 23/11/2023

## Payment Details

Online payment: ABSP00010297

Payment date: 23/11/2023 15:09:00

Created: 23/11/2023 15:09





## DECISION NOTICE

### The Town and Country Planning (Scotland) Act 1997 Detailed Planning Permission

Ross Clarihew  
J.V. Carroll, Chartered Architectural Technologists  
Inverden House  
Queens Lane North  
Aberdeen  
Scotland  
AB15 4DF

on behalf of **Hall Russell United FC**

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.

<b>Application Reference Number</b>	231489/DPP
<b>Address of Development</b>	Football Ground Denmore Road Aberdeen
<b>Description of Development</b>	Installation of replacement of floodlights
<b>Date of Decision</b>	4 April 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 location of the proposed lighting sits sufficiently away from Denmore Road and at a lower ground level to avoid presenting an adverse visual impact from public view. The lighting has also been designed to minimise its massing and be in keeping with other lighting on the football

grounds to the north. As such, the proposal is compliant with Policy 14 (Design, Quality and Place) and Policy 27 (City, Town, Local and Commercial Centres) of National Planning Framework 4 (NPF4) and Policy D1 (Quality Placemaking) of the Aberdeen Local Development Plan 2023 (ALDP).

The proposed floodlights are considered not to result in a significant adverse impact on residential amenity of surrounding properties caused by light as demonstrated from the Light Assessment Report and would not impact on road safety in accordance with Policy VC8 (Town, District, Neighbourhood and Commercial Centres) and Policy D2 (Amenity) of the ALDP

Consideration has been given to the positive impact of the proposal by increasing the useability of the existing pitch on encouraging healthy lifestyles and the positive impact this can have on the mental and physical well-being of participating children. The proposed works comprise replacement lighting and sufficient measures have been put in place to minimise harm to wildlife and light pollution. Although the development would be in tension with Policy 1 (Tackling the Climate and Nature Crises) and Policy 2 (Climate Mitigation and Adaptation) of NPF4, the proposed would accord with Policy 3 (Biodiversity), Policy 21 (Play, Recreation and Sport) and Policy 14 (Design, Quality and Place) of NPF4 and Policy WB1 (Healthy Developments) of the ALDP and would therefore, on balance, accord with the aims 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/>.

## CONDITIONS

This permission is granted subject to the following conditions.

### (01) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 act.

### (02) RESTRICTION ON HOURS

That the floodlights hereby approved shall only be in both use between 15:00 and 21:00 hours and only be used during hours of darkness.

Reason - in the interest of residential amenity

### (03) INSTALLATION IN ACCORDANCE WITH DETAILS

That the development hereby approved shall be installed in accordance with the details as set out in the 'Hall Russell FC' lighting report prepared by Kingfisher Lighting; and associated drawing 51600 Rev B forming part of this application, and shall be retained as such.

Reason - in the interest of residential amenity

## APPROVED PLANS AND DRAWINGS

H:80 - 01  
51600 Rev B

Location Plan  
Elevations and Floor Plans  
Site Layout (Proposed)  
External Lighting Report

Signed on behalf of the planning authority

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

**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.aberdeencity.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](mailto:pi@aberdeencity.gov.uk).

### **OTHER CONSENTS**

This permission does not provide exemption from obtaining other consents administered by Aberdeen City Council, such as advertisement consent, 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.

### **OTHER ADVISORY NOTES**

## Notification of Initiation of Development

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

**Application reference number:** 231489/DPP

**Site address:** Football Ground, Denmore Road

**Date of decision:** 4 April 2024

<b>Person or company intending to carry out the development</b>	
Name and address	
Phone number or e-mail address	
<b>Owner of the land to which the development relates (if different from above)</b>	
Name and address	
Phone number or e-mail address	
<b>Site agent or contractor appointed to oversee development</b>	
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](http://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-notice/your-data-planning-application](http://www.aberdeencity.gov.uk/your-data/privacy-notice/your-data-planning-application)

# Notification of Completion of Development

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

**Application reference number:** 231489/DPP

**Site address:** Football Ground, Denmore Road

**Date of decision:** 4 April 2024

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](http://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](http://www.aberdeencity.gov.uk/your-data/privacy-notices/your-data-planning-application)

# **Consultee Comments for Planning Application 231489/DPP**

## **Application Summary**

Application Number: 231489/DPP

Address: Football Ground Denmore Road Aberdeen

Proposal: Installation of replacement of floodlights

Case Officer: Sam Smith

## **Consultee Details**

Name: Mr Michael Cowie

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

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

## **Comments**

It is noted this application for installation of replacement of floodlights at Football Ground, Denmore Road, Aberdeen.

It is confirmed that Roads Development have no observations or objections to such an application.

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19<sup>th</sup> March 2024

This revised lighting impact assessment has been reviewed and meets the requirements of this Service.

With outdoor pitches we normally add the following condition of planning

**As a condition of planning, the lights should only be used between 1500 – 2100 hrs during hours of darkness.**

**Barbara Armstrong- Hill** | Senior Authorised Officer

Protective Services | Operations and Protective Services | Operations, Aberdeen City Council

3<sup>rd</sup> Floor South | Marischal College | Broad Street | Aberdeen | AB10 1AB

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# Aberdeen City Council – Development Management Team Consultation Request

<b>Case Officer:</b> Sam Smith	<b>To:</b> ACC - Environmental Health
<b>E-mail:</b> SamuelSmith@aberdeencity.gov.uk	<b>Date Sent:</b> 27 November 2023
<b>Tel.:</b> 01224 069080	<b>Respond by:</b> 18 December 2023
<b>Application Type:</b> Detailed Planning Permission	
<b>Application Address:</b> Football Ground Denmore Road Aberdeen	
<b>Proposal Description:</b> Installation of replacement of floodlights	
<b>Application Reference:</b> 231489/DPP	
<b>Consultation Reference:</b> DC/ACC/S4SJHKBZ03R00	

To view the plans and supporting documentation associated with the application please [follow this link](#).

In the case of pre-application enquires please login at <https://publicaccess.aberdeencity.gov.uk> and in 'Consultation Search' enter the consultation reference (shown above) into the 'Letter Reference' field and then click 'Search'.

Unless agreed with the case officer, should no response be received by the respond by date specified above it will be assumed your service has no comments to make.

Should further information be required, please let the case officer know as soon as possible in order for the information to be requested to allow timeous determination of the application. **Response**

Please select one of the following.

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

## COMMENTS

Regarding the above Detailed Planning Permission Application an environmental health assessment was carried out. The following areas have been evaluated and the associated comments are considered reasonable and proportionate.

## **Artificial Light Controls**

The external lighting proposal (Reference: Drawing Number: H:80-01 drawn by J V Carroll) has been reviewed. This Service does however require suitable written statement/report demonstrating compliance with a relevant standard, for example, The Institution of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light GN01:2011 (or equivalent as demonstrated).

Considering the 'SportsScotland Outdoor Sports Facilities - Planning Guidance/1002 - Siting of Synthetic Grass Pitches - Guidance on Noise and Floodlighting', Inclusion of the following within the statement/report is considered necessary;

1. The floodlighting needs, addressing factors including which sports(s) are to be played, level of play
2. Floodlighting position and direction
3. Floodlight height and technical specification
4. Light spill, illumination of neighbouring land, glare, upward light levels
5. Hours of use,
6. Means of control to ensure lights to be on only when in use,
7. Details of any automatic cut-off device (or equivalent) to be installed
8. Impacts on neighbours
9. Any mitigation measures to be applied

These controls are required to ensure that there would be no artificial light nuisance that would impact on the nearest light sensitive receptor.

Responding Officer: Barbara Armstrong-Hill

Date: 7/12/23

Email: bahill@aberdeencity.gov.uk

Ext:

## **Application 231489 – Football Ground, Denmore Road – Floodlights – Review on hours condition (2)**

### **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 27 (City, Town, Local and Commercial Centres)

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

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

- D1 – Quality Placemaking
- D2 – Amenity
- WB1 – Healthy Developments
- VC8 – Town, District, Neighbourhood and Commercial Centres

### **Other Material Considerations**

#### **Aberdeen Planning Guidance**

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

[Noise](#)

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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      100652797-002

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

## Applicant or Agent Details

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

≤ Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="J.V. Carroll, Chartered Architectural Technologists"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Ross"/>	Building Name:	<input type="text" value="Inverden House"/>
Last Name: *	<input type="text" value="Clarihew"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="01224 643106"/>	Address 1 (Street): *	<input type="text" value="Queens Lane North"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="AB15 4DF"/>
Email Address: *	<input type="text" value="info@jvcarroll.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"/>
First Name: *	<input type="text" value="John"/>	Building Number:	<input type="text" value="140"/>
Last Name: *	<input type="text" value="Carroll"/>	Address 1 (Street): *	<input type="text" value="Osborne Place"/>
Company/Organisation	<input type="text" value="Hall Russell United FC"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="SCOTLAND"/>
Mobile Number:	<input type="text" value="REDACTED"/>	Postcode: *	<input type="text" value="AB25 2DU"/>
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="Denmore Park, Denmore Road, Bridge of Don, Aberdeen, AB23 8JW"/>
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Northing	<input type="text" value="811396"/>	Easting	<input type="text" value="394530"/>
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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)

Installation of replacement of floodlights

## 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.

Review sought on Condition (02), which restricts the hours of use to 3pm - 9pm. We seek on behalf of our client to extend this to 10pm, to allow for 8pm kick offs as they participate in the Scottish Highland League -18's, which have a set kick off of 8pm on a week night. They also operate youth football training through the week including a session after 9pm. The replacement floodlights are mainly being proposed for this purpose in order the club can continue to foster youth football.

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)

We did not realise a restriction would be placed on this application, therefore we did not provide the required hours of use stated on the appeal. However at no point did the planning officer advise or discuss this proposed condition, before determining which we find frustrating.

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)

Statement from applicant in support of appeal

## Application Details

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

231489/DPP

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

23/11/2023

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

04/04/2024

## 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

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

## 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 Ross Clarihew

Declaration Date: 23/04/2024

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Founded 1968

Hall Russell United Football Club  
Denmore Park, Denmore Road  
Bridge of Don, Aberdeen

Division One League Winners - 1989-90

Regional Cup Winners - 1993-94

Division One Runners Up - 1993-94

24<sup>th</sup> April 2024

Dear Whom it May Concern,

**231489/DPP – Denmore Park, Denmore Road, Aberdeen**  
**Installation of replacement of floodlights**

Further to the recent approval of the above Planning application and more specifically to the condition restricting the hours of use to 9pm. We hereby request that this condition be amended to allow for a 10pm curfew.

The 10pm curfew for floodlighting will allow the club to offer extended training facilities during the winter months to our local juvenile clubs who are currently having to travel all over Aberdeen to secure floodlit lets.

Given the school day (and the need for children to get home, do homework and be fed), we would expect to start our evening sessions no earlier than 6pm and we would envisage being able to offer 3 training let times across both halves of our pitch as follows -

- 6:00 til 7:15pm for primary school players,
  - 7:20 til 8:35pm for secondary 1-3 players and
  - 8:40 til 9:55pm for secondary 4-6 players.
- Note - 5 minute turnaround time to exit the facility.

This would allow an area of the city to benefit from floodlit access where no provision currently exists.

In addition to this, a key requirement of our 'youth' programme participation with the Highland League is for matches to kick off at 8pm. This is due to the travel requirements for Highland League clubs and match officials, from outwith the City, who need extra travel time. The Council has already provided the 10pm time extension for Banks o Dee, Dyce and Hermes Juniors who also participate in the youth programme.

We trust this statement sets out the reason for this request and hope that the Local Review Body will understand the huge investment we as a club are looking to make for the benefit of fostering youth football in the city.

Yours in Sport, C


President

President: John Carroll

First Team Manager: Craig Carroll

U18s Manager: Gordon Davidson

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 <p><b>ABERDEEN</b> CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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<b>Site Address:</b>	Esplanade Filling Station, North Esplanade West, Aberdeen, AB11 5RN
<b>Application Description:</b>	Installation of air/water/vacuum upstand and replacement of 3 parking spaces with 3 additional EV charging bays, erection of associated infrastructure including enclosure and upstands (retrospective)
<b>Application Ref:</b>	230675/DPP
<b>Application Type:</b>	Detailed Planning Permission
<b>Application Date:</b>	7 June 2023
<b>Applicant:</b>	Motor Fuel Ltd
<b>Ward:</b>	Torry/Ferryhill
<b>Community Council:</b>	Ferryhill and Ruthrieston
<b>Case Officer:</b>	Roy Brown

### DECISION

Refuse

### APPLICATION BACKGROUND

#### **Site Description**

The application site comprises an area within the forecourt of a petrol filling station located to the west of, and accessed from, North Esplanade West. It is to the north of the Queen Elizabeth Bridge Roundabout and the site is bounded to the west by the C-Listed South College Street and Palmerston Road Railway Viaduct and Arches and to the north by a vacant commercial building. The site includes both car and HGV fuel points, associated retail unit, electric vehicle charging and vehicle washing infrastructure and two water, air and vacuum units.

In the south of the application site, six electric vehicle charging spaces with five upstands and an water, air and vacuum (WAV) unit have been installed. The WAV unit is located between the space that is closest to the vehicular entrance to the site and the entrance itself and a screen behind four of the bays (with unauthorised signage) have been installed. Whilst planning permission was granted for the installation of three charging spaces and associated infrastructure in April 2022, the works that have been undertaken do not correspond with what has been granted planning permission and are therefore unauthorised. Prior to the unauthorised development taking place, this area included standard parking spaces serving the site and had an air / water unit in the southwest corner of the site.

#### **Relevant Planning History**

In April 2022, planning permission Ref: 211462/DPP granted the installation of three electric vehicle charging bays and upstands with a canopy enclosure, a sub-station, an altered parking layout and WAV units. Permission was granted subject to a condition requiring that the spaces not be brought into use unless the two staff parking spaces to be formed at the north of the site. The

sub-station, electric cabinets and three of the spaces and upstands have been installed in accordance with the permission and therefore that permission has been implemented but not completed.

The remainder of the works (three standard parking spaces and the WAV unit) that have been installed on the site are similar to the plans that were initially submitted for the previous application (Ref: 211462/DPP) which were superseded to address concerns by the planning service and the Roads Development Management Team raised regarding road safety and the loss of parking provision. The plans were revised to address these issues and subsequently granted planning permission. This planning application seeks permission retrospectively for the works that have been undertaken on the site.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Planning permission is sought retrospectively for the installation of a WAV unit, the replacement of three parking spaces with three additional electric vehicle charging bays with two upstands and the erection of associated infrastructure.

This results in the site having six electric vehicle charging bays, five charging upstands, a WAV unit, a bay screen to the south of the spaces, a 2.8m high section of wall, and an electric sub-station and enclosure, and an electric box.

The WAV unit is located adjacent to the easternmost charging space, c.2.2m to the south of the edge of the vehicular access. It is c.1.6m in height, c.1.4m in width and c.0.6m in length. The screen to the south of the spaces is a metal construction finished with powder-coated graphics (and an unauthorised advertisement). It is 3.3m in height and 12m in length. Other than the accessible space, the spaces are perpendicular to the forecourt, side-by-side and are 3m in width and 5m in length. The accessible space has 1.2m wide hatchings around it.

The charger upstands are c.3.1m in height, c.0.4m in width and c.0.9m in length. The substation (measuring c.3m x c.3m x c.2.5m) is cubic in form, finished in composite plastic and is located in the southwest corner of the site.

### **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=RVM64GBZK4R00>

- Planning Statement

## **CONSULTATIONS**

**Roads Development Management Team** – Objection, having reassessed the submission, discussed it with other Roads colleagues, and weighed it up against current policies.



Significant discussion and deliberation went into the Roads Development Management response that accompanied the approved application, most of which covered why the layout which the applicant has persisted with and installed was not acceptable.

The primary concerns were and are the complete removal of all non-electric vehicle spaces, which leads to confusion as to where people who do not have electric vehicles can park, which is not ideal as the parking is immediately upon entering the site, and not a location where ambiguity would be encouraged. The staff parking that was previously proposed has not been installed, which is required, and was discussed previously.

It was also stated that the WAV unit should not be adjacent to an EV space, as the use of this would prevent the utilisation of an electric vehicle charging space, or discourage non-electric vehicle users from using them, as well as block visibility.

Whilst new electric vehicle standards are a minima and applicants do have scope for going above these, sites still need considered on a case-by-case basis. The proposal would provide fuelling bays and remove all parking provision for the site. This could result in cars parking poorly, leading to queuing out onto the road. This, coupled with the lack of parking for staff, and the site access visibility being hampered by the WAV unit machine leads the team to stand by its comments.

**Ferryhill and Ruthrieston Community Council** – No response received.

## **REPRESENTATIONS**

None.

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

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

### **Development Plan**

#### **National Planning Framework 4**

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 7 (Historic Assets and Places)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 23 (Health and Safety)
- Policy 27 (City, Town, Local and Commercial Centres)

#### **Aberdeen Local Development Plan 2023**

- Policy B2 (Business Zones)
- Policy D1 (Quality Placemaking)
- Policy D6 (Historic Environment)

- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy VC1 (Vibrant City)
- Policy VC3 (Network of Centres)
- Opportunity Site 100 (OP100) – North Dee City Centre Masterplan Intervention Area

### **Aberdeen Planning Guidance**

- Transport and Accessibility

### **Other Material Considerations**

- City Centre Masterplan

## **EVALUATION**

### **Main Considerations**

Material to the assessment of this planning application are the provisions of the Development Plan, the context of the site and the current planning permission on the site of what previously has planning permission, as well as statutory consultation responses. In this instance, the key considerations in the determination of this application are the impact of the proposal on road safety and whether this outweighs the benefits of adding further electric vehicle charging points on the site in terms of climate mitigation and the decarbonisation of transport.

### **Local Development Plan Zoning**

The application site is zoned within the City Centre boundary, Policy B2 (Business Zones) and Opportunity Site 100 (OP100) North Dee City Centre Masterplan Intervention Area on the Proposals Map of the Aberdeen Local Development Plan 2023 (ALDP).

Whilst the site is land allocated as OP100 North Dee City Centre Masterplan Intervention Area and is zoned as the city centre, given the proposal would comprise development related to the existing use on the site, it would have no impact on the delivery of this allocated site or any implications on the delivery of the City Centre Masterplan.

Policies 27 (City, Town, Local and Commercial Centres) of NPF4, and VC1 (Vibrant City) and VC3 (Network of Centres) of the ALDP promote development that add to the viability and vitality of the City Centre. Policy B2 of the ALDP states that facilities that directly support business uses may be permitted where they enhance the attraction and sustainability of the Business Zone for investment. Such facilities should be aimed at meeting the needs of businesses and employees within the Business Zone rather than the wider area. The provision of additional electric vehicle charging infrastructure would add to the attraction and sustainability of this Business Zone and would slightly add to the viability and vitality of the City Centre. As such, the development would accord with these policies in principle. However, because of the specific circumstances of the development and its site context, the development would be unacceptable for the reasons set out under the following headings.

### **Road Safety**

Policy 23 (Health and Safety) of NPF4 aims to protect people and places from environmental harm and mitigate risks arising from safety hazards. Policy 13 (Sustainable Transport) of NPF4 states that development proposals will be supported where they provide low or zero-emission vehicle

charging points in safe and convenient locations, in alignment with building standards. Policy T2 (Sustainable Transport) of the ALDP is supportive of alternative fuel vehicles initiatives where appropriate.

