

Public Document Pack



To: Councillor McRae, Chairperson; and Councillors Boulton, Clark, Copland and Thomson.

Town House,
ABERDEEN 25 November 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, 2 DECEMBER 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 57 Spital - Change of Use from Dwellinghouse to Short Term Let Accommodation with Maximum Occupancy of 12 People

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 240093.

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

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

2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 41 - 44)

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 Kingswells House, Skene Road - Change of Use from Class 10 (Non-Residential Institutions) to Class 4 (Business); Erection of Replacement Extension, Alterations to Door and Associated Works

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 231380.

3.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 45 - 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 - 120)

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 81 Gray Street - Installation of Replacement Single Storey Extension to Rear
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 240798.
- 4.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 121 - 144)
- 4.3 Planning Policies Referred to in Documents Submitted (Pages 145 - 146)
- 4.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 147 - 190)
- 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 Land Adjacent To Oldfold Farmhouse, Milltimber - Erection of Two-Storey Detached Dwelling House with Integral Garage and Associated Works
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 240463.
- 5.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 191 - 234)
- 5.3 Planning Policies Referred to in Documents Submitted (Pages 235 - 236)
- 5.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 237 - 272)
- 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

Should you require any further information about this agenda, please contact Mark Masson on 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.

 <p>ABERDEEN 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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Site Address:	57 Spital, Aberdeen, AB24 3HX
Application Description:	Change of use from dwellinghouse to short term let accommodation with maximum occupancy of 12 people
Application Ref:	240093/DPP
Application Type:	Detailed Planning Permission
Application Date:	12 February 2024
Applicant:	Mr Craig McPetrie
Ward:	George Street/Harbour
Community Council:	Old Aberdeen

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site comprises a 2½ storey semi-detached dwellinghouse and its rear curtilage in a mixed use area within the Old Aberdeen Conservation Area. The property comprises six bedrooms, a living room, kitchen, three bathrooms, a hallway and stairwell and a garage (of insufficient dimensions to park a car and thus functions as a store). The rear curtilage solely serves the application property.

The building adjoins two residential flats to its south, 53 and 55 Spital. 55 Spital is a double-upper flat and is currently the subject of a separate pending planning application (Ref: 240410/DPP) for the change of use to a House in Multiple Occupation (HMO) (and it formerly had a license to be used as such). 53 Spital is a ground floor mainstream residential flat. The building fronts, and is accessed from, Spital. Residential flats 65-67 Spital and even numbered addresses 40-54 Spital to the east.

Relevant Planning History

A planning application (Ref: 240410/DPP) is pending for the change of use of 55 Spital to an HMO.

APPLICATION DESCRIPTION

Description of Proposal

Detailed Planning Permission is sought for the change of use of the property from a dwellinghouse to short term let accommodation with a maximum occupancy of twelve people at any given time. The property would be cleaned after each stay. No waste storage details have been provided.

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=S80JKPBZJK700>

- Short Term Let Planning Checklist

CONSULTATIONS

ACC - Roads Development Management Team – No objection - For residential dwellings in the inner-city boundary, ACC Parking Standards are for 1.5 spaces per dwelling. There is no parking provision associated with this site and none proposed. Therefore, the existing shortfall would remain unchanged. Whilst the proposed maximum occupancy of twelve is high, there are existing restrictions on Spital which would prevent any obstructive parking. Just north of the site is CPZ RR where parking controls and restrictions are in place. Where there are no parking controls on the Spital, there is unrestricted kerbside parking. Whilst an increase of vehicles associated with this development may disadvantage residents, unrestricted kerbside parking is not allocated to any property or resident and therefore there is currently no guarantee of residents being able to park outside their homes. It is anecdotally understood that this area has a relatively high parking turnover which is likely attributed to it being one of the nearest locations to the university outwith the CPZ and is likely utilised by students and staff.

The site is fronted by a good standard of adopted footways and there is a garage which can be used to store bikes. The garage is below the minimum dimensions to be classed as a car parking space. There is also a bus service which runs along the Spital which makes it accessible by public transport.

They note that the maximum occupancy would be high. However, as the site already has a shortfall as per Aberdeen City Council Parking Standards, that would not change with this proposal and there are existing parking controls which would prevent obstructive parking.

ACC - Environmental Health – No comments or observations.

ACC - Waste And Recycling – Objection - As there is a private waste collection contract, all guests need to be made aware that they are not authorised to use the domestic bins on the street for any refuse, recycling or food waste.

As the number of permitted guests is high, there needs to be adequate waste, recycling and food waste storage on the site for the whole duration of a stay or between cleans by the contractor.

Old Aberdeen Community Council – Concerns raised with respect to the scale of the proposed provision, accommodating up to twelve people in an area with perpetually overfilled parking – noting for instance that the bus stop immediately in front of the property is frequently taken up with parked cars and overfilled bins.

On a wider scale, they are concerned with community erosion given the ongoing conversion of residential stock to HMOs and short term lets. Given the Aberdeen Planning Guidance does not establish limits for short term lets, they suggest that these should at least fall jointly within limits established for HMOs.