To consider the matter of road safety, the locational context and the layout of the site are of relevance. The vehicular access to the site is from the highly trafficked North Esplanade West and the access is only c.15m from the exit of the Elizabeth Bridge Roundabout. The site layout is particularly constrained. All vehicular charging spaces (and the former parking spaces) are at the south of the site, which are immediately after the vehicular access upon entering the site. The area of the forecourt to the north of these spaces is used by vehicles that have only just entered the site from the access to its east; for those manoeuvring to enter the electric vehicle charging spaces to charge vehicles, use the WAV unit and park; and as an area to access the fuel pumps and car wash. The area is therefore used by vehicles for a number of purposes, it is relatively small in size and immediately after an access from a highly trafficked road which is only 15m beyond the exit of a roundabout. In this context, there is limited time and space in the forecourt for drivers to react or hesitate to decide where to park their vehicles.

Whilst Policy T3 (Parking) states that the principle of 'zero parking' shall be applied with respect to all new development in the city centre, given the nature and location of this site which is located immediately adjacent to a key road and is for the fuelling, washing and servicing of vehicles, it is anticipated that most users and customers do currently travel to this site by car. As such, there is an expectation that parking spaces should be retained for the existing use of the site.

The development has resulted in the removal of all standard parking spaces from the site and no new parking spaces have been formed to offset their removal. All spaces are marked as electric vehicle charging points and there is no indication that those using the site can park on these spaces. There are furthermore no other areas in the forecourt where cars would be able to park without blocking another use (such as a fuel pump, a charging point, the WAV unit or the car wash). As such, the absence of parking provision could result in ambiguity for drivers in choosing where to park and hesitation in the area of the forecourt to the north of the spaces which is immediately after the junction. This could result in vehicles parking poorly, the other functions of the site being blocked and leading to queuing out onto the highly trafficked road while vehicles wait to access the charging points and the WAV units with insufficient time to react. Given the specific circumstances of this site, this would be detrimental to road safety. The Roads Development Management Team concord within this position, and have objected to this planning application for these reasons. It is not known whether the existing layout has already resulted in road traffic incidents as this information is not available. The charging points would not be in a safe location, in conflict with Policy 13 (Sustainable Transport) of NPF4.

The proposal includes a WAV unit between the electric vehicle charging space closest to this vehicular access. The unit adversely affects the visibility between the vehicles leaving this space and those vehicles entering the site. Given many vehicles will be reversing out of this space (given the sockets of many electric vehicles are on the front of them) and the space is very close to the access, which itself is c.15m from a roundabout, the lack of visibility constitutes a road safety hazard. The Roads Development Management Team have objected on the grounds of road safety, raising this matter as a reason to object to the application.

It must be highlighted that this development has introduced this road safety concern. Excluding the areas adjacent to the fuel pumps, prior to the unauthorised development being undertaken, the site had six parking spaces to the south of the site. The previous planning application (Ref: 211462/DPP) was revised from its initial submission to retain three standard parking spaces and add two staff parking spaces at the north of the site. This was following concern raised by Roads Development Management Team regarding road safety regarding the removal of all standard parking spaces. The development that was granted planning permission would address the road

safety concern as there would be no ambiguity for drivers not charging their vehicles to decide where to park. Furthermore, the WAV unit would be sited to enable visibility.

In terms of the dimensions of the charging spaces, it can be noted that the three additional spaces themselves are, however, of acceptably sized dimensions in term of being 3m width and 5m length, and the accessible space having 1.2m wide hatched markings, in accordance with Transport and Accessibility Aberdeen Planning Guidance. However, this matter alone is of no relevance and does not offset the road safety concerns with this proposal.

### **Tackling the Climate Crisis and Sustainable Transport**

In respect of NPF4, Policy 1 (Tackling the Climate and Nature Crises) 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) states that development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. In considering the nature crisis as required by Policy 1 (Tackling the Climate and Nature Crises) of NPF4, Policy 3 (Biodiversity) is of relevance. This policy states that proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance and that measures should be proportionate to the nature and scale of development. Taking into account there is limited space within the site for biodiversity enhancements to be incorporated and the relatively small scale of the proposal, it is considered that the tension with Policy 3 (Biodiversity) of NPF4 is not to a degree whereby it warrants the refusal of planning permission.

The principle of providing additional electric vehicle charging points would accord with Policies 1 and 2 in terms of placing significant weight to climate change mitigation and supporting the decarbonisation of transportation and is supported by Policy 13 (Sustainable Transport). Policy T2 (Sustainable Transport) of the ALDP is furthermore supportive of alternative fuel vehicle initiatives. However, Policy 13 of NPF4 states that development proposals will be supported where they provide low or zero-emission vehicle charging points in safe and convenient locations, in alignment with building standards. In the context of this particular site and the layout of the development proposed, the adverse impact on road safety as a result of the loss of all non-electric vehicle charging parking spaces and the siting of the WAV unit outweighs the benefit to climate change mitigation that would arise from three electric vehicle charging points. The location would therefore not be safe, in conflict with Policy 13 (Sustainable Transport) of NPF4.

### **Design and Placemaking**

To determine the effect of this building on the visual amenity of the area it is necessary to assess it in the context of Policy 14 (Design, Quality and Place) of NPF4 and Policy D1 (Quality Placemaking) of the ALDP. Policy 14 states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Policy D1 requires all development to ensure high standards of design, create sustainable and successful places and have a strong and distinctive sense of place which is a result of detailed contextual appraisal.

Whilst the development is readily visible from public areas to the south, east and north, the screen (excluding its unauthorised advertisement), sub-station and associated infrastructure are consistent in design, scale, form and materials with the existing development on the forecourt of the site. Notwithstanding the presence of the C-Listed railway viaduct, the application site is adjacent to busy large roads and the surrounding built environment is otherwise commercial in nature. The proposal would not be attached to the C-Listed railway viaduct and thus in the context of the surrounding area it would not adversely affect the special character, appearance and

existing setting of this structure, in accordance with Policies 7 (Historic Assets and Places) of NPF4 and D6 (Historic Environment) of the ALDP. Taking into account that a canopy was previously granted planning permission at the south of the site, and there is already planning permission for the sub-station and electric box enclosures, these developments would have no impact on the visual amenity of the surrounding area. It must be noted that the existing unauthorised advertisement on the enclosure at the south of the site is not included in this assessment and requires advertisement consent separately. By way of their design, scale and siting, the proposed developments do not adversely affect the visual amenity of the surrounding area, in accordance with Policies 14 (Design, Quality and Place) of NPF4 and D1 (Quality Placemaking) of the ALDP. However, the development would be unacceptable because of the adverse impact on road safety.

## **DECISION**

Refuse

## **REASON FOR DECISION**

Due to the specific circumstances of the site, whereby the site layout is very constrained and the site access is in very close proximity to a highly trafficked road immediately after a junction, the removal of all standard non-electric vehicle charging spaces and the siting of the water, air and vacuum unit in a location that blocks visibility at the access of the site adversely impacts road safety. The removal of all standard parking spaces introduces ambiguity and hesitation for drivers entering the site regarding whether they will park in an area of the forecourt which is in very close proximity to the site access and could result in vehicles queuing onto a highly trafficked road. The Council's Roads Development Management Team have objected to this application on road safety grounds.

In reaching this determination, the planning service has placed significant weight on considering the benefits of additional electric vehicle charging infrastructure in terms of contributing to the decarbonisation of transport and tackling the global climate crisis. Indeed, the addition of electric vehicle charging points would accord with the aims of Policies 1 (Tackling the Climate and Nature Crises) and 2 (Climate Change Mitigation and Adaptation) of National Planning Framework 4 and the principles of supporting sustainable transport infrastructure in Policy 13 (Sustainable Transport) and T2 (Sustainable Transport) of the Aberdeen Local Development Plan 2023. However, Policy 13 requires low or zero-emission vehicle charging points to be in 'safe and convenient locations'. Because of the specific circumstances of this site and its constrained layout, the benefits that would arise from the addition of three charging spaces (beyond what has been granted by Planning Permission Ref: 211462/DPP) in terms of climate mitigation would not outweigh the road safety impact that would arise from this development proposal. The development would not provide electric vehicle charging points in a safe location, in conflict with the aims of Policy 13 (Sustainable Transport) of the National Planning Framework 4 and, on balance, the decision is to refuse the application.

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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 100629904-001

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)

The application seeks retrospective planning permission for the installation of two additional charging bays and associated chargers adjacent to three existing bays. This would increase the total number of electric vehicle charging facilities within the garage forecourt to five.

Is this a temporary permission? \*  Yes  No

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

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

No  Yes – Started  Yes - Completed

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

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

NA

## 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:	Planning Solutions Edinburgh		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Nicholas	Building Name:	Midlothian Innovation Centre
Last Name: *	Morris	Building Number:	<input type="text"/>
Telephone Number: *	07960020354	Address 1 (Street): *	Pentlandfield Business Park
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Roslin
Fax Number:	<input type="text"/>	Country: *	Midlothian
		Postcode: *	EH25 9RE
Email Address: *	nicholaspse@gmail.com		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	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:	36-38
Last Name: *	<input type="text"/>	Address 1 (Street): *	Gladestone Place
Company/Organisation	Motor Fuel Ltd	Address 2:	Upper Marlborough Road
Telephone Number: *	<input type="text"/>	Town/City: *	St Albans
Extension Number:	<input type="text"/>	Country: *	England
Mobile Number:	<input type="text"/>	Postcode: *	AL1 3UU
Fax Number:	<input type="text"/>		
Email Address: *	Media@motorfuelgroup.com		



## Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

ESPLANADE FILLING STATION

Address 2:

NORTH ESPLANADE WEST

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB11 5RN

Please identify/describe the location of the site or sites

Northing

805168

Easting

394247

## 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)

We discussed the options available to the client following the issue of a breach of planning control email.

Title:

Mr

Other title:

First Name:

Roy

Last Name:

Brown

Correspondence Reference Number:

Date (dd/mm/yyyy):

16/05/2023

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

## Site Area

Please state the site area:

305.00

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)

Petrol Filling station with recently installed Electric Vehicle charging bays.

## Access and Parking

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

Yes  No

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

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?

5

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)? \*

5

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

## Water Supply and Drainage Arrangements

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

Yes  No

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

Yes  No

Note:-

Please include details of SUDS arrangements on your plans

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

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

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

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

## Assessment of Flood Risk

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

Yes  No  Don't Know

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

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

Yes  No  Don't Know

## Trees

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

Yes  No

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

## Waste Storage and Collection

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

Yes  No

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

There are already existing arrangements for the storage and collection on site.

## Residential Units Including Conversion

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

Yes  No

## All Types of Non Housing Development – Proposed New Floorspace

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

Yes  No

## Schedule 3 Development

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

Yes  No  Don't Know

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

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

## Planning Service Employee/Elected Member Interest

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

Yes  No

## Certificates and Notices

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

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

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

Yes  No

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

Yes  No

## 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: Nicholas Morris

On behalf of: Motor Fuel Ltd

Date: 01/06/2023

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

Yes  N/A

A Design Statement or Design and Access Statement. \*

Yes  N/A

A Flood Risk Assessment. \*

Yes  N/A

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

Yes  N/A

Drainage/SUDS layout. \*

Yes  N/A

A Transport Assessment or Travel Plan

Yes  N/A

Contaminated Land Assessment. \*

Yes  N/A

Habitat Survey. \*

Yes  N/A

A Processing Agreement. \*

Yes  N/A

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

## Declare – For Application to Planning Authority

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

Declaration Name: Mr Nicholas Morris

Declaration Date: 01/06/2023

## Payment Details

Pay Direct

Created: 01/06/2023 23:42



## DECISION NOTICE

### The Town and Country Planning (Scotland) Act 1997

### Detailed Planning Permission

Nicholas Morris  
Planning Solutions Edinburgh  
Midlothian Innovation Centre  
Pentlandfield Business Park  
Roslin  
Midlothian  
EH25 9RE

on behalf of **Motor Fuel 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.

<b>Application Reference Number</b>	230675/DPP
<b>Address of Development</b>	Esplanade Filling Station North Esplanade West Aberdeen AB11 5RN
<b>Description of Development</b>	Installation of air/water/vacuum upstand and replacement of 3 parking spaces with 3 additional EV charging bays, erection of associated infrastructure including enclosure and upstands (retrospective)
<b>Date of Decision</b>	15 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 –

Due to the specific circumstances of the site, whereby the site layout is very constrained and the site access is in very close proximity to a highly trafficked road immediately after a junction, the removal of all standard non-electric vehicle charging spaces and the siting of the water, air and vacuum unit in a location that blocks visibility at the access of the site adversely impacts road safety. The removal of all standard parking spaces introduces ambiguity and hesitation for drivers entering the site regarding whether they will park in an area of the forecourt which is in very close proximity to the site access and could result in vehicles queuing onto a highly trafficked road. The Council's Roads Development Management Team have objected to this application on road safety grounds.

In reaching this determination, the planning service has placed significant weight on considering the benefits of additional electric vehicle charging infrastructure in terms of contributing to the decarbonisation of transport and tackling the global climate crisis. Indeed, the addition of electric vehicle charging points would accord with the aims of Policies 1 (Tackling the Climate and Nature Crises) and 2 (Climate Change Mitigation and Adaptation) of National Planning Framework 4 and the principles of supporting sustainable transport infrastructure in Policy 13 (Sustainable Transport) and T2 (Sustainable Transport) of the Aberdeen Local Development Plan 2023. However, Policy 13 requires low or zero-emission vehicle charging points to be in 'safe and convenient locations'. Because of the specific circumstances of this site and its constrained layout, the benefits that would arise from the addition of three charging spaces (beyond what has been granted by Planning Permission Ref: 211462/DPP) in terms of climate mitigation would not outweigh the road safety impact that would arise from this development proposal. The development would not provide electric vehicle charging points in a safe location, in conflict with the aims of Policy 13 (Sustainable Transport) of the National Planning Framework 4 and, on balance, the decision is to refuse the application.



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

13664-1028-LP	Location Plan
13664-1028-21	Proposed Site Plan
13664-1028-BP	Block Plan
13664-1028-22	Proposed EV Screen and Charger Details
13664-1028-25	Proposed Air/Water and VAC Elevations and Details

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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Scott Lynch  
To Roy Brown

Reply Reply All Forward

Sun 25/06/2023 22:29

Follow up. Start by 26 June 2023. Due by 26 June 2023.

Idox CICO

+ Get more add-ins

Roy,

Having reassessed the submission, discussed it with other Roads colleagues, and weighed it up against current policies, we would recommend this for refusal.

Significant discussion and deliberation went into the Roads response that accompanied the approved application, most of which covered why the layout which the applicant has persisted and installed was not acceptable.

Our primary concerns were/are the complete removal of all non-EV spaces, which would lead to confusion as to where people who do not have EV's can park – this is not ideal as the parking is immediately upon entering the site, and not a location where ambiguity would be encouraged.

I believe the staff parking that was proposed also has not been installed, which is required and was discussed previously.

It was also stated that the air / water machine should not be adjacent to an EV space, as the use of this would prevent the utilisation of an EV space, or discourage non-EV users from using them.

Scott

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## **Application 230675/DPP - Esplanade Filling Station**

### **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
- Policy 23 -Health and Safety

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

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

- B2 – Business Zones
- D1 – Quality Placemaking
- D6 – Historic Environment
- T2 – Sustainable Transport
- T3 – Parking
- VC1 – Vibrant City
- VC3 – Network of Centres
- Opportunity Site 100 (OP100) - North Dee City Centre Masterplan Intervention Area

### **Other Material Considerations**

#### **Aberdeen Planning Guidance**

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

Transport and Accessibility  
City Centre Masterplan

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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      100671645-001

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="Planning Solutions Edinburgh"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Nicholas"/>	Building Name:	<input type="text" value="Midlothian Innovation Centre"/>
Last Name: *	<input type="text" value="Morris"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="07960020354"/>	Address 1 (Street): *	<input type="text" value="Pentlandfield Business Park"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Roslin"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Midlothian"/>
		Postcode: *	<input type="text" value="EH25 9RE"/>
Email Address: *	<input type="text" value="nicholaspse@gmail.com"/>		

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

≤ Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Gerry"/>	Building Number:	<input type="text" value="36-38"/>
Last Name: *	<input type="text" value="Moynagh"/>	Address 1 (Street): *	<input type="text" value="Gladestone Place"/>
Company/Organisation	<input type="text" value="Motor Fuel Ltd"/>	Address 2:	<input type="text" value="Upper Marlborough Road"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="St Albans"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AL1 3UU"/>
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="ESPLANADE FILLING STATION"/>
Address 2:	<input type="text" value="NORTH ESPLANADE WEST"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB11 5RN"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="805168"/>	Easting	<input type="text" value="394247"/>
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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)

The installation of Air/Water/Vacuum Upstand and Replacement of 3 Parking Spaces with 3 Additional EV Charging Bays, Erection of Associated Infrastructure Including Enclosure and Upstands (Retrospective).

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

See Attached Documents

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)

Supporting Statement. Roads consultants report

## Application Details

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

230675/DPP

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

02/06/2023

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

15/02/2024

## 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 Nicholas Morris

Declaration Date: 14/05/2024

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**PLANNING SOLUTIONS EDINBURGH (PSE)**

**PLANNING APPEAL**

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**APPEAL AGAINST THE DECISION OF THE CITY OF ABERDEEN COUNCIL NOT TO GRANT PLANNING PERMISSION FOR THE INSTALLATION OF AIR/WATER/VACUUM UPSTAND AND REPLACEMENT OF 3 PARKING SPACES WITH 3 ADDITIONAL EV CHARGING BAYS, ERECTION OF ASSOCIATED INFRASTRUCTURE INCLUDING ENCLOSURE AND UPSTANDS (RETROSPECTIVE) UNDER THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997.**

**Proposal: The installation of Air/Water/Vacuum Upstand and Replacement of 3 Parking Spaces with 3 Additional EV Charging Bays, Erection of Associated Infrastructure Including Enclosure and Upstands (Retrospective) Ref 230675/DPP**

**Address:** Esplanade Filling Station North Esplanade West Aberdeen AB11 5RN

**Applicant:** Motor Fuel Ltd

[www.planningsolutionsedinburgh.co.uk](http://www.planningsolutionsedinburgh.co.uk) Midlothian Innovation Centre, Pentlandfield, Roslin EH25 9RE email [nicholaspse@gmail.com](mailto:nicholaspse@gmail.com) Tel 0131-441-7891 Mob 07960020354

## **Introduction**

This appeal is submitted on behalf of Motor Fuel Ltd, headquarters located at 36-38 Gladstone Place Upper Marlborough Road St Albans England. This report provides the grounds of appeal against the decision not to grant retrospective planning permission for additional EV chargers vacuum cleaner/water pumps and associated infrastructure.



## **Site Description**

The application site comprises an area within the forecourt of a petrol filling station located to the west of, and accessed from, North Esplanade West. It is to the north of the Queen Elizabeth Bridge Roundabout and the site is bounded to the west by the C-Listed South College Street and Palmerston Road Railway Viaduct and Arches and to the north by a vacant commercial building. The site includes both car and HGV fuel points, associated retail unit, electric vehicle charging and vehicle washing infrastructure and two water, air and vacuum units.

## **Reason for Refusal**

*Due to the specific circumstances of the site, whereby the site layout is very constrained and the site access is in very close proximity to a highly trafficked road immediately after a junction, the removal of all standard non-electric vehicle charging spaces and the siting of the water, air and vacuum unit in a location that blocks visibility at the access of the site adversely impacts road safety. The removal of all*

*standard parking spaces introduces ambiguity and hesitation for drivers entering the site regarding whether they will park in an area of the forecourt which is in very close proximity to the site access and could result in vehicles queuing onto a highly trafficked road. The Council's Roads Development Management Team have objected to this application on road safety grounds.*

*In reaching this determination, the planning service has placed significant weight on considering the benefits of additional electric vehicle charging infrastructure in terms of contributing to the decarbonisation of transport and tackling the global climate crisis. Indeed, the addition of electric vehicle charging points would accord with the aims of Policies 1 (Tackling the Climate and Nature Crises) and 2 (Climate Change Mitigation and Adaptation) of National Planning Framework 4 and the principles of supporting sustainable transport infrastructure in Policy 13 (Sustainable Transport) and T2 (Sustainable Transport) of the Aberdeen Local Development Plan 2023. However, Policy 13 requires low or zero-emission vehicle charging points to be in 'safe and convenient locations'. Because of the specific circumstances of this site and its constrained layout, the benefits that would arise from the addition of three charging spaces (beyond what has been granted by Planning Permission Ref: 211462/DPP) in terms of climate mitigation would not outweigh the road safety impact that would arise from this development proposal. The development would not provide electric vehicle charging points in a safe location, in conflict with the aims of Policy 13 (Sustainable Transport) of the National Planning Framework 4 and, on balance, the decision is to refuse the application.*

### **Grounds for Appeal**

*Due to the specific circumstances of the site, whereby the site layout is very constrained, and the site access is in very close proximity to a highly trafficked road immediately after a junction, the removal of all standard non-electric vehicle charging spaces and the siting of the water, air and vacuum unit in a location that blocks visibility at the access of the site adversely impacts road safety.*

**The site has functioned successfully for many years without any serious incidents. Since the inclusion of the water air and vacuuming unit there has not been any additional accidents recorded. (Please see the roads consultant's road safety report)**

*The removal of all standard parking spaces introduces ambiguity and hesitation for drivers entering the site regarding whether they will park in an area of the forecourt which is in very close proximity to the site access and could result in vehicles queuing onto a highly trafficked road. The Council's Roads Development Management Team have objected to this application on road safety grounds.*

**With the increasing availability of Electric Vehicle Charging points around Scotland and their associated parking bays there has been an inevitable reduction in overall parking provision in many carparks linked to petrol stations and other businesses. In many cases particularly on smaller sites where there is already limited dedicated parking bays drivers will often park none electric vehicles on EV parking bays without incident or causing any road safety issues.**

*In reaching this determination, the planning service has placed significant weight on considering the benefits of additional electric vehicle charging infrastructure in terms of contributing to the decarbonisation of transport and tackling the global climate crisis. Indeed, the addition of electric vehicle charging points would accord with the aims of Policies 1 (Tackling the Climate and Nature Crises) and 2 (Climate Change Mitigation and Adaptation) of National Planning Framework 4 and the principles of supporting sustainable transport infrastructure in Policy 13 (Sustainable Transport) and T2 (Sustainable Transport) of the Aberdeen Local Development Plan 2023.*

**As stated in the report of handling the additional electric vehicle chargers will contribute to the Council's stated aim of reducing carbon emissions and fostering the use of more sustainable modes of transport and in particular electric vehicles. One of the biggest issues with encouraging greater use of electric vehicles is the lack of charging points both locally and nationally. The client has significantly increased the provision EV charging facilities on the site thus reducing this issue and encouraging the greater use of electric vehicle use in Aberdeen.**

*However, Policy 13 requires low or zero-emission vehicle charging points to be in 'safe and convenient locations'. Because of the specific circumstances of this site and its constrained layout, the benefits that would arise from the addition of three charging spaces (beyond what has been granted by Planning Permission Ref: 211462/DPP) in terms of climate mitigation would not outweigh the road safety impact that would arise from this development proposal. The development would not provide electric vehicle charging points in a safe location, in conflict with the aims of Policy 13 (Sustainable Transport) of the National Planning Framework 4 and, on balance, the decision is to refuse the application.*

**Despite the additional EV Charging Bays and the water, air and vacuum station at the entrance there has not been any recorded accidents on the site. As can be seen in the photos in Appendix 1 there is only minimum loss of visibility at the entrance to the site where the new water, air and vacuum are located. Additionally the site still retains 5 shared generous sized parking bays with 1 disabled parking bay. All of which can easily and safely be accessed by vehicles entering the site.**

### **Summary**

The additional EV charging bays significantly increases the provision of Electric Vehicle charging facilities in the area which will encourage the greater use of electric vehicles in the future. It is not uncommon for none electric vehicles to park on EV charging bays where there is limited parking on site. This does not necessarily impact on road safety. Additional signage could inform drivers of the dual use of the parking bays. The additional water, air and vacuum station at the entrance does not pose a significant risk to road safety as the entrance to the site is still clearly visible. We would therefore respectfully request that the retrospective planning application be **granted** planning permission.



## Appendix 1 Site Photos



Site access is 15 metres from the roundabout.



The additional charging points still allow for adequate parking on the site.



Access to the site is still clearly visible despite the additional water, air and vacuum unit being installed at the entrance.



Approved water, air and vacuum units installed at the north of the site.



The Additional EV charging bays can easily be used as temporary parking bays for none electric vehicles

 <p><b>ABERDEEN</b> CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <p style="margin: 0;">Report of Handling by Development Management Manager</p>
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<b>Site Address:</b>	216 Westburn Road, Aberdeen, AB25 2LT
<b>Application Description:</b>	Formation of driveway, removal of hedge and boundary stones to front
<b>Application Ref:</b>	231479/DPP
<b>Application Type:</b>	Detailed Planning Permission
<b>Application Date:</b>	23 November 2023
<b>Applicant:</b>	Mr Peter Mcboyle
<b>Ward:</b>	Mid Stocket/Rosemount
<b>Community Council:</b>	Rosemount and Mile End

### **DECISION**

Refuse

### **APPLICATION BACKGROUND**

#### **Site Description**

The application site is located in the northwest of the city within the established residential neighbourhood of Midstocket. The application site is located on the north side of Westburn Road, around 180 metres west of the junction with Argyll Place and Westburn Drive. The application dwelling is a ground floor flat of a two storey with attic dormer, traditional granite semi-detached property. The architectural style of the property is typical of the street albeit it is recognised that there are more modern flatted properties on the opposite side of the street. The application dwelling has around 70sqm of garden ground to the front, laid primarily with lawn, with central access path. There is also a path to the west giving access to the upper flat (218 Westburn Road) and to the rear curtilage. The application dwelling is bound to the east and west by neighbouring properties, to the south by Westburn Road and the north abuts the laundry and sterilisation unit for the hospital.

#### **Relevant Planning History**

None.

### **APPLICATION DESCRIPTION**

#### **Description of Proposal**

Detailed planning permission is sought for the formation of a driveway within the front curtilage, which forms garden ground belonging the ground floor flat (the application property). The proposal would also require the alteration of a section of existing low granite plinth stones, which would have historically formed the base for front railings. The submitted drawings indicate that the proposed parking could accommodate two vehicles, parked straight on the north/south sides of the front curtilage, with access to be taken over the public footway directly from Westburn Road. The submitted plans indicate that the proposed new opening would be c. 3.5m in width overall, with a

3.3m width lowered kerb access onto Westburn Road. The new parking arrangement would occupy the entire front garden curtilage of around 70sqm, with 'grass crete' surface proposed. It is not clear what specification of drainage channel is to be installed.

### **Amendments**

The applicant submitted additional vehicle manoeuvrability information in support of the proposal, alongside supporting justification commentary and clarifications on the proposed surface treatments.

### **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=S4J5OTBZHUX00>

### **CONSULTATIONS**

**ACC - Roads Development Management Team** – object to the proposal and recommend the application is refused on the grounds that it would not comply with all the necessary requirements outlined in the Council's 'Transport and Accessibility' Aberdeen Planning Guidance. As this proposal is onto an A-class road there is a requirement to be able to turn internally, however it has not been satisfactorily been demonstrated that vehicles can enter, turn, and exit in forward gear.

**Rosemount and Mile End Community Council** – no comments received.

### **REPRESENTATIONS**

None received.

### **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)
- Policy D7 (Our Granite Heritage)
- Policy T3 (Parking)

**Aberdeen Planning Guidance APG**

- Transport and Accessibility
- Householder Development Guide

**EVALUATION****Principle of Development and National Planning Framework 4**

The application property lies in an area zoned on the Aberdeen Local Development Plan 2023 (ALDP) proposals map as a 'residential area' and is covered by Policy H1 (Residential Areas). Policy H1 states that a proposal for householder development will be approved in principle if it (1) does not constitute over-development; (2) does not have an adverse impact to residential amenity and the character and appearance of an area; and, (3) does not result in the loss of open space. The proposed development relates to an existing residential dwelling, with all works contained solely within the front residential curtilage and there would be no impact on the wider curtilage, as such there would be no loss of open space in respect to point (3) above. The remaining issues are assessed in the evaluation below.

Consideration must also be given to Policy 1 (Tackling the Climate and Nature Crisis); Policy 2 (Climate Mitigation and Adaptation); Policy 3 (Biodiversity); Policy 14 (Design, Quality and Place); and Section (g) of Policy 16 (Quality Homes) of National Planning Framework 4 (NPF4). Policy 1 gives significant weight to the global climate and nature crises in order to ensure that it is recognised as a priority in all plans and decisions and Policy 2 encourages, promotes and facilitates development that adapts to the current and future impact of climate change and that emissions from new development are minimised as far as possible. Policy 3 seeks to protect and enhance biodiversity and natural assets.

In this case, the development would be both of small-scale and householder development type, as such it is considered that there would be no significant risk or impact to climate change. Whilst it is acknowledged that the submitted information includes justification that the proposed parking would potentially allow for an electric charger point which contributes towards the adaptability of the property for electric car vehicles, this does not form part of this application and does not negate other concerns, which are fully discussed in the below evaluation. The proposal would see the removal of the majority of the existing hedge, lawn and shrub planting within the front garden to form the proposed driveway, as such, there would be some loss of natural features and species, however, owing to the scale of the works proposed this impact is likely to be nominal and would not cause undue conflict with Policy 3 of NPF4. While householder development, under section (c) of Policy 3 are generally excluded from this requirement, taking into account the scale of the development, it is considered that the proposal suitably complies with the aims of Policies 1, 2 and 3 of NPF4. Matters relating to compliance with Policy 14 or Policy 16 are discussed further in the evaluation below.

**Parking and Road Safety**

The application site is located in the outer city on an A-class road (Westburn Road). Westburn Road is a busy and important thoroughfare for those travelling east towards the city (and vice versa) and in particular for enabling access to Aberdeen Royal Infirmary which includes the city's A&E. The road carries a large volume of traffic, as well as serving multiple Stagecoach bus routes. As this is an A-class road the Council's 'Transport and Accessibility' APG states there is a presumption against permission for driveways onto A-class roads (primary distributor roads), unless the proposal meets specific road safety criteria - which includes the requirement for vehicles to be able to turn within the site and thus be able to enter and exit the site in forward gear, which must be evidenced in submitted swept paths. In this instance, the Roads

Development Management Team advised that the submitted swept paths are not of a standard that would allow for the adequate assessment of planning applications and there is serious concern that the manoeuvres shown in the supporting information are convoluted and thus are deemed unsafe. The Roads Development Management Team has concluded that it has not yet been satisfactorily demonstrated that vehicles can enter and exit in forward gear, and that the proposal ultimately would result in a road safety hazard due to these convoluted manoeuvres resulting in repeat and excessive overhanging of the footway during internal turning movements. Furthermore, a slight overhang in relation to cars touching the remaining section of front hedges is also identified in submitted plans. While the applicant could seek to submit further information to resolve the concerns highlighted above, these have not been requested as both iterations submitted have been sub-standard. Additionally, there are other outstanding issues,, which will be addressed below, that determine this proposal unacceptable. Overall, the principle of a driveway in this location onto an A-class road would not comply with all of the requirements of the 'Transport and Accessibility' APG.

The northern side of Westburn Road, situated directly in front of the application property, serves as on-street parking which is utilised through the day and night, and the area forms part of controlled parking zone Z. As such, the proposed driveway would require the removal of on-street parking. With regard to controlled parking zones, the 'Transport and Accessibility' APG states that:

- Where the creation of a driveway with one parking space will lead to the loss of an on-street parking space driveway permission will not generally be granted due to the loss of amenity space for all residents on the street.
- Where the building is in multiple ownership, the formation of an access driveway for one or more owners should not result in any of the remaining owners having no opportunity to park in the street adjacent to their property.
- Consent will not normally be granted for parking in garden areas in front of tenement flats.

The above standards may only be relaxed if all other factors can be met and more off-street parking can be provided than is lost on-street. This matter has been highlighted by the Roads Development Management Team, and whilst submitted plans have indicated that two off-street car parking spaces are proposed, the Roads Development Management Team advised that when accounting for the internal turning head there does not appear to be sufficient space for 2 cars to park off-street in the proposed new driveway. The proposed formation of a driveway will lead to the loss of around two on-street parking spaces, which in turn will result in the loss of general communal parking which is used by all local residents in the immediate surrounding area and therefore does not comply with the requirements of the APG. With respect to Policy T3 (Parking) of the ALDP, the intent of this policy is that proposals for new car parking that are not directly related to new developments will not be supported, unless they are in accordance with specific circumstances set out in the 'Transport and Accessibility' APG, e.g. driveways within residential curtilage. However, this does not alter the principal reasons why the particular development is unacceptable, as outlined in this evaluation.

Whilst it is acknowledged that there is no ability to create off-street car parking to the rear of the application property, due to the nature of the plot and relationship to neighbouring uses, this does not justify the creation of front garden parking. Furthermore, this is a similar situation for all other properties on the street to the east of the application site, and in this specific instance the matter of precedence is a legitimate and material planning consideration. Given the aforementioned reasons with regard to road safety concerns and the adverse impact which would arise from such a development, it is unlikely that any of the properties to the east would be able to accommodate front garden parking. However, each application would be considered on its own merits against relevant planning policies at that time.



Another concern which was noted by the Roads Development Management Team is that the existing metal drainage channel across the public pavement should not be driven over, which is likely to occur with the proposed driveway location. The applicant did subsequently amend their plans to ensure the metal drainage channel is no longer overran. Whilst recognising this is beneficial, it does not override or alleviate the other road safety concerns. Finally, whilst it is recognised that the applicant has highlighted the proposed driveway would allow for the potential e-charging point, the 'Transport and Accessibility' APG clearly highlights that the need to provide off-street parking to support the charging of an electric vehicle is not, on its own, considered a viable justification for a driveway. As such, this would not provide any overriding justification for the above concerns with the proposed development. Given the assessment above, the proposal to create parking within the front curtilage of this property is not acceptable and will not be supported.

### **Impact on Character and Amenity of Surrounding Area**

To determine the effect the proposal will have on the character of the area it is necessary to assess the proposal in the context of Policy D1 (Quality Placemaking) of the ALDP, which seeks to ensure high standards of design, a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture and materials. The policy notes 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. NPF4 Policy 14 (Design, Quality and Place) and Policy 16 (Quality Homes) apply here with section (c) of Policy 14 detailing that proposals which are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported. Section (g) i. of Policy 16 outlines that householder development will only 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.

To determine the impact of the proposal, it is important to look at the application site in relation to its context and the character of the surrounding area. The application property is a ground floor flat within a traditional granite semi-detached building, with historic mapping showing that the properties along this stretch of the street date back to circa 1900s. The proposed development involves repositioning of a low granite plinth, which was likely original to the property, used as a base for traditional railings and signifying the front curtilage, thus forming part of the property's character. This is a feature that is replicated at properties 200-216 (terraced & semi-detached row of properties) to the east along Westburn Road, and further along to Argyll Crescent – contributing to the consistency of design, detailing and layout of front curtilages. As such, its presence is a consistent and unifying boundary feature and important in terms of the general character, cohesion and visual appearance of the street scene, which would be affected by the proposal.

With respect to the properties to the west of the site, it is appreciated that these have different and unique characteristics, both in terms of their design and their layouts. It is also recognised that two of these properties do accommodate some front off-street parking. Whilst it is unclear whether these properties were constructed originally to include parking, those situations are materially different than what is proposed here. With respect to 220 Westburn Road, this is a detached property with what appears to be an original and pre-existing semi-circular access driveway through the front curtilage, which allows a vehicle to enter and exit the site in forward gear, and also still retains its traditional railings and frontage to the street. 224 Westburn Road is a semi-detached property on the end of this row of properties, where additional space to the side of the plot allows for vehicle manoeuvrability. Planning records show consent for these works approved in 2008 (Ref: 081348) with the driveway constructed in May 2009 (as evidenced on Google Street View). However, due to the geometry of the road at this point no on-street parking would be affected and there is sufficient space for a vehicle to enter and exit in forward gear. In addition, whilst it is acknowledged that the boundary treatments to the front of 224 Westburn Road do not appear to be original, more than half the frontage is formed of granite plinth stones and railings,

with landscaping behind. Having carried out a full assessment of the surrounding properties, it is clear that for the purpose of this evaluation, it is the properties located to the east of the application site, which are considered to replicate the characteristics the application site and it will be these that are used to consider the existing context. None of the properties to the east have been altered through the introduction of front off-street parking and this represents the overall characteristics of the street scene. Whilst it is acknowledged that few examples of traditional railings on top of the plinth stones now exist, having been replaced with hedging or modern railings, the front curtilages have remained relatively unaltered over time and are laid with landscaped garden ground.

Turning to the proposal, which in essence is comprised of two separate parts, the formation of the parking area and the alteration of the front boundary hedging and granite plinth stones, there needs to be an understanding that the parking cannot be accessed without the alterations to the boundary, as such the two go hand in hand. Firstly, with respect to the removal of the granite plinth stones, Policy D7 (Our Granite Heritage) of the ALDP details the importance for the retention and appropriate re-use of all historic granite, includes granite boundary walls. In this case, revised plans have indicated that the proposal would include the lowering of the existing plinth stones in situ, dropping the level down to be flush with the pavement. As such, the granite feature of the plinth stones would be preserved on site. Whilst the retention of the granite plinth stones in situ is considered to be in accordance with Policy D7, the lowered plinth stones would still alter the visual appearance of the street in terms of the composition and consistency.

Secondly, the proposal would still be considered to alter the prevalent arrangement of front curtilage, through the formation of the parking area, which is considered would negatively alter the overall character and visual appearance of not only this dwelling, but also the outlook of the neighbouring flatted dwelling above (218 Westburn Road) to some degree, and would fragment the overall streetscape. As outlined above, the front curtilages of the application property and all those east up to Argyll Crescent have remained largely unaltered over time, featuring low boundary walls, railings, hedging and soft landscaped front gardens. Whilst it is recognised that revised plans have sought to address this through the retention of some hedging and use of 'grass crete' surfacing, ultimately, the creation of car parking to the front of these properties is considered to result in the unacceptable loss of the original pattern of development. The consequences of such a proposal in this context would result in a significant detrimental impact on the overall character, visual appearance and general amenity of the area. Whilst the potential for an e-charging point has been used as justification, this does not outweigh the adverse impacts highlighted above nor does it warrant a departure from relevant planning policies as per the 'Transport and Accessibility' APG. Furthermore, it is considered that if approved, the development would set a unwelcome precedent that could further erode the visual amenity and character of this area that is clearly visible while travelling along this section of Westburn Road.