REPRESENTATIONS

Two representations, both objections, have been received. The matters raised can be summarised as follows –

- There are already numerous HMOs and student flats in the vicinity. The introduction of this short term let with up to twelve transient tenants would further erode the amenity of the area.
- Short term tenants who are not invested in the neighbourhood are likely to have a negative impact on the character of the Old Aberdeen Conservation Area.
- The potential disturbance from noise and antisocial activities would have an adverse effect on the permanent residents and undermine their sense of security and belonging to their neighbourhood.
- The proposal would exacerbate waste disposal problems.
- The proposal would exacerbate parking problems.
- The dwellinghouse appears to be far too small to accommodate twelve people.
- The proposal is not consistent with Policies H1 (Residential Areas), D2 (Amenity), WB3 (Noise), T3 (Parking) of the Aberdeen Local Development Plan 2023.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Development Plan

National Planning Framework 4 (NPF4)

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

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 7 (Historic Assets and Places)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 30 (Tourism)

Aberdeen Local Development Plan 2023 (ALDP)

- Policy H2 (Mixed Use Areas)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D6 (Historic Environment)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)

Aberdeen Planning Guidance

- Short-term Lets
- Transport and Accessibility

Other National Policy and Guidance

- Historic Environment Policy for Scotland

EVALUATION

Key Considerations

The determining material consideration in the assessment of this planning application is whether the change of use of the property to short term let (STL) accommodation would result in unacceptable harm to the amenity of the area – particularly the neighbouring residential dwellings. This matter and all other material considerations are assessed in the context of the relevant policies of the Development Plan.

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

Paragraph (e) of Policy 30 (Tourism) of NPF4 states:

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

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

Impact on Character and Amenity of the Area

In terms of Paragraph (e) of Policy 30 and amenity, Policy H2 of the ALDP states that applications for development or change of use within Mixed Use Areas (H2 on the Proposals Map) must take into account the existing uses and character of the surrounding area and avoid direct conflict with the adjacent land uses and amenity. It furthermore states that where new commercial uses are deemed appropriate, development should not adversely affect the amenity of people living and working in the area.

The qualities of successful places referred to in Policy D1 (Quality Placemaking) of the ALDP seeks development to be safe and pleasant, in terms of avoiding unacceptable impacts on adjoining uses, including invasion of privacy and noise. Policy D2 (Amenity) of the ALDP seeks residential developments to ensure occupiers are afforded adequate levels of privacy.

In terms of impacts on amenity, the properties which bound 57 Spital are in residential use. With respect to the adjoining properties to the south, 53 Spital is a mainstream residential flat and 55 Spital was known to be in use as an HMO until 2021 and there is currently a pending application for its use as such.

The Planning Service identifies that the change of use from a dwellinghouse to STL accommodation could result in increased harm to the amenity of the neighbouring properties beyond that which would typically be expected from a property in mainstream residential use if the impact from the following issues would be significant:

- The potential for noise from customer activities within the property and in the rear garden, particularly in the quiet and sensitive late evening and early morning periods – especially if used as a ‘party house’.
- The potential for the disturbance of privacy and the perceived impact on safety resulting from the use of the property by transient persons unknown to the permanent residents of the adjacent residential properties.

In this case, it is considered that the impacts on amenity from the use of the application property as an STL would most likely arise from the increased probability of noise emissions affecting the occupants of the adjacent residential properties from the use of the property through the walls and in the residential curtilage as well as the actual or perceived impact on safety and security from the comings and goings of the significant number of transient occupants and their use of the rear garden.

It has been stated that a maximum of twelve occupants would stay in this property. Given the property has a total of six bedrooms, it is considered that the number of occupants would be significantly greater than if it were to be in mainstream residential use as a dwellinghouse, a use which requires all occupants to be related to each other.

The activity from such a significant number of occupants would be highly likely to generate significant levels of noise transference to the surrounding residential dwellings from within the property and the rear garden. Given the significant number of occupants, it is highly likely that the property would be used for the hosting of parties or other events of an anti-social nature that could harm the amenity of neighbouring properties in terms of noise from activities both within the building and in the rear curtilage, which could be during the more sensitive late night and early morning periods. Whilst there is a high degree footfall during the day along Spital and the site is zoned as a Mixed Use Area, the properties immediately surrounding 57 Spital are all in residential use. Spital is not a primary thoroughfare for vehicles through the city whereby vehicles would be frequently expected to travel along the street during these sensitive periods. As such, and whilst it has not been quantified, background noise levels experienced by the neighbouring residential dwellings during these sensitive periods of the day are expected to be relatively low. The impact of noise generation on the surrounding residential properties due to the change of use and stated number of occupants would be significant.

Given the significant number of transient persons that would stay in the premises, the impact of the STL use on the actual or perceived impact on safety and security of the neighbouring

residential occupants in the area would likewise be significant. Whilst there is no direct overlooking from the property, there is a degree of indirect overlooking between the rear garden of 57 Spital and the residential properties to the north and south. Likewise, given the significant number of occupants, there would likely be a high degree of disturbance in terms of coming and goings, with its entrance being in close proximity to those of 53 and 55 Spital. The change of use to short term let accommodation with a maximum occupancy of twelve people would have a significant adverse impact on the amenity afforded to the neighbouring residential occupants in the area in terms of noise and their actual or perceived impact on safety and security and would have a direct conflict with the adjacent land uses, in conflict with Policy 30(e)(i) of NPF4 and Policies H2, D1 and D2 of the ALDP.

In terms of physical character, as no physical alterations are proposed the development would not impact on the character and appearance of the Old Aberdeen Conservation Area, in accordance with Policies 7 (Historic Assets and Places) of NPF4 and D6 (Historic Environment) of the ALDP.

In terms of the impact on the general character of the area, the area is zoned as Policy H2 – Mixed Use Areas on the Proposals Map of the Aberdeen Local Development Plan 2023. The surrounding area is mixed use, has a relatively high pedestrian footfall along Spital from students attending the university, residents, and visitors to Old Aberdeen. Around the application site itself, the prevailing character is residential in nature. This short term let would increase the comings and goings in the area relative to its use as a mainstream residential dwellinghouse both given the stated number of occupants and in terms of cleaners. Given the relatively high footfall, that it is ultimately a mixed use area (with sporadic commercial uses along the Spital), the change of use of this dwellinghouse to a short term let accommodation unit would not necessarily affect the character of the area by any significant degree.