In respect of residential amenity, Policy H1 and Policy D2 (Amenity) of the ALDP and the 'Householder Development Guide' APG all advise that no alteration should result in a situation where the amenity of any neighbouring properties would be adversely affected with regard to impact on privacy, daylight, sunlight, noise, general amenity, immediate outlook, and that all residents have access to usable private/ semi-private open spaces and sitting-out areas. Given the nature and location of the proposal, it is unlikely that the proposal will impact on any neighbouring property's residential amenity in terms of overlooking, overshadowing or loss of light. Whilst it is appreciated that the front garden ground is proposed for use as parking and would be used more frequently with regard to comings and goings of vehicles, this is not considered to be significantly adverse in context to what would be experienced currently from on-street parking and is therefore of negligible impact in terms of any loss of privacy or noise. Furthermore, the rear curtilage of the property remains unaltered with adequate private and semi-private open space areas available for the enjoyment of residents. As such the proposal is considered to be largely acceptable when assessed against this part of Policy H1 and the 'Householder Development

Guide' APG. However, there is some tension with Policy D2 in that the immediate outlook for the neighbouring dwelling of the upper flat would be affected by the proposed alteration of the front curtilage from garden ground to a parking area. Whilst it is recognised that it is somewhat difficult to quantify the severity of impact on immediate outlook, the proposed development would affect their general amenity to some degree.

In light of the above, the proposed development and removal of front curtilage to allow vehicle parking is considered to have a significant adverse impact on the surrounding area, altering the original development pattern, leading to fragmentation of the streetscene, a loss of character and a significant impact on visual amenity both along the street and for the neighbouring property in terms of outlook. Overall, the proposal does not comply with part of criteria 2 of Policy H1 (Residential Areas), with Policy D1 (Quality Placemaking) and results in some tension with Policy D2 (Amenity) of ALDP 2023. In addition, the proposal conflicts with the six qualities as detailed under Policy 14 of NPF4 and would impact the character of the surrounding area, and as such, fails to comply with Policy 16, section (g), of NPF4.

## **Conclusion**

Overall, and for the aforementioned reasons, the proposal would not comply with all the necessary requirements outlined in the 'Transport and Accessibility' APG and would result in an adverse road safety concern and Roads Development Management Team has objected to the proposal on these matters. Additionally, this is an existing property with specific characteristics, as discussed in the preceding sections of the evaluation, therefore the loss of this character has not and cannot be justified. Furthermore, given the information submitted, the introduction of off-street parking to the front of the property is not warranted or indeed safe, would adversely affect the specific characteristics of the existing property, the visual amenity of streetscene and character of area, and, ultimately the proposed development does not comply with relevant Roads standards and guidance.

## **DECISION**

Refuse

## **REASON FOR DECISION**

The proposed development does not comply with relevant roads requirements/standards, as specified in the 'Transport and Accessibility' Aberdeen Planning Guidance, as it has not been adequately demonstrated that vehicles can enter the site in forward gear, turn around and then exit the site in forward gear without making convoluted manoeuvres resulting in repeat and excessive overhanging of the footway during internal turning movements, which would likely result in vehicles reserving out of the site on to a heavily trafficked A-class road, resulting in a road safety hazard. The proposal therefore fails to comply with the 'Transport and Accessibility' Aberdeen Planning Guidance. In addition, the proposal would adversely and unacceptably affect the specific characteristics of the existing property, the visual amenity of streetscene and character of surrounding area, thus the proposal fails to comply with criteria of Policies H1 (Residential Areas); and D1 (Quality Placemaking) of the Aberdeen Local Development Plan 2023 (ALDP); and with Policies 14 (Design Quality and Place) and 16 (Quality Homes) of National Planning Framework 4 (NPF4).

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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 100637272-002

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)

Dropped kerb for off street parking. Remove some of right hand hedge and remove 2 or 3 large boundary stones under the said right hand hedge. Retain cement path and grass but remove the raised edges of the said cement path. Install an internally draining frontage channel or frontage edging as required. I looked at the £66 application but it said "do not continue if the property is s flat" so I went no further.

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

No  Yes - Started  Yes - Completed

## Applicant or Agent Details

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

Applicant  Agent

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="PETER"/>	Building Number:	<input type="text" value="216"/>
Last Name: *	<input type="text" value="MCBOYLE"/>	Address 1 (Street): *	<input type="text" value="216"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="WESTBURN ROAD"/>
Telephone Number: *	<input type="text" value="██████████"/>	Town/City: *	<input type="text" value="ABERDEEN"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text" value="██████████"/>	Postcode: *	<input type="text" value="AB25 2LT"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="██"/>		

## 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="216 WESTBURN ROAD"/>
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="AB25 2LT"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="806880"/>	Easting	<input type="text" value="392360"/>
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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)

The guidance from the Aberdeen Roads DM team, was that the dropped kerb would likely not be refused by ACC (dependant on the usual checks etc.). This was based on my drawing showing 8.7 m x 8.7 m available space. No processing agreement [note 1] is in place, but a lot of helpful information was provided by ACC email.

Title:

Other

Other title:

Aberdeen Planning

First Name:

Jane

Last Name:

Forbes

Correspondence Reference Number:

JANEF@aberdeencity.gov.uk

Date (dd/mm/yyyy):

11/08/2022

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

## Trees

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

Yes  No

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

## Access and Parking

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

Yes  No

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

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)? \*

1

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, cycle spaces).

## Planning Service Employee/Elected Member Interest

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

Yes  No

## Certificates and Notices

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

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

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

Yes  No

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

Yes  No

## Certificate Required

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

Certificate A

## Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Mr PETER MCBOYLE

On behalf of:

Date: 27/10/2023

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 PETER MCBOYLE

Declaration Date: 27/10/2023

## Payment Details

Online payment: ABSP00010289  
Payment date: 22/11/2023 14:50:00

Created: 22/11/2023 14:50



## DECISION NOTICE

### The Town and Country Planning (Scotland) Act 1997

### Detailed Planning Permission

Mr Peter Mcboyle  
216 Westburn Road  
Aberdeen  
AB25 2LT

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.

<b>Application Reference Number</b>	231479/DPP
<b>Address of Development</b>	216 Westburn Road Aberdeen AB25 2LT
<b>Description of Development</b>	Formation of driveway, removal of hedge and boundary stones to front
<b>Date of Decision</b>	26 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 proposed development does not comply with relevant roads requirements/standards, as specified in the 'Transport and Accessibility' Aberdeen Planning Guidance, as it has not been adequately demonstrated that vehicles can enter the site in forward gear, turn around and then exit the site in forward gear without making convoluted manoeuvres resulting in repeat and excessive overhanging of the footway during internal turning movements, which would likely result in vehicles reserving out of the site on to a heavily trafficked A-class road, resulting in a road safety hazard. The proposal therefore fails to comply with the 'Transport and Accessibility' Aberdeen Planning Guidance. In addition, the proposal would adversely and unacceptably affect the specific characteristics of the existing property, the visual amenity of streetscene and character of surrounding area, thus the proposal fails to comply with criteria of Policies H1 (Residential Areas); and D1 (Quality Placemaking) of the Aberdeen Local Development Plan 2023 (ALDP); and with Policies 14 (Design Quality and Place) and 16 (Quality Homes) of National Planning Framework 4 (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	3202
Other Elevation (Proposed)	21 - Front Elevation View
Site Layout (Multiple Proposed)	1 - Car 2 In
	2 - Car 2 In & Reverse
	3 - Both Parked
	4 - Car 1 In
	5 - Car 1 In and Reverse
	6 - Car 1 In and Turn
	7 - Car 1 In and Turn
	8 - Car 1 In and Turn
	9 - Car 1 In and Turn
	10 - Car 1 In and Turn
	11 - Car 1 In and Turn
	12 - Car 1 In and Turn
	13 - Car 1 Parked
	14 - Both Parked
	15 - Car 1 Out
	16 - Car 1 Out
	17 - Car 2 Out
	18 - Car 2 Out
	19 - Car 2 Out
	20 - Car 2 Out

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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## Rebecca Kerr

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**From:** Scott Lynch  
**Sent:** 08 February 2024 11:17  
**To:** Rebecca Kerr  
**Subject:** RE: 231479/DPP – 216 Westburn Road; Formation of driveway, removal of hedge and boundary stones to front

Hi Rebecca,

It's evident that the applicant has put a lot of time and effort into producing these, however the previous RDM response noted that the swept path software we usually see would be required to be utilised. These show all manouvres for 1 vehicle on a single diagram without requiring multiple snapshots which is what has been provided. This is because snapshots can miss something that occurs between any 2 given snapshots.

As aforementioned vehicles are required to enter and exit in a forward gear and, due to the removal of an on-street space, 2 spaces are required internally for this to be a viable scheme from an RDM perspective. Conventional swept paths would be required to evidence that this is safe / feasible / practical given the constraints of the site. These should utilise "large cars" in the software as the driveway may be utilised by a different home owner in future, or the current home owner may change vehicle, etc.

Until such a time as this information is provided Roads Development Management would be unable to recommend this application for approval.

Scott

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## **Application 231479 – 216 Westburn Road - Driveway**

### **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
- D7 – Our Granite Heritage
- T3 – Parking

### **Other Material Considerations**

#### **Aberdeen Planning Guidance**

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

Householder Development Guide  
Transport and Accessibility

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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      100666710-001

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

## Applicant or Agent Details

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

Applicant  Agent

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="PETER"/>	Building Number:	<input type="text" value="216"/>
Last Name: *	<input type="text" value="MCBOYLE"/>	Address 1 (Street): *	<input type="text" value="216"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="WESTBURN ROAD"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="ABERDEEN"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB25 2LT"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

## Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

216 WESTBURN ROAD

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB25 2LT

Please identify/describe the location of the site or sites

Northing

806880

Easting

392360

## 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)

Formation of driveway, removal of hedge and boundary stones to front.

## 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 seeking a review because I believe I have shown that forward entry and forward exit is possible for two vehicles and it has not been clearly shown by planning to be not possible. Please see supporting documents, and in particular the two photos and the turning drawings 8,9,10 and 17,18,19,20

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)

Two signs could be erected saying "no reverse entry or reverse exit - by ORDER ACC " or such like wording. I did not raise this before because I was busy with the rest of the application.

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)

21 drawings, 2 photos and my appeal letter (especially the two photos and the turning drawings 8,9,10 and 17,18,19,20)

## Application Details

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

231479/DPP

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

12/11/2023

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

26/02/2024

## 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 PETER MCBOYLE

Declaration Date: 18/05/2024

## Appeal

Dear Planning

Ref Application 231479/DPP  
Appeal – Notice of Review

Please find below and attached my appeal/review request. All drawings and photos are downloaded from your public access site and unaltered, so nothing has been added.

My appeal has 4 points, based on the main problem of turning space and in particular that it has not been stated that the required turns (swept paths) are not possible, just that they are “convoluted manoeuvres resulting in repeat and excessive overhanging of the footway during internal turning movements...”

- 1) It is not clear to me why repeat and excessive overhanging of the footway (in other words driving across the garden path) is a problem. My appeal is that convoluted turns and crossing the footway are not a problem because to me they are no more difficult than getting out of a tight street parking space using full steering lock, which everyone knows how to do. Also, if crossing the footway once is ok then surely crossing the footway multiple times is also ok? Would removal of the footway (eg. re-surface the whole site with gravel, tarmac, setts) resolve this footway problem?
- 2) Based on my photos and simulations using a space of 8.7 m by 8.7 m, I believe turning is possible and also much easier than reversing in or out, which makes reversing in or out unlikely, rather than likely.
- 3) It seems my photos were not considered – they are submitted to show that turning 75 degrees and 90 degrees with full steering lock and one single swept curve in a space of 6.2 m is easy. I can label the photos more if needed.
- 4) It is not clear what my snapshot drawings may have missed.

Notes :

I believe I drew more turns than are actually needed (I used over cautious gentle turns) so the turns may well be simpler (less convoluted) than the turns submitted.

It does not seem that there is “one drawing” software available that can show the swept paths/turns that are easily possible with full lock (reverse and forward gears) and also changing steering lock while in reverse or forward gear (S-shaped swept paths/turns).

I have included all drawings, to show that most movements are simple forwards and reverses, and so the most important drawing may be the two “both parked” drawings along with the two “turning in 6 metres” photos.

## Possible Plan ?

If it helps, perhaps the following plan and conditions could be set at my cost;

- a) Confirm my turnings photos are correct
- b) If practical, confirm turns are possible on a test site with my car and cones to be the second car.
- c) Prepare internal site ground surface to your acceptable standard.
- d) Two metres of hedge to be removed and two metres of plinth lowered to make entry possible. Install an ACC approved temporary ramp and temporary H-marking (instead of dropped kerb) and confirm turning is possible and nothing has been missed. Second car on the site to be marked with cones so there is no risk of needing to reverse out during this trial, because the cones can be moved and turning with only one car on the site is definitely possible.
- e) If all is good then install dropped kerb.
- f) Contingency plan – remove temporary ramp, raise plinth, replant hedge.

Optional –

The inner/side hedge be replaced with a fence to give a little more space.

Two signs to be erected (one on pavement and one in driveway) along the lines of “reverse exit or reverse entry ~~invalidates insurance and~~ will lead to a dangerous driving prosecution – by order ACC”.



## Other objections

I will also try to address all the other objections

- 5) A fair proportion of the Argyll Crescent properties already have little or no hedge and my proposal is for only around 50% of hedge removal.
- 6) A lowered plinth (or other lowered replacement stone type ) for driving over barely changes the street scene at all (has the same look as a foot path entry just a little bigger).
- 7) Cars parked on the street or in front of a house have the same look. That is to say, it is still a car parked in front of a house, either way. As far as I know, other street residents have not objected to my application (street scene).
- 8) If grass-crete is used no drainage channel is needed I believe.
- 9) The metal roof drain channel will not be driven over if the dropped kerb is one metre or so away.
- 10) Larger cars (within reasonable limits) can still perform the drawn turnings and parking. Larger cars are minimally wider and I think that even a car of 5 m in length can enter a reduced 2.7 gap as would exist at the bay window if a larger car was used.
- 11) Drawings 1,2,4,5,6,7,8,9,10,11,12,13,15,16,17,18,19,20 are all simple forward and reverse movements so nothing has been missed by using snapshot drawings.
- 12) Convoluted turns are not a problem because to me they are no more difficult than getting out of a tight street parking space ie. full lock, which everyone knows how to do.
- 13) It is not clear why driving across the garden path multiple times is considered not safe.
- 14) Software – it is possible that software doing “one page drawings” for entry and exit is not capable of simulating full lock and gentle “s” shaped turns and my snapshots may be better. I would be quite surprised if any of the software you accept can simulate full lock turns. Please advise which software you accept. Maybe there are other ways than software to assess turning spaces.
- 15) Perhaps better than swept curve software are the two photos which show turning in 6 m with full lock. *These two photos do not seem to have been considered and confirm that the turns in the drawing are possible and easy.* I have tried to mark clearly in the photos which tyre tracks are which.

Kind Regards

Peter McBoyle

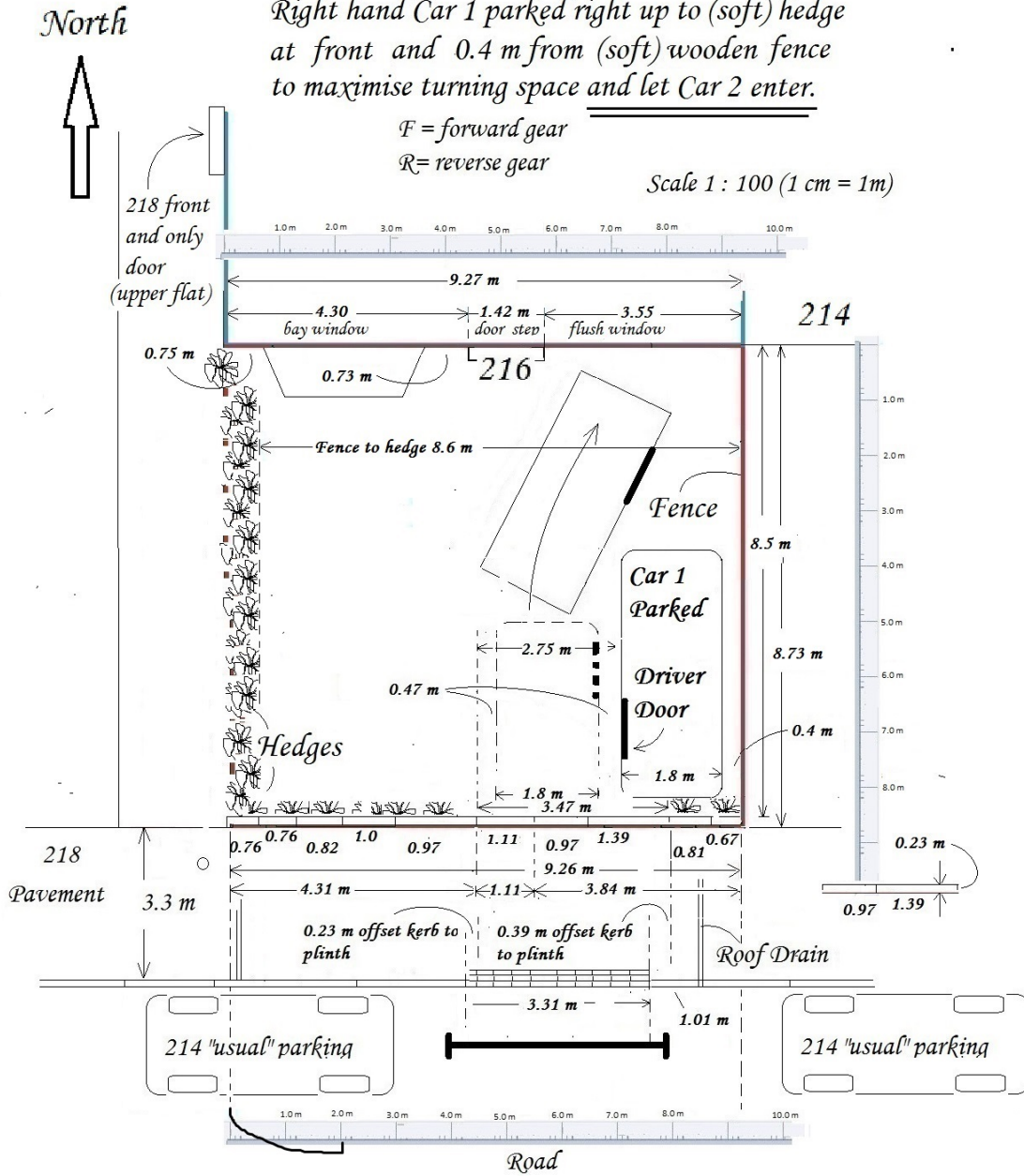
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Revised Turning and Parking 05 Feb 2024

Left hand Car 2 parked right up to (soft) hedges  
at left and back to maximise turning space  
Right hand Car 1 parked right up to (soft) hedge  
at front and 0.4 m from (soft) wooden fence  
to maximise turning space and let Car 2 enter.