The change of use to short term let accommodation with a maximum occupancy of twelve people would, however, have a significant adverse impact on the amenity afforded to the neighbouring residential occupants in the area in terms of noise and their actual or perceived impact on safety and security and thus would have a direct conflict with the adjacent land uses, in conflict with Policy 30(e)(i) of NPF4 and Policies H2, D1 and D2 of the ALDP.

Provision of Short Term Let Tourist Accommodation and Local Economic Benefits

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

'Short-term lets make an important contribution to the tourist economy because they can:

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

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

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

Whilst the proposal does not comply with Policy 30 (Tourism) of NPF4 because it would have an unacceptable impact on amenity and is to be refused on this basis, the loss of residential accommodation resulting is a material consideration with respect to ii. of this policy. Whilst housing is in need in Aberdeen, there is not currently understood to be any significant pressure placed on local housing need from the number of STLs in Aberdeen, as is experienced elsewhere in Scotland (such as in Edinburgh and the Highlands and Islands). It is therefore considered that the loss of residential accommodation resulting from the use of the property when it is in use as an STL would not have any significant impact on local housing need. However, it is recognised that housing need and demand can be subject to significant change over time, as demonstrated by such matters being periodically reviewed and quantified through Housing Need and Demand Assessments and addressed through the Development Plan process. In relation to the duration of planning permissions for STL accommodation, the Scottish Government Circular 1/2023 (Short-Term Lets and Planning) notes that:

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

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

If the change of use were to have been granted, it would have resulted in the loss of residential accommodation in a residential area on a permanent basis. As such, had the decision been to grant planning permission it would have been considered necessary in this instance to grant planning permission for a time-limited period of five years, which is the time period between the publication of Housing Need and Demand Assessments. This would have been:

- To comply with the requirements of Policy 30(e) ii. of NPF4 and the Short-term Lets Aberdeen Planning Guidance;
- To ensure that local housing need, demand and supply could have been considered for any future applications for the continued use of the property as STL accommodation;
- To allow for the site to be automatically returned to residential use upon the expiry of the permission (unless a new consent was granted in the meantime); and
- To further consider the demonstrable local economic benefits of its use as an STL at the time of any further planning application.

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

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

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

Given that the proposal would comprise a tourism facility that would not be in the city centre, the proposal would have tensions with Policy VC2 (Tourism and Culture) of the ALDP. In assessing the magnitude of this tension, it is acknowledged that the site is approximately 20m from a bus stop with a route to the city centre, it is approximately 700m from the City Centre boundary (a walk in under 15 minutes) and the site is relatively close to the cycle as well as nearby cycle infrastructure leading to the city centre on King Street. On balance, the proposed STL use is compliant with the aims of Policy VC2 (Tourism and Culture) of the ALDP in that it would not undermine the sequential spatial strategy to direct visitor facilities into the city centre by any significant degree.

Whilst it does comply with this requirement of Policy VC2, the development conflicts with Policy 30 (Tourism) of NPF4 and Policies H2, D1 and D2 of the ALDP. This is because the change of use to short term let accommodation with a maximum occupancy of twelve people would have a significant adverse impact on the amenity afforded to the neighbouring residential occupants in the area.

Transport and Accessibility

Policies 13 (Sustainable Transport) on NPF4 and T2 (Sustainable Transport) of the ALDP promote and encourage the use of sustainable and active modes of travel where possible, as opposed to private vehicle trips. The nearest bus stop is directly outside the application property, which is less than 400m from the nearest bus stop, in accordance with Policy T2 of the ALDP. The site is accessible to local amenities and a short walking distance from the University of Aberdeen campus. The site is accessible using sustainable and active travel methods. As such, whilst the proposal is being refused because of the adverse impact on amenity, the site is accessible using sustainable and active travel methods.

In terms of parking, there are no Parking Standards set out in the Transport and Accessibility specifically for Short Term Lets. There are no off-street car parking spaces serving the property. Policy T3 states that in 'inner city areas, low or no car development will be supported in suitable locations where there is adequate access to active travel and public transport options.' Given a bus stop is located outside the property, it is accessible using active travel and public transport options and therefore the absence of parking would be acceptable in principle.

Based on the significant number of occupants, which would be very likely to exceed the maximum number of residents (related to each other) that would live in this property if it were to be used as a mainstream dwellinghouse, the proposed short term let could materially increase demand for on-street car parking. The 'garage' is not a size that would accommodate a car nor of a size that complies with minimum dimensions for garages in the Transport and Accessibility Aberdeen Planning Guidance.

As such, any material increase in car parking demand would result in vehicles being parked on the street. Approximately 180m to the north of the site is CPZ RR where parking controls and restrictions are in place. There are existing restrictions on Spital which would prevent any obstructive parking. It is anecdotally understood that this area has a relatively high parking turnover which is likely attributed to it being one of the nearest locations to the university outwith the CPZ, which is likely used by students and staff. Taking into account the proximity to active travel and public transport methods and the existing parking controls, the proposal would not adversely affect road safety, the local transport network and would be accessible using sustainable and active travel methods, in accordance with Policies 13 of NPF4, as well as T2 and T3 of the ALDP. The Roads Development Management Team have been consulted and do not object to the application.

Waste Storage and Collection

Policy 12 (Zero Waste) of NPF4 and Policy R6 (Waste Management Requirements for New Development) of the ALDP both require developments that generate waste and/or recyclables to have sufficient space for the appropriate storage and subsequent collection of that waste and recyclable materials. It is understood that there is a private waste collection contract. However, no waste storage area has been shown on the premises. The Waste and Recycling Team object to the application on the basis that as the number of permitted guests is high, there needs to be adequate waste, recycling and food waste storage on the site for the whole duration of a stay or between cleans by the contractor. These details have not been included on the application. However, it is considered that had this application been a recommendation to approve, it is a matter that could have been addressed by way of a planning condition to seek these details and for the implementation of any works to install waste storage be installed before the premises has been brought into use as short term let accommodation. As such, compliance with Policies 12 of NPF4 and R6 of the ALDP could have been ensured through that condition.