F = forward gear  
R = reverse gear

Scale 1 : 100 (1 cm = 1m)



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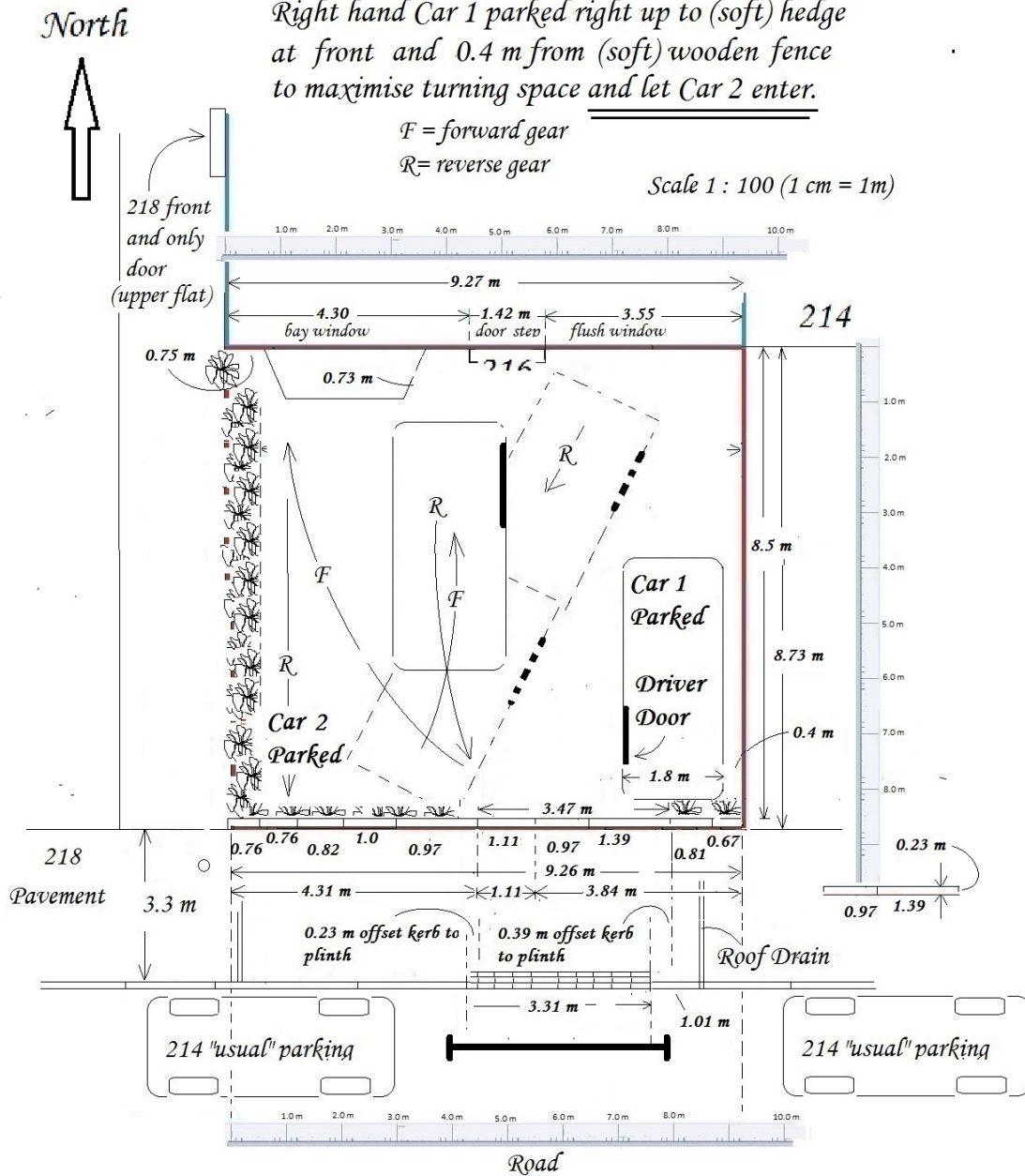
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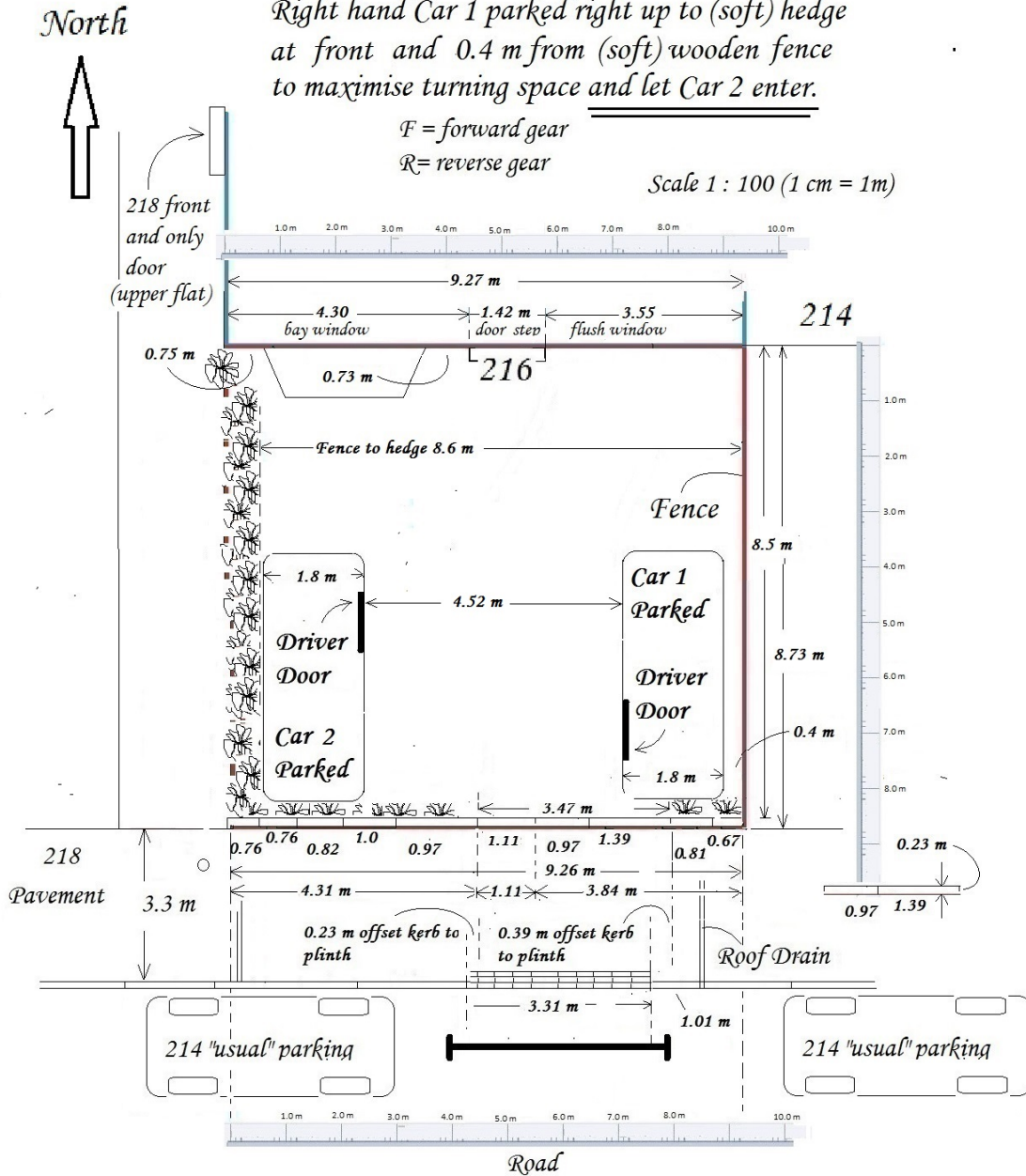
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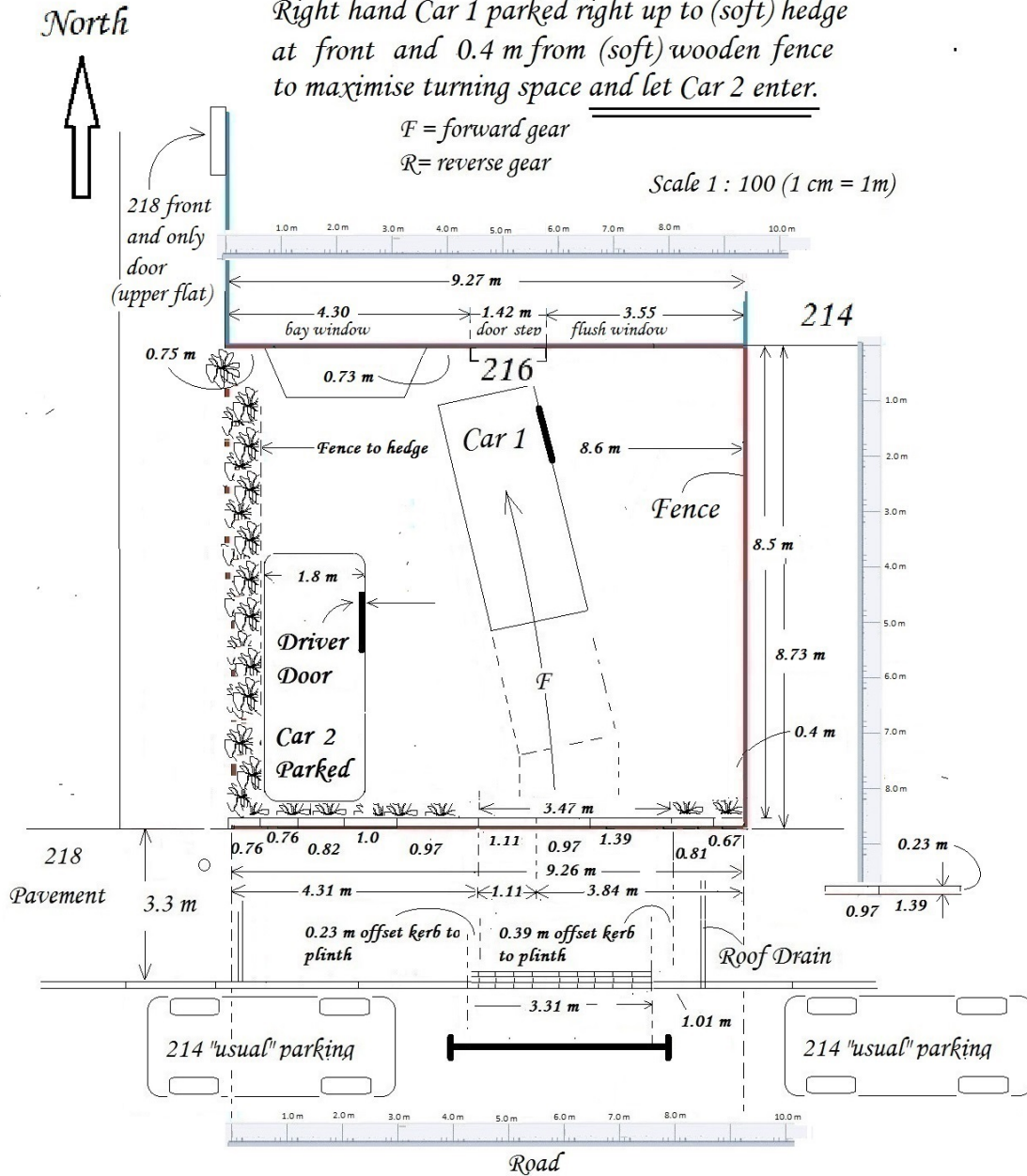
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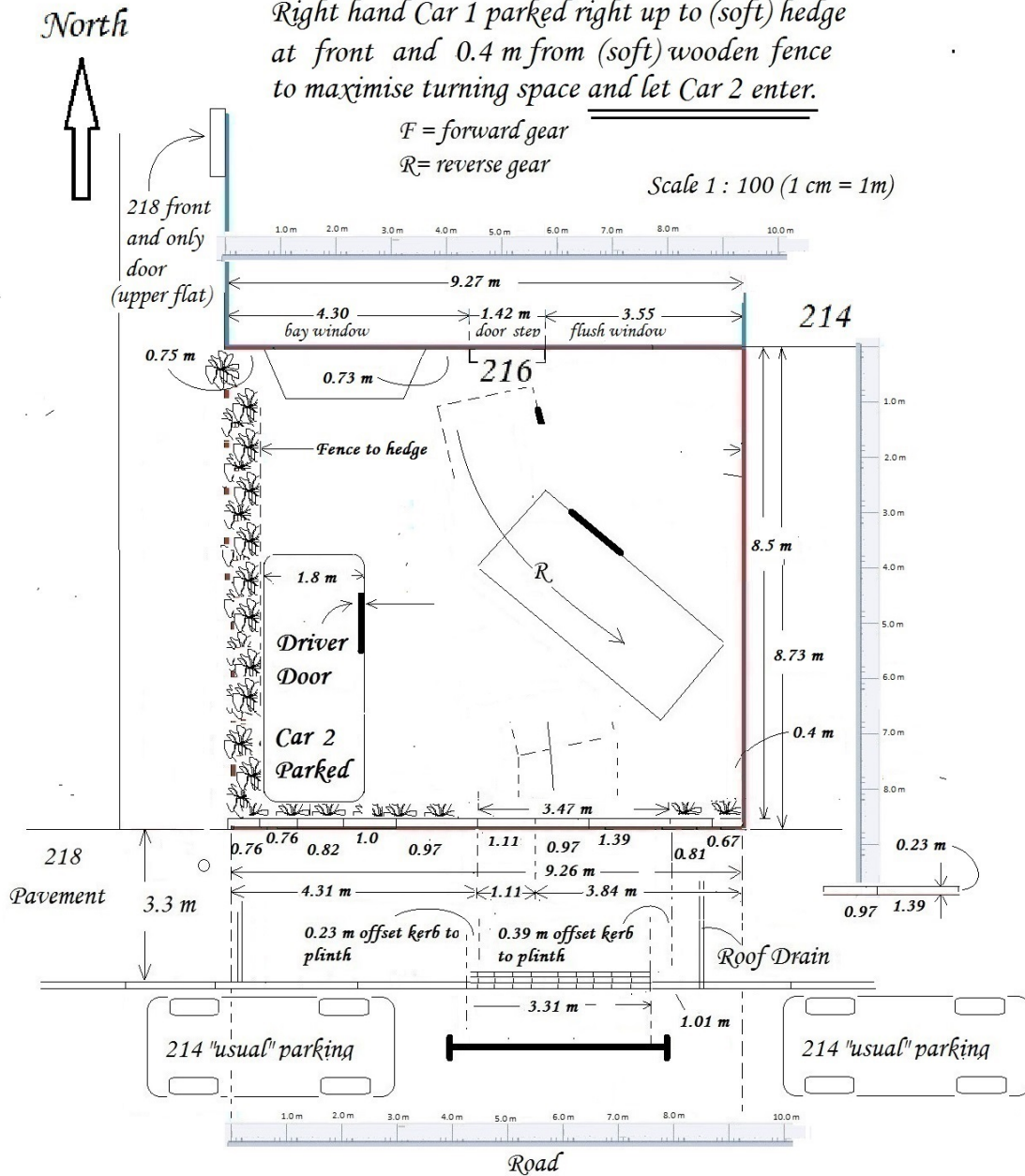
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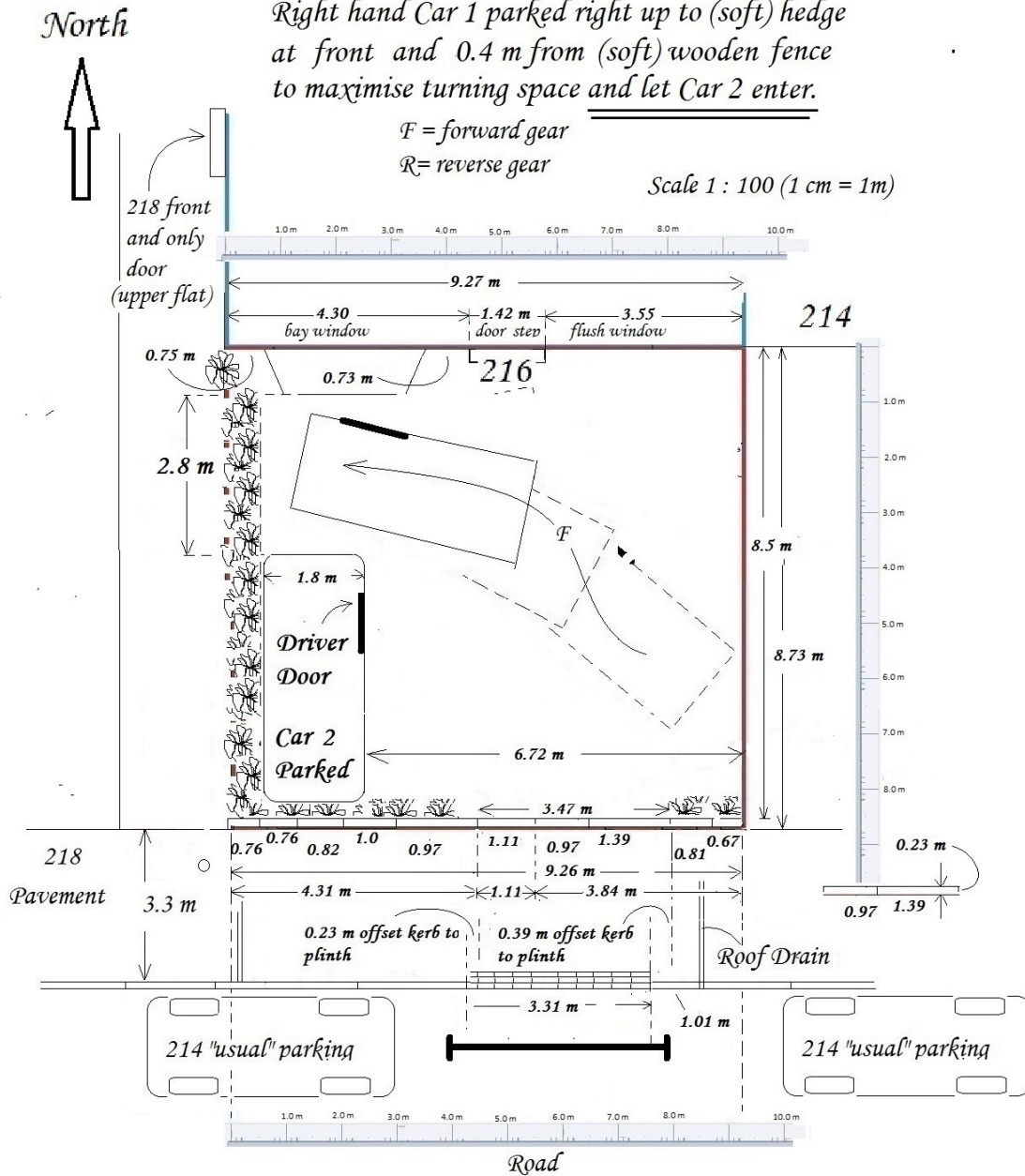
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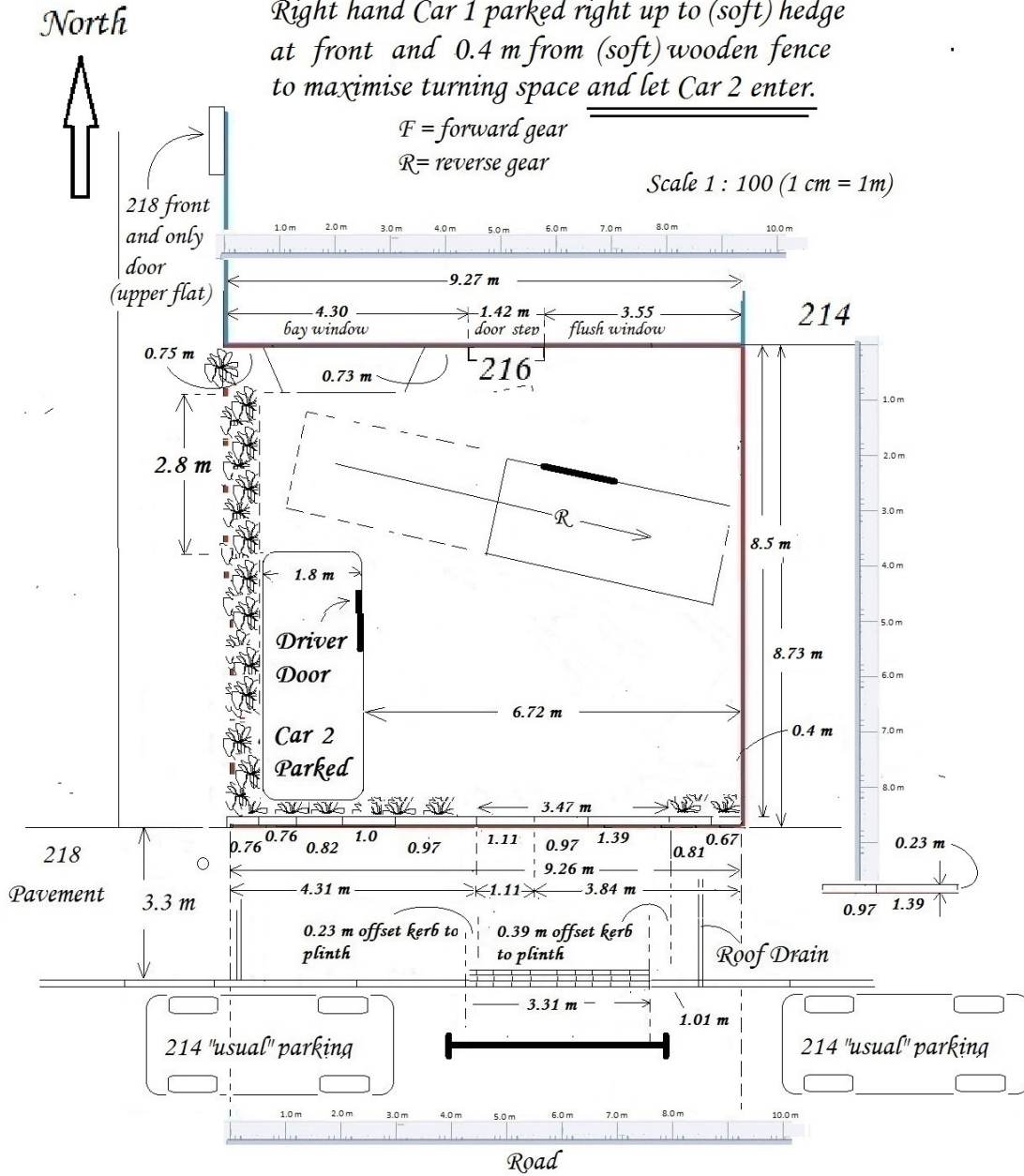
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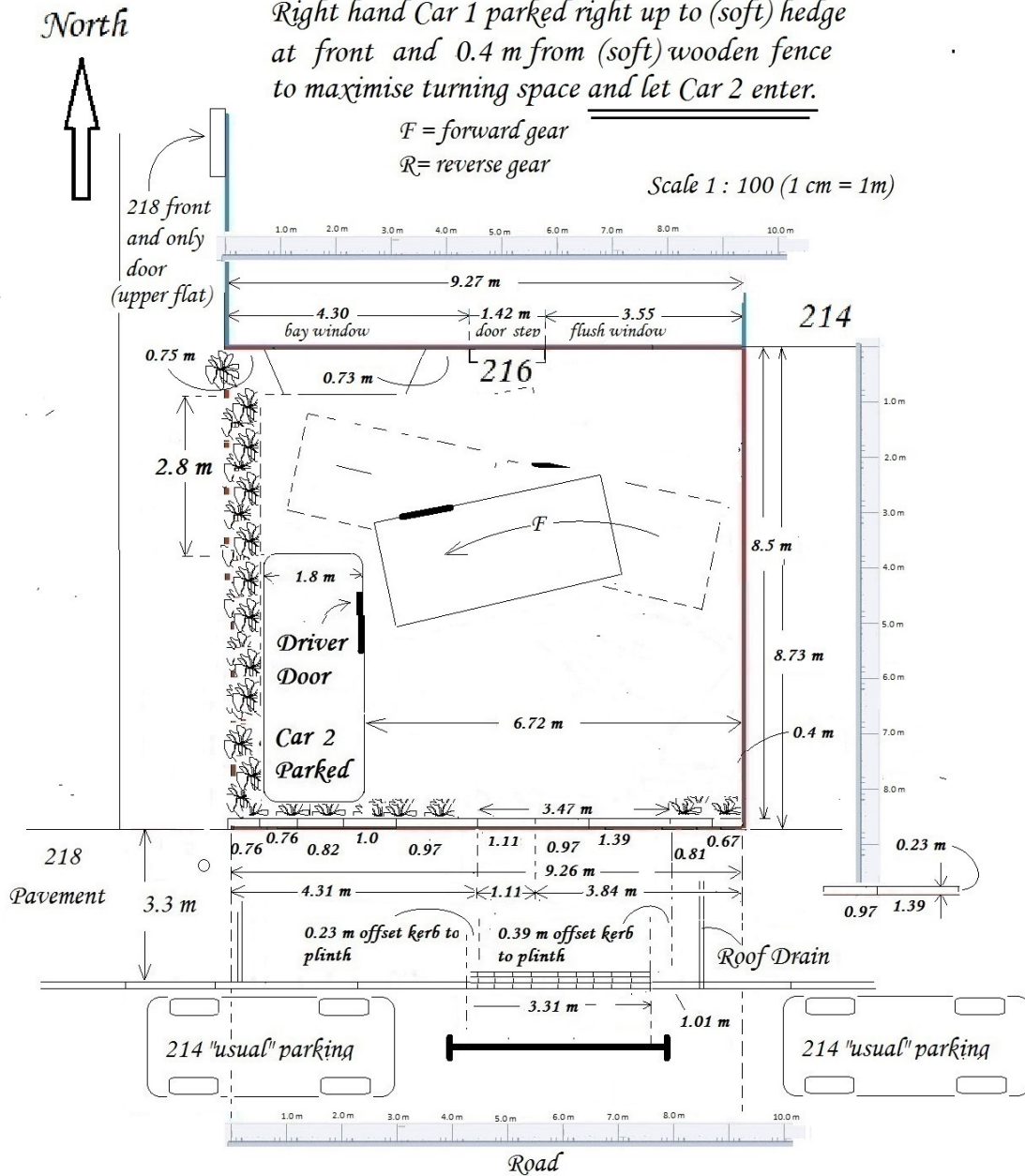
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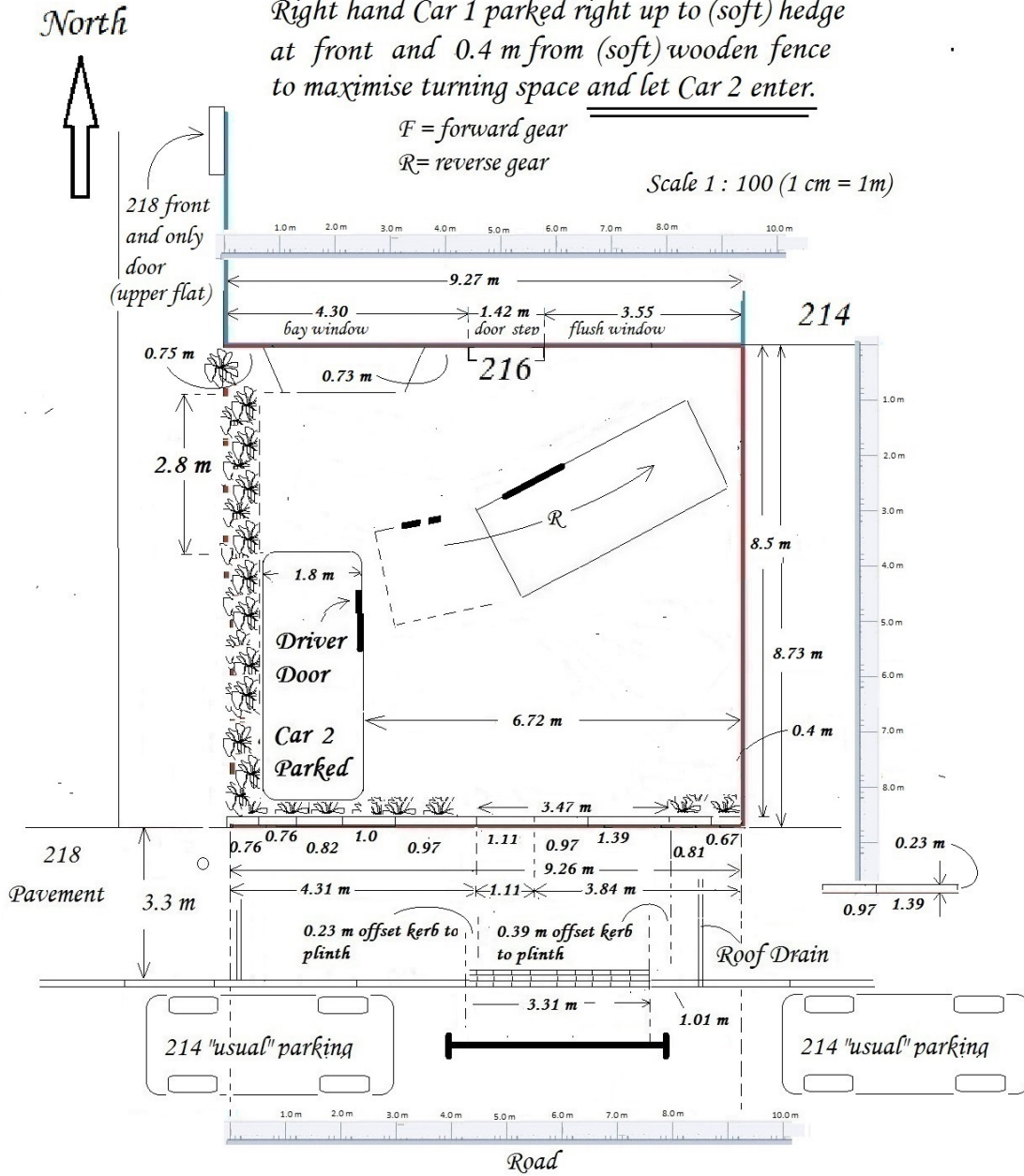
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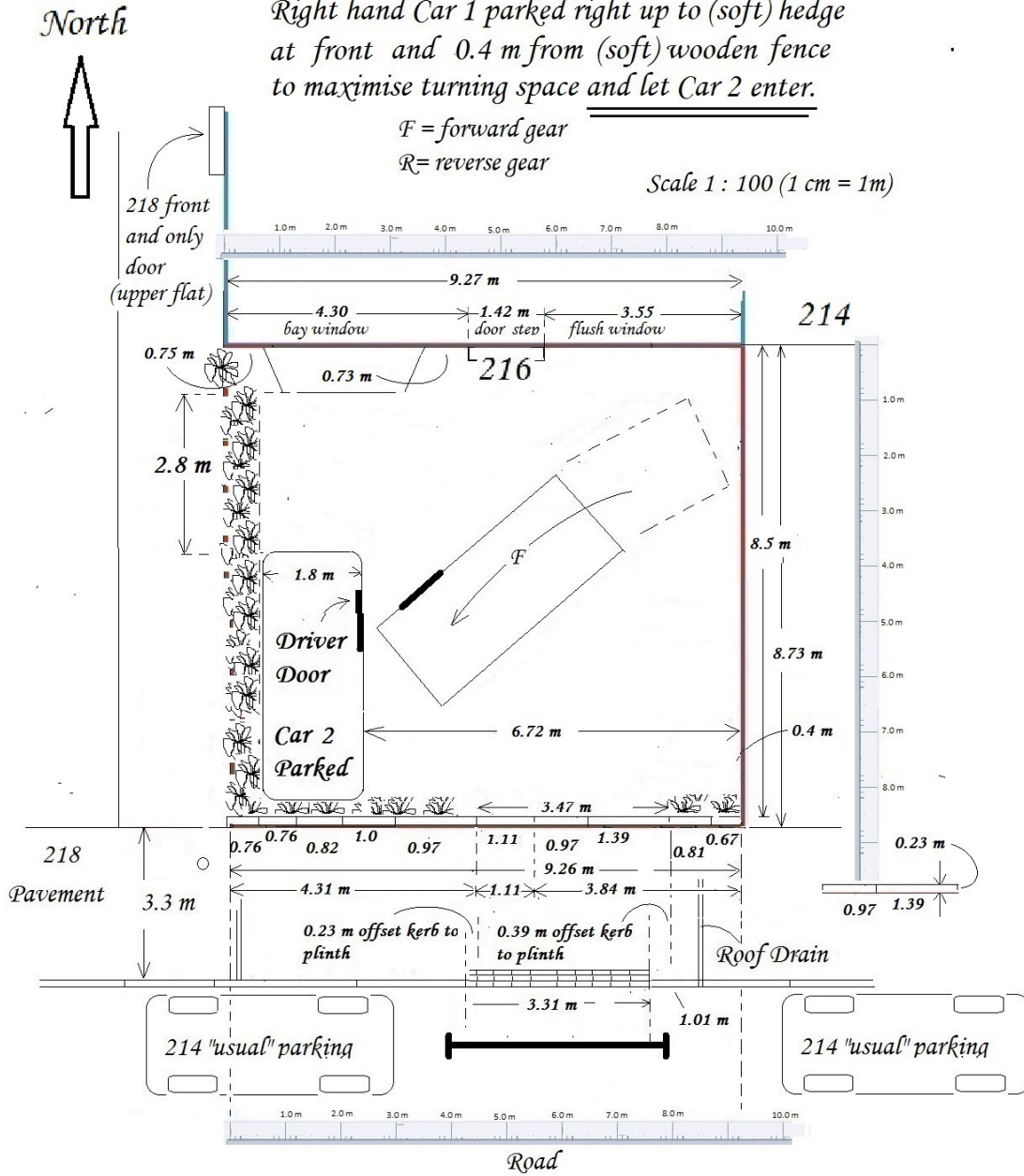
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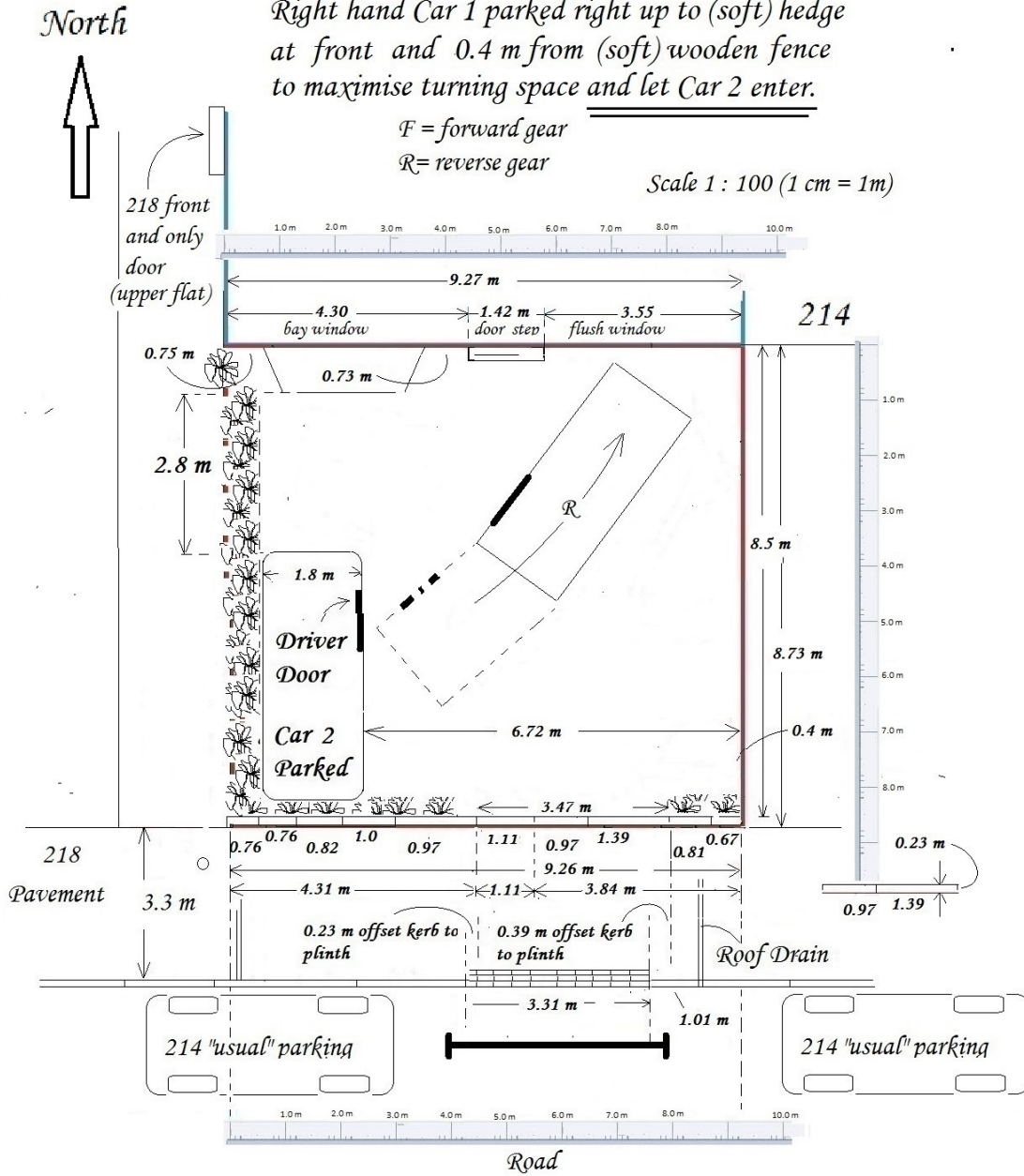
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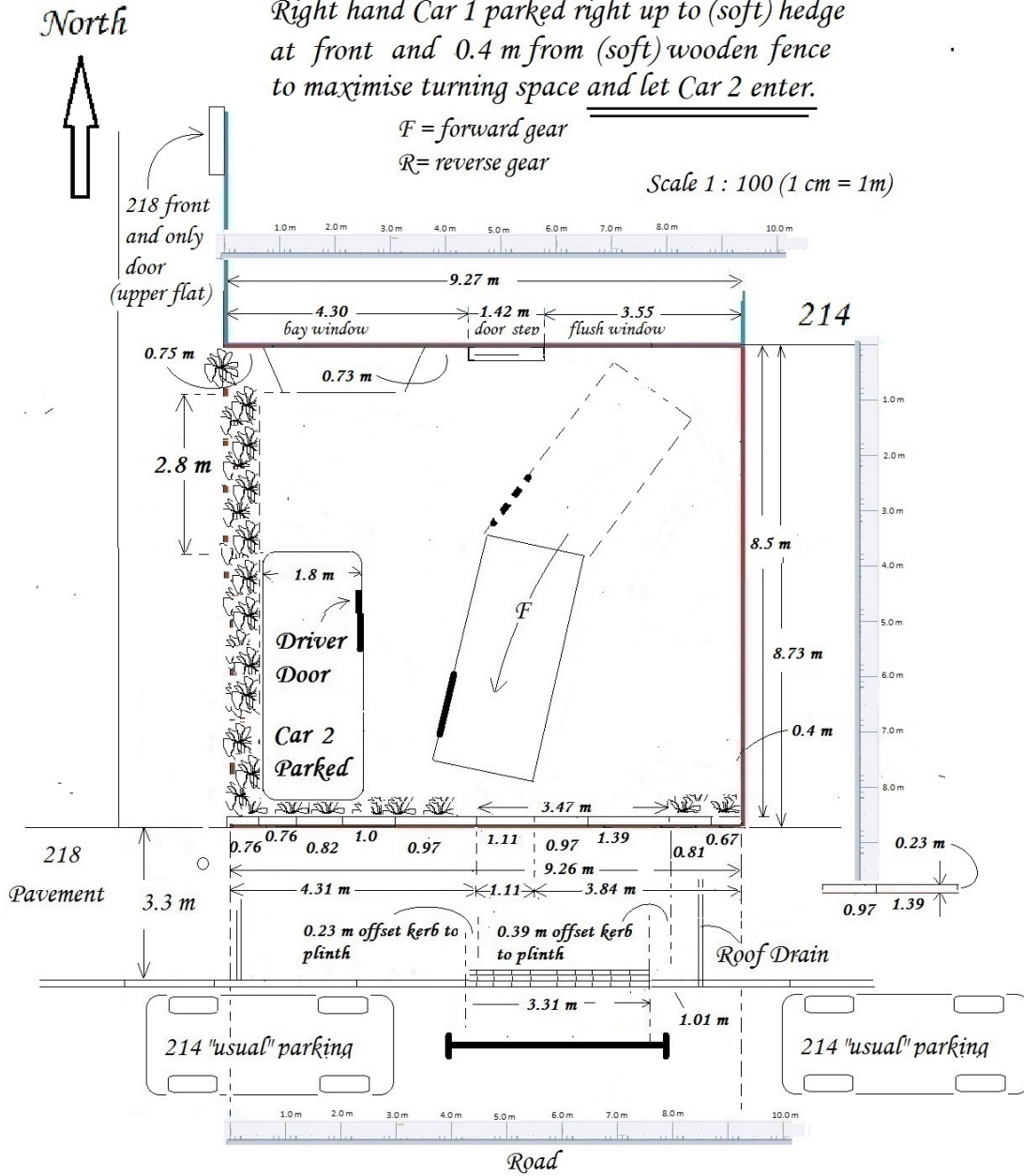