Tackling the Climate and Nature Crises, Climate mitigation and Biodiversity

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

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

Matters Raised in the Representations

The matters raised relating to amenity, parking, waste disposal, noise, sense of security, the impact on the Old Aberdeen Conservation Area and assessment against the relevant policies of the Development Plan have been addressed in the evaluation.

With respect to the size of the unit being considered too small to accommodate twelve people, the matter of occupancy in terms of fire safety and other licensing matters would be considered by the Licensing Team separately in determination of a Short Term Let License. Unlike for residential uses, there are no specific space standards for short term let accommodation in the Amenity and Space Standards Aberdeen Planning Guidance as it is not a residential use.

Matters Raised by Old Aberdeen Community Council

The matters raised relating to the impact of the proposal on the character of the area, parking and waste storage have been addressed in the evaluation. Indiscriminate parking on a bus stop would be an parking offence that is not within the remit of the determination of this application.

The proposal is for change of use to a non-residential short term let, which is a materially different use to HMO, which is a residential use, and the material considerations in assessing such an application is different. The Small Data Zone HMO data in the Houses in Multiple Occupations Aberdeen Planning Guidance relates solely to HMOs and is not applicable. Each application for a change of use to short term let accommodation is assessed on its own merits based on its site-specific context. The cumulative impact of multiple short term lets in an area is a material consideration in assessing these applications. In this instance, the nearest short term let is approximately 40m from the application property (70 Spital). However, there would be no significant cumulative impact from the presence of that existing short term let on the neighbouring residents beyond what has been assessed in this evaluation.

DECISION

Refuse

REASON FOR DECISION

The change of use to short term let accommodation with a maximum occupancy of twelve people would have a significant adverse impact on the amenity afforded to the neighbouring residential occupants in the area in terms of noise and their actual or perceived impact on safety and security and would have a direct conflict with the adjacent land uses. The proposal conflicts with Policies 14 (Design, Quality and Place) of National Planning Framework 4, as well as H2 (Mixed Use Areas), D1 (Quality Placemaking) and D2 (Amenity) of the Aberdeen Local Development Plan 2023. There are no material considerations that would justify approval.



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 100658872-001

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

Type of Application

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

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

Description of Proposal

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

Change of use of the house to short term let accommodation

Is this a temporary permission? * Yes No

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

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

No Yes – Started Yes - Completed

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)

Planning was not required in 2017

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:

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

First Name: *

Craig

Building Name:

Last Name: *

McPetrie

Building Number:

247

Telephone Number: *

07711956657

Address 1
(Street): *

Queens Road

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Aberdeen

Fax Number:

Country: *

Scotland

Postcode: *

AB15 8DL

Email Address: *

craigmcpetrie@gmail.com

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



Individual



Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:

Mr

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

Other Title:

Building Name:

First Name: *

Craig

Building Number:

247

Last Name: *

McPetrie

Address 1
(Street): *

Queens Road

Company/Organisation

Address 2:

Telephone Number: *

Town/City: *

Aberdeen

Extension Number:

Country: *

Scotland

Mobile Number:

Postcode: *

AB15 8DL

Fax Number:

Email Address: *

craigmcpetrie@gmail.com

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

57 SPITAL

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB24 3HX

Please identify/describe the location of the site or sites

Northing

807555

Easting

394061

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

139.00

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)

Short term let accommodation

Access and Parking

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

Yes No

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

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

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

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

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

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

Water Supply and Drainage Arrangements

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

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

Note:-

Please include details of SUDS arrangements on your plans

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

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

Yes

No, using a private water supply

No connection required

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

Assessment of Flood Risk

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

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

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

Trees

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

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

Waste Storage and Collection

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

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

The cleaning company remove all waste and recycling.

Residential Units Including Conversion

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

Yes No

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

Schedule 3 Development

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

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

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

Yes No

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

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

or –

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

Name:

Mr Graham McPetrie

Address:

247, Queens Road, Aberdeen, AB15 8DL

Date of Service of Notice: *

27/01/2024

(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:

Craig McPetrie

On behalf of:

Mr Craig McPetrie

Date:

27/01/2024

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

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

Provide copies of the following documents if applicable:

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

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr Craig McPetrie

Declaration Date: 27/01/2024

Payment Details

Online payment: ABSP00010465
Payment date: 27/01/2024 00:28:00

Created: 27/01/2024 00:28



DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Craig McPetrie
247 Queens Road
Aberdeen
AB15 8DL

on behalf of **Mr Craig McPetrie**

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

Application Reference Number	240093/DPP
Address of Development	57 Spital Aberdeen AB24 3HX
Description of Development	Change of use from dwellinghouse to short term let accommodation with maximum occupancy of 12 people
Date of Decision	6 June 2024

DETAILS OF ANY VARIATION MADE TO THE APPLICATION

None.

REASON FOR DECISION

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

The change of use to short term let accommodation with a maximum occupancy of twelve people would have a significant adverse impact on the amenity afforded to the neighbouring residential occupants in the area in terms of noise and their actual or perceived impact on safety and security and would have a direct conflict with the adjacent land uses. The proposal conflicts with Policies 14 (Design, Quality and Place) of National Planning Framework 4, as well as H2 (Mixed Use Areas), D1 (Quality Placemaking) and D2 (Amenity) of the Aberdeen Local Development Plan 2023. There are no material considerations that would justify approval.