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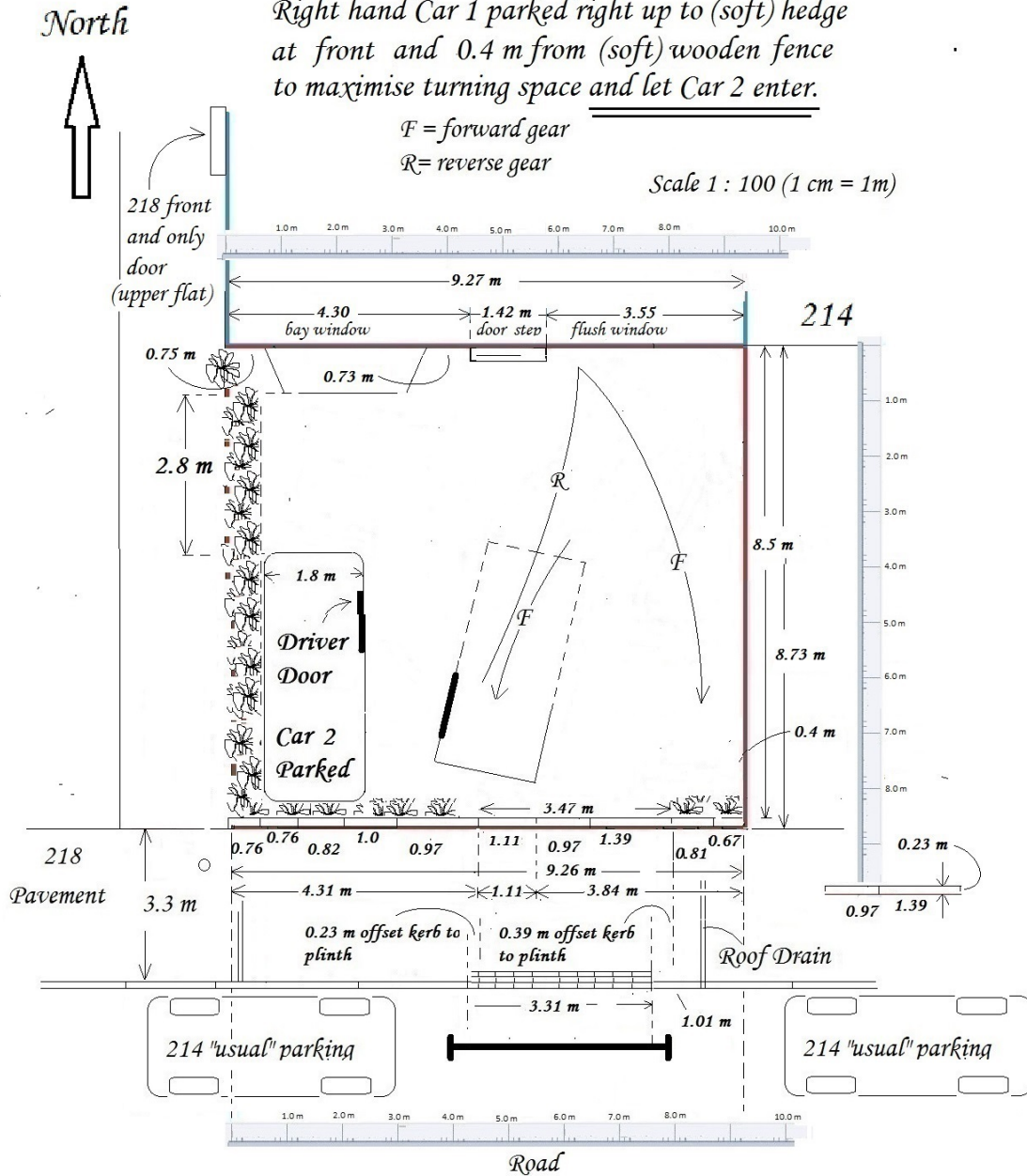
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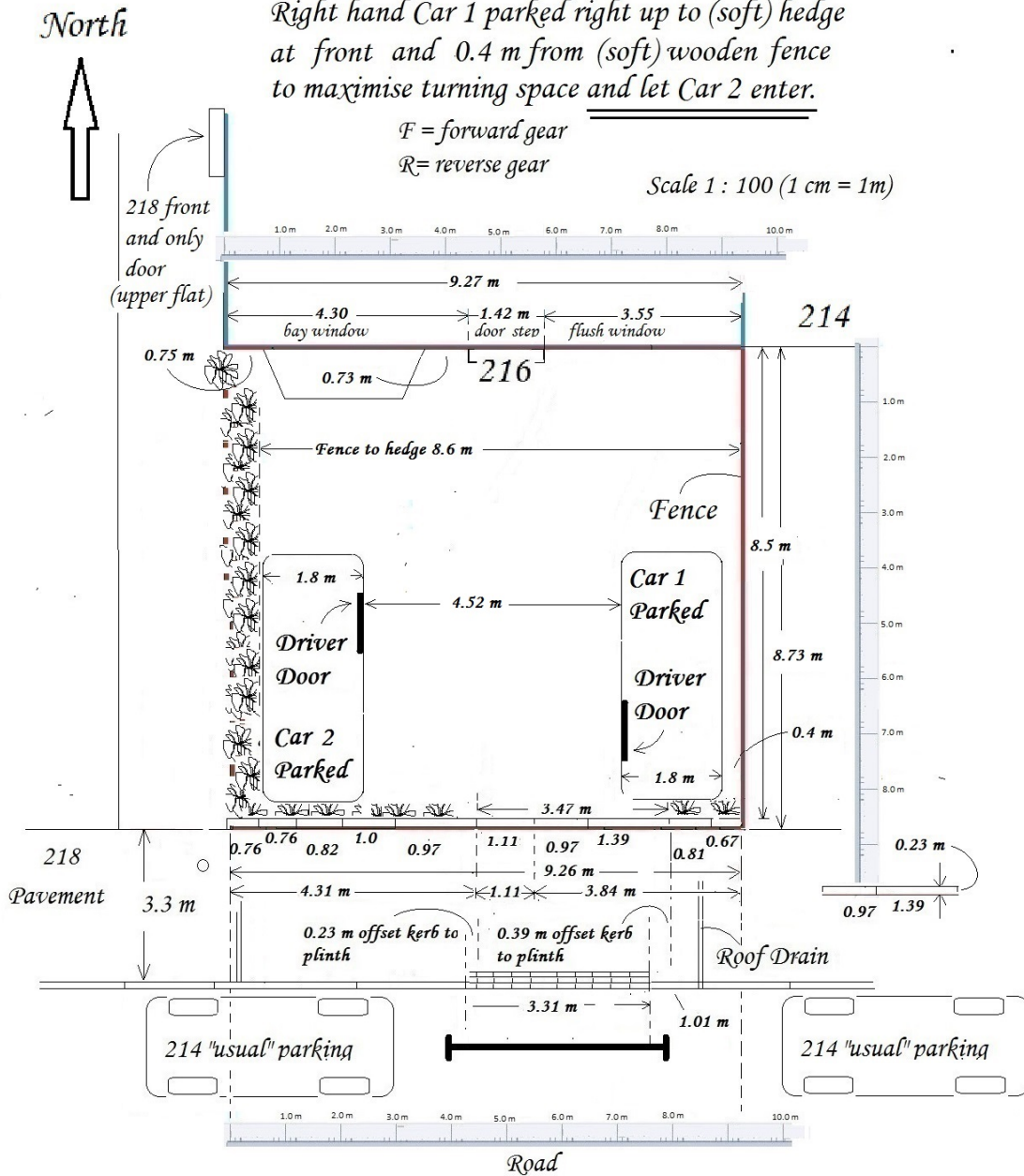
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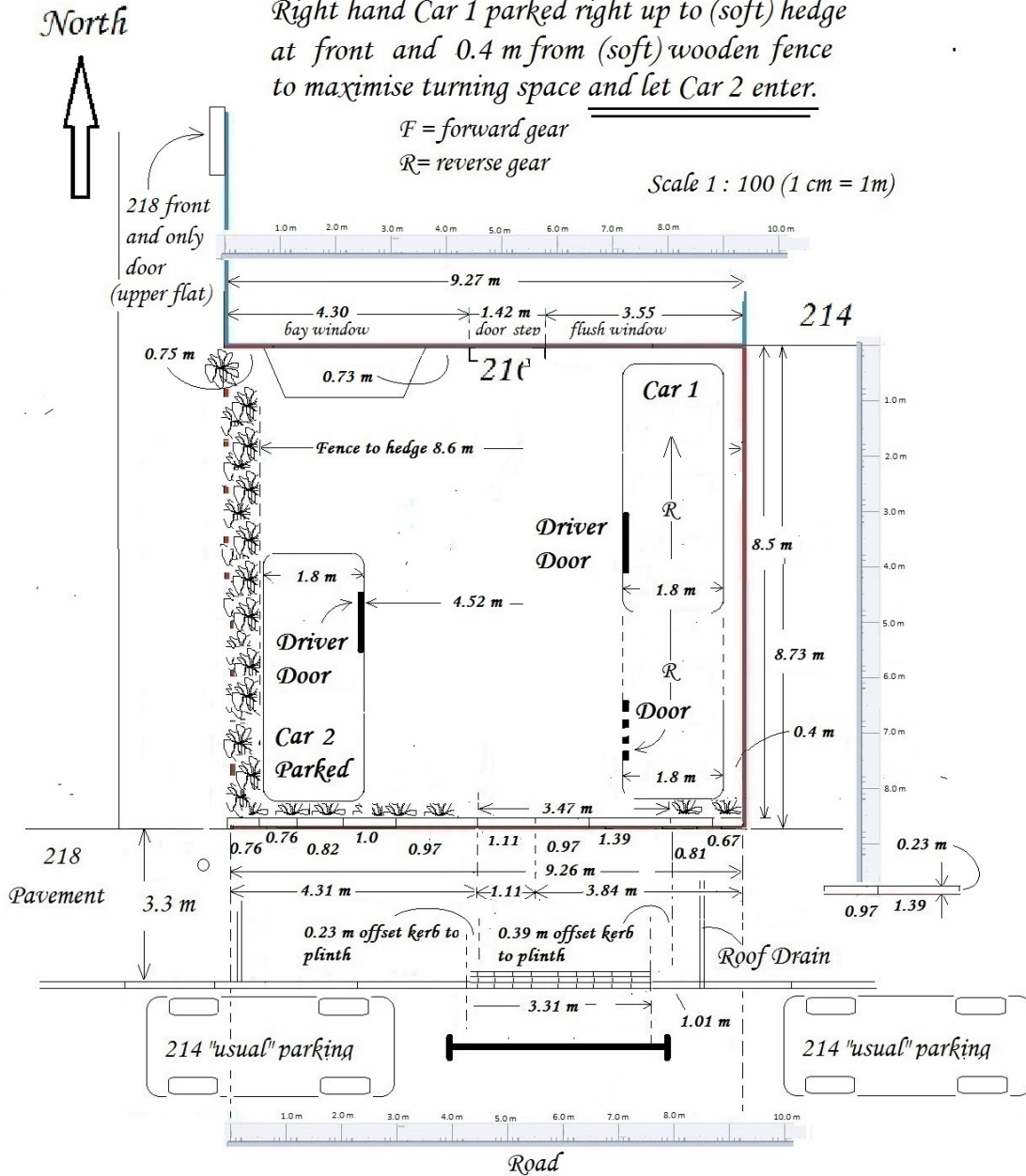
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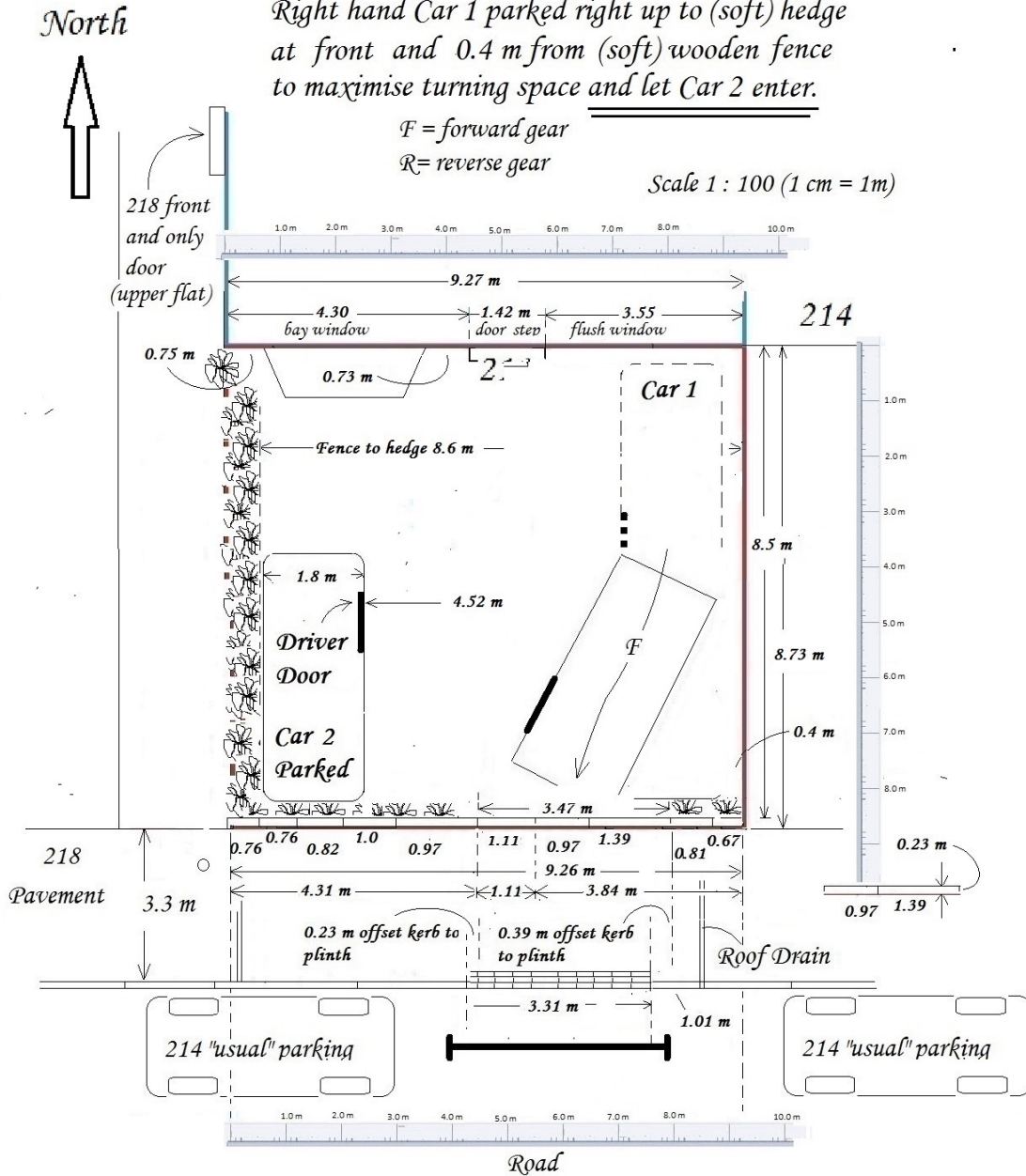
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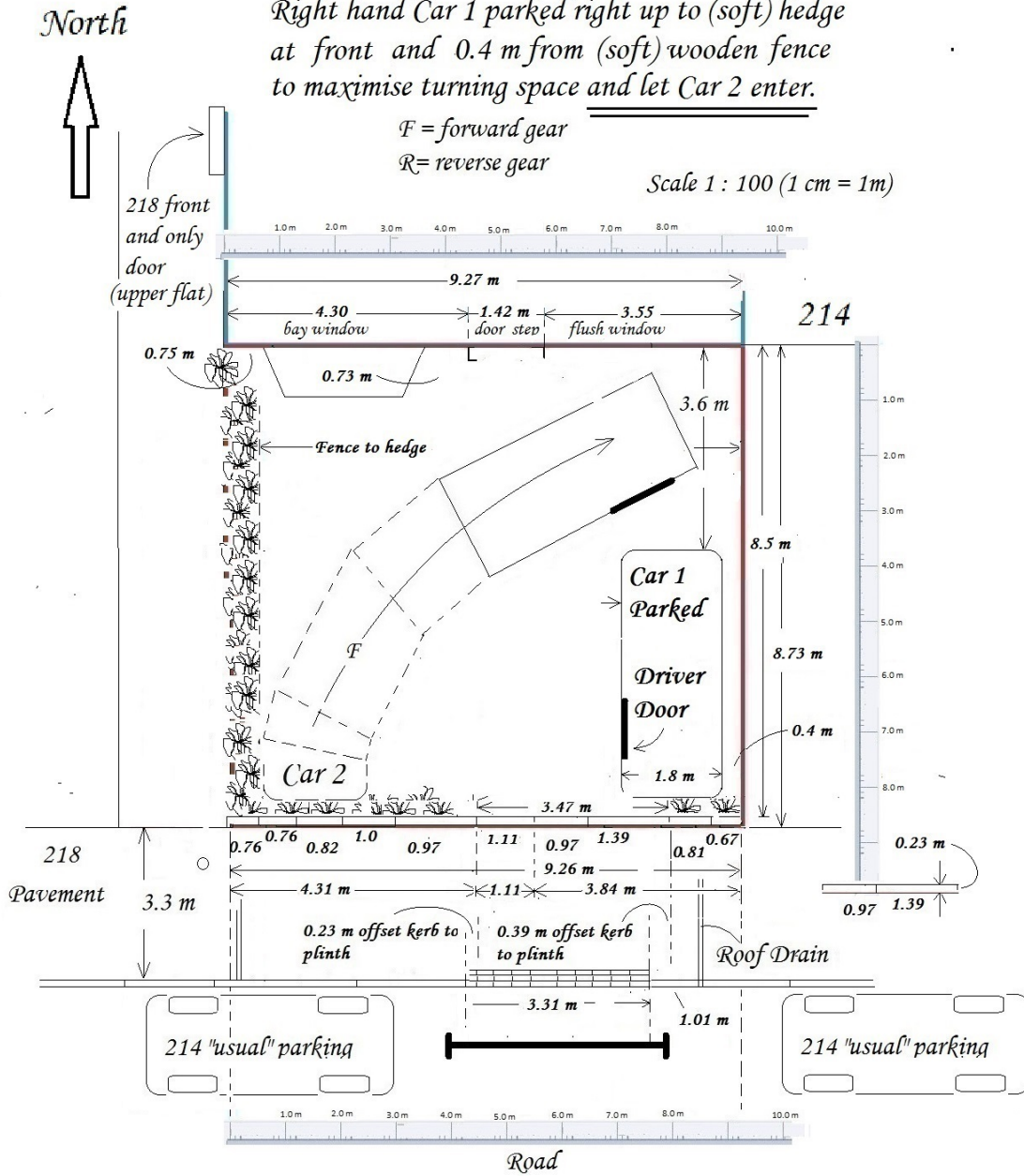
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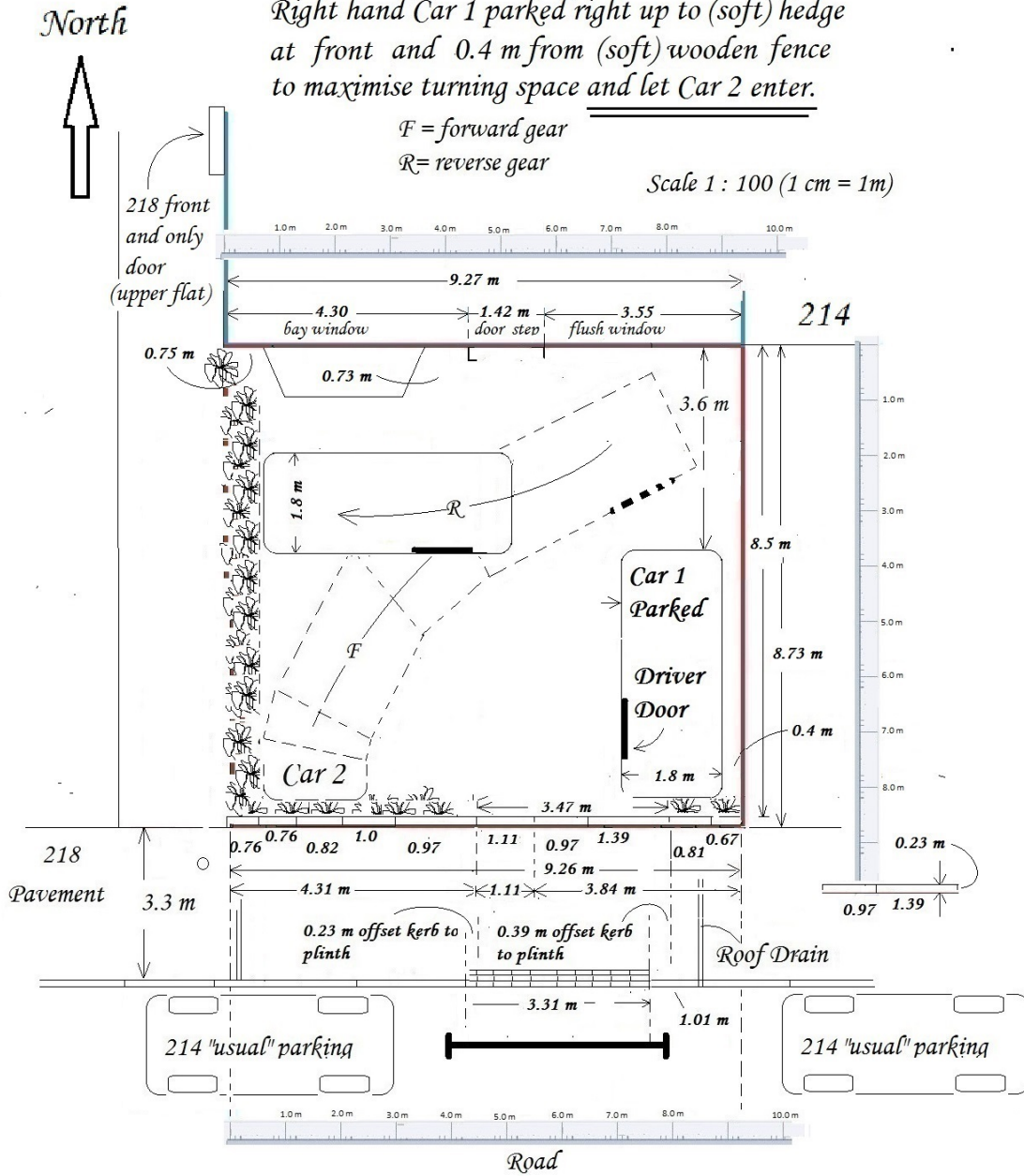
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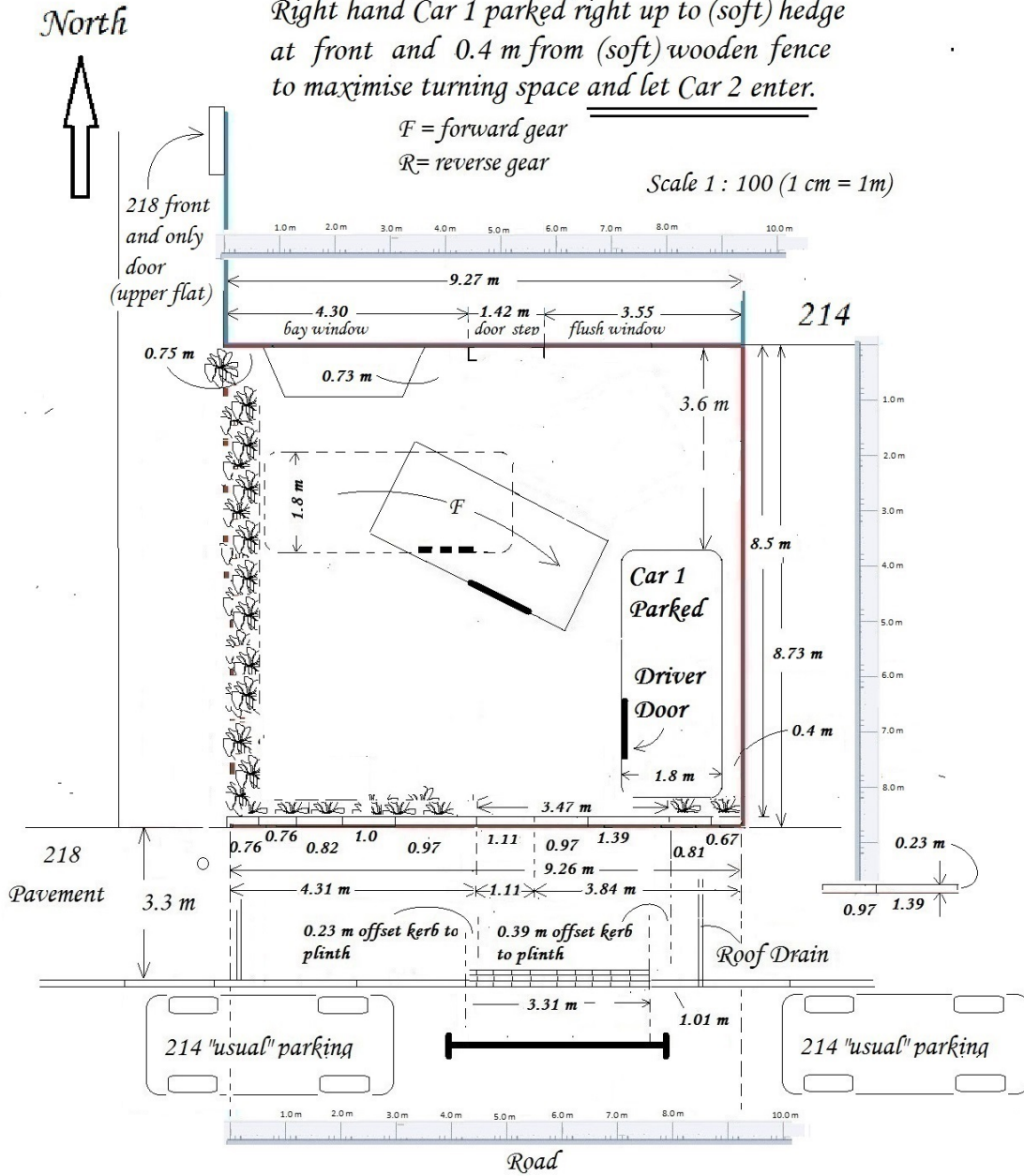
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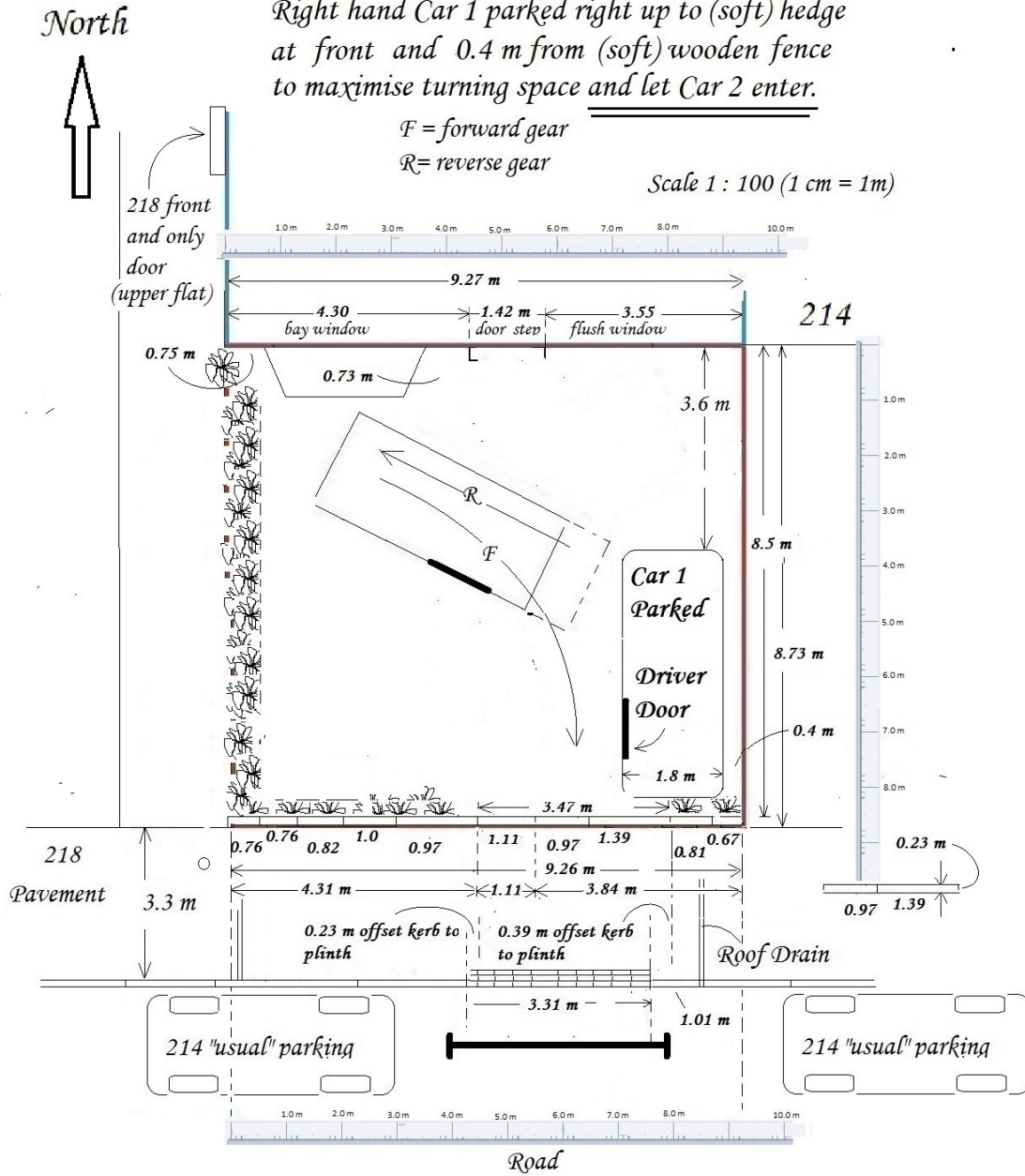