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

240093/1	Location Plan
240093/2	Ground Floor Plan (Proposed)
240093/3	First Floor Plan (Proposed)
240093/4	Second Floor Plan (Proposed)
240093/5	Short Term Let Checklist

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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Consultee Comments for Planning Application 240093/DPP

Application Summary

Application Number: 240093/DPP

Address: 57 Spital Aberdeen AB24 3HX

Proposal: Change of use from dwellinghouse to short term let accommodation with maximum occupancy of 12 people

Case Officer: Roy Brown

Consultee Details

Name: Mrs Barbara Armstrong-Hill

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

Email: Not Available

On Behalf Of: ACC - Environmental Health

Comments

This Service has no comments or observations regarding this applicaiton

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MEMO

Strategic Place Planning

Commissioning

Business Hub 4, Ground Floor North, Marischal College



To	Development Management, Strategic Place Planning		
From	Jack Penman, Engineer, Roads Development Management		
E-mail	JPenman@aberdeencity.gov.uk	Date	15/02/24
		Our Ref.	DPP-240093
		Your Ref.	

Planning Application No. DPP - 240093

I have considered the above planning application have the following observations:

I note this proposal is for a change of use from dwellinghouse to short term let accommodation with maximum occupancy of 12 people at 57 Spital, Aberdeen, AB24 3HX.

The site is in the inner-city boundary but not in a CPZ.

For residential dwellings in the inner-city boundary ACC parking standards are for 1.5 spaces per dwelling. I note there is 0 parking associated with this site and 0 is proposed. Therefore, the existing shortfall of 2 spaces would remain unchanged. Whilst the proposed maximum occupancy of 12 is high, it is noted there are existing restrictions on Spital which would prevent any obstructive parking. Just north of the site is CPZ RR where parking controls and restrictions are in place. Where there are no parking controls on the Spital the unrestricted kerbside parking is left as first come first served. This does not change with this proposal although an increase of vehicles associated with this site may disadvantage residents. However, as noted unrestricted kerbside parking is not allocated to any property/resident and therefore there is no guarantee of being able to park outside ones residence. Anecdotally, I know this area has a fairly high turn over of parking which is likely attributed to being one of the nearest locations to the university outwith the CPZ and is likely utilised by students/staff.

The site is fronted by good standard adopted footways and I note there is a garage which can be used to store bikes. The garage is below our minimum dimensions to be classed as a car parking space. There is also a bus service which runs along the Spital which makes it accessible by public transport.

Roads note the maximum permitted occupancy is high. As per noted above the site already has a shortfall as per ACC parking standards but this does not change with this proposal and there are existing parking controls which would prevent obstructive parking. I can confirm that Roads have no objection to this proposal.

Jack Penman
Engineer
Roads Development Management

Aberdeen City Council,
Marischal College,
Broad Street,
Aberdeen.
AB10 1AB

Did you know you
can access our
services online at
aberdeencity.gov.uk

Aberdeen City Council – Development Management Team Consultation Request

Case Officer: Roy Brown	To: ACC - Waste And Recycling
E-mail: roybrown@aberdeencity.gov.uk	Date Sent: 14 February 2024
Tel.: 01224 069005	Respond by: 6 March 2024
Application Type: Detailed Planning Permission	
Application Address: 57 Spital Aberdeen AB24 3HX	
Proposal Description: Change of use from dwellinghouse to short term let accommodation with maximum occupancy of 12 people	
Application Reference: 240093/DPP	
Consultation Reference: DC/ACC/S8UCKSBZ01C02	

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).	Y

COMMENTS

Site Specific comments:

- As there is a private waste collection contract all guests need to be made aware that they are not authorised to use the domestic bins on the street for any Refuse, Recycling or Food Waste.
- As the number of permitted guests is high, there needs to be adequate waste, recycling and food waste storage on the site for the whole duration of a stay or between cleans by the contractor.

See below for general comments:

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

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

Responding Officer: N Taylor

Date: 14th of February 2024

Email: wasteplanning@aberdeencity.gov.uk

Comments for Planning Application 240093/DPP

Application Summary

Application Number: 240093/DPP

Address: 57 Spital Aberdeen AB24 3HX

Proposal: Change of use from dwellinghouse to short term let accommodation with maximum occupancy of 12 people

Case Officer: Roy Brown

Customer Details

Name: Dr Bill Harrison

Address: 16 Summer Place Dyce Dyce Aberdeen

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this application. Reason: this house appears to be far too small to accommodate 12 people. Short-term let accommodation of this type on a residential street could lead to parking problems, litter, noise and antisocial behaviour and it is therefore not consistent with policies H1 (residential areas), D2 (amenity), WB3 (noise) and T3 (parking) of the Aberdeen Local Development Plan (2023).

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Comments for Planning Application 240093/DPP

Application Summary

Application Number: 240093/DPP

Address: 57 Spital Aberdeen AB24 3HX

Proposal: Change of use from dwellinghouse to short term let accommodation with maximum occupancy of 12 people

Case Officer: Roy Brown

Customer Details

Name: Mr Richard Harwood

Address: 37 King's Crescent Aberdeen

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We would like to object to this application for the following reasons:

There are already numerous HMO's and student flats in the vicinity of 57 Spital. The introduction of this Short Term Let with up to 12 transient tenants would further erode the amenity of the area. Short term tenants who are not invested in the neighbourhood are likely to have a negative impact on the character of Old Aberdeen Conservation area.

The potential for disturbance from noise and antisocial activities would have an adverse effect on the permanent residents and undermine their sense of security and belonging to their neighbourhood.

Parking and disposal of waste already pose problems in the area and would certainly be exacerbated.