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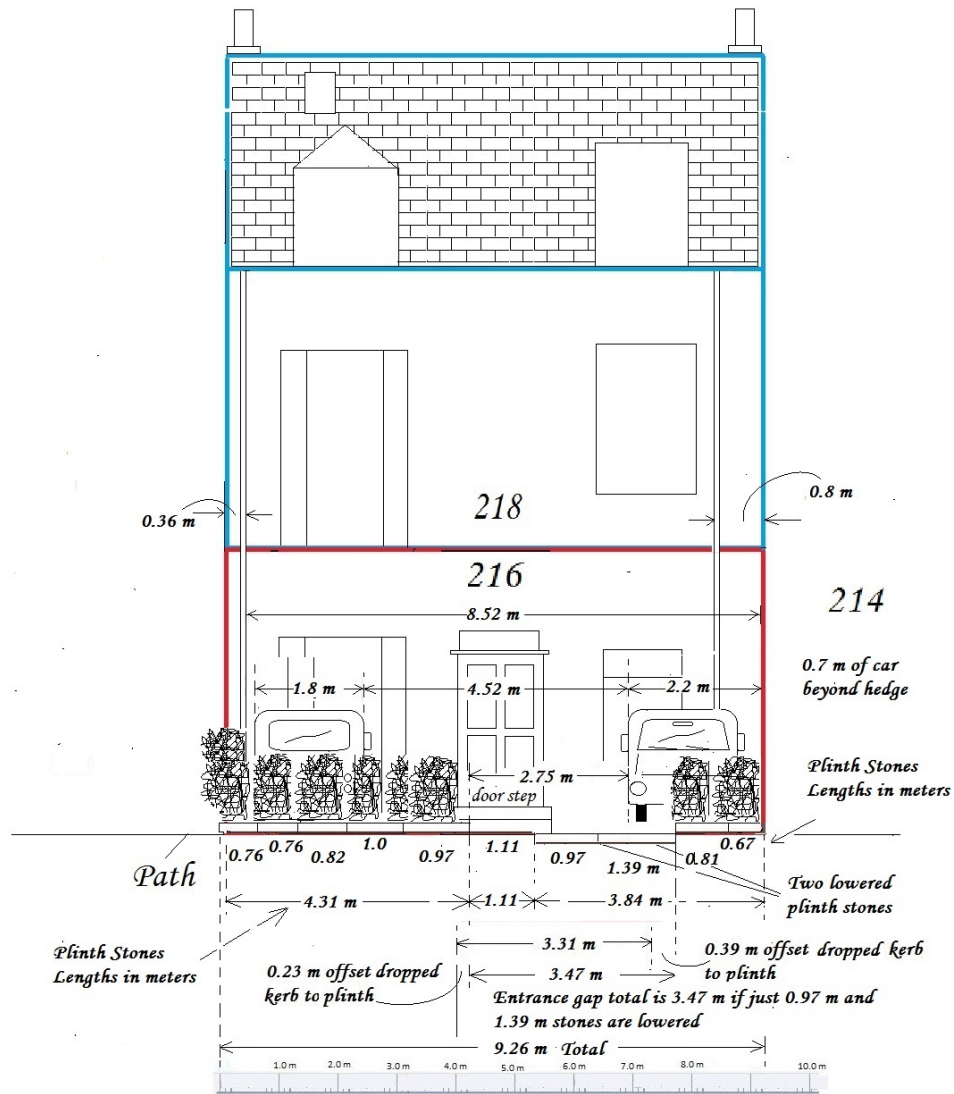


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216 Westburn Road, AB25 2LT application for  
dropped kerb and off street parking 04 Oct 2023

*Proposed Layout (Front View)*

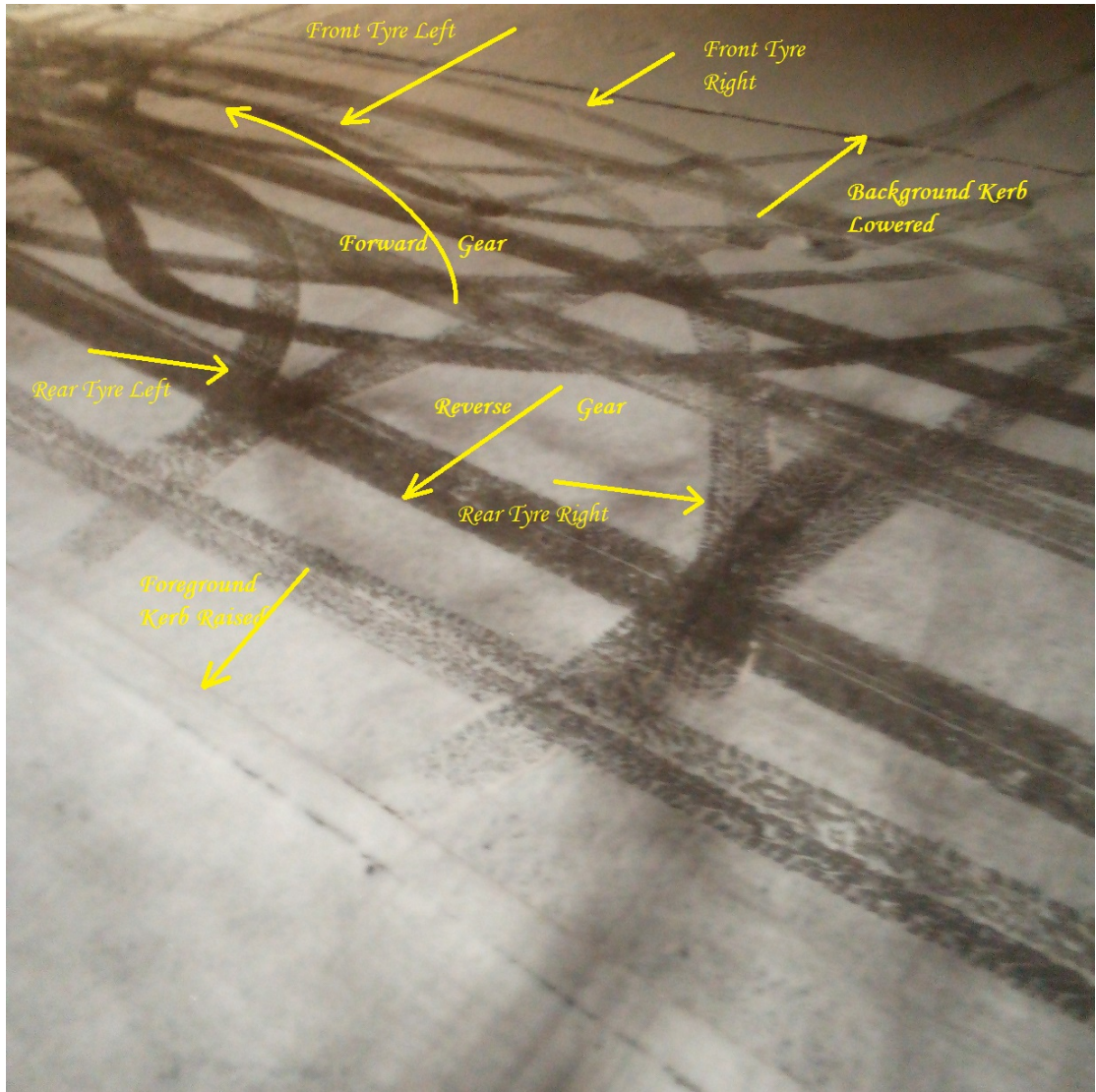
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