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Application 240093/DPP

Development Plan

National Planning Framework 4

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

- 1. Tackling the climate and nature crises
- 2. Climate mitigation and adaptation
- 3. Biodiversity
- 7. Historic Assets and Places
- 12. Zero Waste
- 13. Sustainable transport
- 27. City, Town, Local and Commercial Centres
- 30. Tourism

Aberdeen Local Development Plan 2023

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

- H1 Residential Areas
- D6 Historic Environment
- R5 Waste Management Requirements for New Development
- VC2 Tourism and Culture
- T2 Sustainable Transport
- T3 Parking
- VC2 Tourism and Culture

Aberdeen Planning Guidance (APG)

- [Short-term Lets](#)

Other Material Considerations- National Policy and Guidance

- [Historic Environment Policy for Scotland \(HEPS\)](#)

Scottish Government publications:

- Circular 1/2023: Short Term Lets and Planning [Planning circular 1/2023: short-term lets and planning - gov.scot \(www.gov.scot\)](#)
- Short Term Lets: Business and regulatory impact assessment – November 2021 [G. Wider economic context - Short-term lets: business and regulatory impact assessment - gov.scot \(www.gov.scot\)](#)

- Scottish Government – Research into the impact of short-term lets on communities across Scotland – October 2019 [people-communities-places-research-impact-short-term-lets-communities-scotland.pdf](https://www.gov.scot/resources/consultations-petitions/uploads/people-communities-places-research-impact-short-term-lets-communities-scotland.pdf) (www.gov.scot)



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 100684539-001

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="Craig"/>	Building Number:	<input type="text" value="247"/>
Last Name: *	<input type="text" value="McPetrie"/>	Address 1 (Street): *	<input type="text" value="Queens Road"/>
Company/Organisation	<input type="text"/>	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"/>	Postcode: *	<input type="text" value="AB15 8DL"/>
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:

57 SPITAL

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB24 3HX

Please identify/describe the location of the site or sites

Northing

807555

Easting

394061

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)

This is a review for 57 Spital, Aberdeen, AB24 3HX.

Type of Application

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

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

What does your review relate to? *

Refusal Notice.

Grant of permission with Conditions imposed.

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

Statement of reasons for seeking review

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

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

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

The planning department have declined my application for 12 people using the property as a short term let, The property was being managed by a company on behalf of my father since 2018 and always operated with a maximum of 12 guests as the property is a large three story house with six double bedrooms and two bathrooms and a wc with a large living room/dining room with a large kitchen off the lounge and extremely large back garden. Previously my father operated the house as an HMO 6 bedrooms.

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)

Not sure what is required here as far as proofs or supporting documentation, but happy to supply anything that is required given some reasonable notice. I'd also like to ask the planning department to confirm if any similar buildings in size or type have been granted a licence for 12 people or more, eg large properties such as this or guesthouses/B&B's which operate in a similar manner to a short term let or as a short term let, I am not sure of the exact definitions as its a slightly grey area.

Application Details

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

240093/DPP

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

29/01/2024

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

06/06/2024

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

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

Please select a further procedure *

Holding one or more hearing sessions on specific matters

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

I would like the opportunity to plead my case in person and also time to look at similar proposals made by others that may influence any final decision, also to apply for and receive the information I've discussed in the earlier parts of this form.

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

Can the site be clearly seen from a road or public land? * Yes No

Is it possible for the site to be accessed safely and without barriers to entry? * Yes No

Checklist – Application for Notice of Review

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

Have you provided the name and address of the applicant?. * Yes No

Have you provided the date and reference number of the application which is the subject of this review? * Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? * Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? * Yes No

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

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review * Yes No

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

Declare – Notice of Review

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

Declaration Name: Mr Craig McPetrie

Declaration Date: 06/09/2024

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

Site Address:	Kingswells House, Skene Road, Aberdeen AB15 8PJ
Application Description:	Change of use from class 10 (non-residential institutions) to class 4 (business); erection of replacement extension, alterations to door and associated works
Application Ref:	231380/DPP
Application Type:	Detailed Planning Permission
Application Date:	2 November 2023
Applicant:	Mr Andrew Mosley
Ward:	Kingswells/Sheddocksley/Summerhill
Community Council:	Kingswells

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site, extending to an area of some 1.89ha, comprises Kingswells House, a Category B listed building and its associated curtilage with lawns, mature shrubs and trees in the garden grounds which surround the property. The site is located some 5 miles west of Aberdeen City Centre with access gained to the front of the property via a private, tree-lined single track road which extends some 325m off the north side of the A944 dual carriageway. Kingswells House dating from the 17th century with subsequent alterations throughout the 18th, 19th and 20th centuries, is of traditional granite construction with harled walls and a slate clad roof. It rises to 2½ storeys with a 1/1½ storey side off-shoot and single storey flat roofed projection to the north and north-west respectively, and modern conservatory extension to the south. To the west of Kingswells House and its mature woodland which is protected under Tree Protection Order No 195, is land allocated but as yet undeveloped within the Prime Four Business Park, to the south west is the Ardene House Veterinary Practice and to the north is Home Farm. To the south, east and north-west the application site is bound by Prime Four Business Park comprising a number of modern office developments. The property is currently vacant having been in most recent use as an institutional rural retreat, prior to which it was occupied as a single dwellinghouse.

Relevant Planning History

Application No	Proposal	Decision Date
201468/TPO	Works to various protected trees as per schedule of works	Approved in 2020
231347/LBC	Erection of replacement single storey extension and alterations to door; internal alterations to include upgrading existing doors, repair and maintenance works	Decision Pending

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for a change of use of the property to Class 4 (Business) and for development works in association with that change of use, including the following:

- Single storey, flat roofed extension to replace and exceed the footprint of the existing garage/store to front (west) elevation;
- Erection of retaining wall to rear (north) of proposed extension;
- Removal of existing internal door to form external full height fixed window;
- Formation of extended car parking area and introduction of cycle stands.

Amendments

In addition to the provision of necessary details following the original submission of the application, including vehicle/cycle parking and bin storage arrangements for the site and further detail on finishes, for example clarification on the use of granite doughtings for the retaining wall, there has been a reduction in scale of the proposed link, and associated detailing, which would serve to connect the proposed extension with main house.

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=S3HQH9BZH7700>

- Supporting Statement – Change of Use
- Supporting Statement – Access Junction
- Supporting Statement – Change of Use (Additional Information)
- Design Statement
- Tree Survey Report
- Heritage Statement
- Bat Survey
- Archaeology – Desk Based Assessment
- Photographic Record of Extension

CONSULTATIONS

ACC - Roads Development Management (DM) Team – The Roads DM Team have raised an objection to the proposal. Roads officers noted that access to the site was off the A944, a key arterial route into the city carrying a significant volume of vehicular traffic, with a 40mph speed limit and a well-used shared use path for pedestrians and cyclists extending along the frontage of the site. It was established that the existing site access was far below modern standards in terms of the required visibility splays which in turn raised safety concerns with regards vehicle entry/exit of the site.

The Roads DM team raised safety concerns in relation to the potential use of the existing gap in the central reservation of the A944, directly opposite the entrance to the site, which permits vehicles travelling westbound along the dual carriageway to turn right and cross the eastbound carriageway into the site and vice versa for vehicles exiting the site, with these types of manoeuvres considered to be unsafe. In the event that the proposed development had been supported, then a condition of

any consent would have required for the gap in the central reservation to be closed.

The Roads DM Team noted that the required visibility splays could not be achieved due to landownership limitations and siting of existing buildings, as confirmed by the applicant. It was not accepted by the Roads DM Team that such constraints could justify a relaxation in road safety standards, nor that the road safety concerns identified could be overlooked on the basis that the access is historic and had been allowed when the existing use of the site as an institutional rural retreat under Class 10 use was originally granted consent, with conditions applied at that time to control the activities and intensity of use of the site.

Having reviewed all plans, information and supporting documentation submitted, the Roads DM Team maintained their objection and recommended that the proposal be refused on the grounds of road safety.

ACC - Waste and Recycling – No objection to the proposal and have provided general advice and comment in respect of business waste storage and collection.

Scottish Water – No objection, and have provided advice in relation to surface water connections.

Aberdeen International Airport – No response.

Kingswells Community Council – No comments.

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 relevant to the application, unless material considerations indicate otherwise.

Development Plan

National Planning Framework 4 (NPF4)

NPF4 is Scotland's long-term spatial strategy and contains a comprehensive set of national planning policies that form part of the statutory Development Plan, along with the Aberdeen Local Development Plan.

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 4 (Natural Places)
- Policy 6 (Forestry, Woodland and Trees)
- Policy 7 (Historic Assets and Places)
- Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)

- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 26 (Business and Industry)

Aberdeen Local Development Plan 2023 (ALDP)

- Policy B2 (Business Zones)
- Policy D1 (Quality Placemaking)
- Policy D6 (Historic Environment)
- Policy D7 (Our Granite Heritage)
- Policy D8 (Window and Doors)
- Policy NE3 (Natural Heritage)
- Policy NE5 (Trees and Woodland)
- Policy R5 (Waste Management Requirements for New Development)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)

Aberdeen Planning Guidance (APG)

- Repair and Replacement of Windows and Doors
- Transport & Accessibility

Other National Policy and Guidance

- Historic Environment Policy for Scotland (HEPS)
- Historic Environment Scotland's Managing Change in the Historic Environment Guidance (MCHE): Use & Adaptation of Listed Buildings - 'Extensions and Doors'

EVALUATION

Key Determining Issues

Taking into account all legislative requirements, policy considerations and bearing in mind the context of the application site, the fundamental determining factors set out in the evaluation below are the re-use of the building, loss of historic fabric, scale/form/design of the proposed extension and its impact on the special character and historic interest of the building and the significant road/public safety concerns regarding access and egress onto the A944.

Climate Change, Biodiversity and the Reuse of the Building

National Planning Framework 4 (NPF4) requires, in the consideration of all development proposals, that significant weight is given to the global climate and nature crises. Policy 1 (Tackling the Climate and Nature Crises) of NPF4 seeks to encourage, promote and facilitate development that addresses the global climate emergency and nature crises whilst Policy 2 (Climate Mitigation and Adaptation) of NPF4 requires development proposals to be designed and sited to minimise lifecycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change.

As the proposal is to provide a new use and extend the existing Kingswells House, Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4 is of relevance. It seeks to support development proposals resulting in the sustainable reuse of vacant buildings, whether permanent or temporary, with demolition regarded as the least preferred option, based on the need to conserve embodied energy. The principle of re-using existing buildings and minimising demolition is also reflected in the objectives of Policy 12 (Zero Waste) of NPF4.

In this instance the application is for a change of use of a protected Category B listed property and its conversion to office use. Historic Environment Scotland's Managing Change in the Historic Environment's Guidance on the Use and Adaptation of Listed Buildings is in support of such development in principle, stating that '*The continued use of buildings is sustainable and is often the least environmentally damaging option. The use and reuse of buildings retains the embodied energy expended in the original construction and sourcing of materials.*' It does also make the point that '*Retention saves carbon associated with new-build, including costs in new materials, transport, demolition, landfill and new infrastructure*'.

Whilst the proposed conversion would therefore allow for the conservation of embodied energy from the vacant historic building and thereby delivering a more sustainable option than that of constructing a new office development in its entirety for the proposed use. The proposal does also include the demolition of a relatively small existing single storey garage/store/utility extension, which is considered to be a reworking from a much older building on the site that is from the time of the original form of Kingswells House, if not predating it, and the erection of a replacement extension office space in and beyond its footprint. Whilst the demolition aspect of the proposal is considered in detail as part of this evaluation under the heading 'Design & Impact of Development', including on the Historic Environment, it is of note that information provided in support of the proposed development does not evidence that the proposal has sought to limit or avoid demolition of the existing extension in support of its retention and adaptation, thus minimising greenhouse gas emissions in the process, or ultimately why retention of the existing building, later altered to be an extension is not possible.

Policy 3 (Biodiversity) of NPF4 requires proposals for local development '*to include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development.*' The proposal does not include landscaping or planting in association with the change of use and would as a result of the additional level of parking required for the intended office use result in the loss of a small area of existing lawn to the front of the property. Whilst the additional area of hardstanding would not be significant, it would nevertheless result in a net loss in terms of delivering on-site biodiversity, and the proposal has not sought to address this marginal loss or provide for a soft landscaping plan that would ameliorate the setting of the main entrance to Kingswells House and augmenting the flora and fauna habitat of the curtilage.

Taking the above into account it is considered that the proposal would only accord with the objectives of Policy 9 of NPF4 in part and would be contrary to Policies 1 (Tackling the Climate and Nature Crises), 2 (Climate Mitigation and Adaptation), 3 (Biodiversity) and 12 (Zero Waste) and Historic Environment Scotland's Managing Change in the Historic Environment's Guidance on the Use and Adaptation of Listed Buildings.

Principle of Development

The application site is located adjacent to the Prime 4 Business Park and is zoned under Policy B2 (Business) in the Aberdeen Local Development Plan 2023 (ALDP). Policy B2 sets out that in areas identified as Business Zones, only Class 4 (Business) uses shall be permitted in order to maintain a high quality environment. It continues to set out that facilities directly supporting business uses may be permitted where they enhance the attraction and sustainability of the Business Zone for investment. Policy 26 (Business and Industry) of NPF4 meanwhile states that development proposals for business and industry uses on sites allocated for those uses in the ALDP will be supported.

The application relates to a proposed change of use of a Category B listed property and the

development works associated with its extension and adaptation in support of a Class 4 (Business) use. The property is currently vacant following a period of over 10 years in use as an institutional rural retreat, and prior to that a residence. Whilst the proposed use of the property as an office for an engineering consultancy business would be deemed acceptable in principle on the basis that it would be compliant with the criteria of Policy B2 of the ALDP and address the expectations of Policy 26 of NPF4, the proposal must be considered against all relevant national and local policies and guidance contained within the Aberdeen Local Development Plan 2023 and National Planning Framework 4, as outlined in the evaluation below.

Design & Impact of Development, including on the Historic Environment

Under Policy 14 (Design, Quality and Place) of NPF4, high quality design is sought for development proposals with a view to improving the overall quality of an area and this aligns with Policy D1 (Quality Placemaking) of the ALDP which seeks to ensure high standards of design for development proposals, with a strong and distinctive sense of place as a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials.

Policy 7 (Historic Assets and Places) of NPF4 is clearly of relevance in the consideration of the proposal on the basis that the application property comprises a Category B listed building. Policy 7 seeks to protect and enhance historic environment assets and places and to enable positive change as a catalyst for the appropriate regeneration of places. Under subsection (c), Policy 7 states that *'Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest'*. The overall policy intent is outlined as being *'To protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places'* with one of the policy outcomes *'Redundant or neglected buildings brought back into sustainable and productive uses'*. Historic Environment Scotland's Managing Change in the Historic Environment Guidance (MCHE) on the Use and Adaptation of Listed Buildings accepts that for a building to stay in use over the long term, change will be necessary and whilst highlighting that *'the best use of a listed building is often going to be the one for which it was designed'*, which in this case is that of a single dwellinghouse, it equally acknowledges that new uses may enable retention of the fabric and special interest of a building whilst accepting that *'the process of conversion will have some impact on a building's special interest, regardless of how well it is handled'*.

Historic Environment Policy for Scotland (HEPS) outlines the importance of fully understanding the impact of decisions for development proposal on the historic environment. It accepts that with the passage of time change to the historic environment is inevitable and advises that considered necessary intervention should be minimised, and any negative impact avoided where possible. Policy D6 (Historic Environment) of the ALDP meanwhile seeks to support high quality design in line with HEPS. It states that *'Development must protect, preserve and enhance Aberdeen's historic environment, including its historic fabric'* and further outlines that *'there will be a presumption in favour of the retention and appropriate reuse of historic environment, historic assets, and heritage assets that contribute positively to Aberdeen's character'* with proposed development *'designed to respect the character, appearance and setting of the historic environment and protect the special architectural or historic interest of listed buildings'*.

The proposed development associated with the change of use to office, including the conversion of the building, is outlined and considered as follows:

Erection of Replacement Extension

In addition to the general expectation of Policy D1 (Quality Placemaking) of the ALDP, which requires all development to ensure high standards of design and for proposals to ensure quality architecture, craftsmanship and material, the further expectations of Historic Environment Scotland's Managing Change in the Historic Environment Guidance (MCHE) on Extensions are of particular relevance in the consideration of this application, outlining the principles which should be applied to extending historic buildings. The Guidance acknowledges the importance of considering the historic use of the building and how this will often reflect in the cumulative changes which have been made to it and subsequently inform considerations of a building's special interest. The guidance states that '*New alterations or additions, which are of high design quality, sympathetic to the character of the building, form part of this continuum*', advising that '*most historic buildings can sustain some degree of sensitive alteration or extension to accommodate continuing or new uses*'.

The HES guidance on 'Extensions' provides a number of principles which should apply in the consideration of such development proposals, namely:

- That an extension should play a subordinate role. It should not dominate the original building as a result of scale, materials or location and should not overlay principal elevations.
- Where an extension is built beside a principal elevation it should generally be lower than and set back behind that façade.
- An extension that would unbalance a symmetrical elevation and threaten the original design concept should be avoided.
- An extension should be modestly scaled and skilfully sited.

The guidance also states the following key issues for extensions, in that they:

- Must protect the character and appearance of the building;
- Should be subordinate in scale and form;
- Should be located on a secondary elevation;
- Must be designed in a high quality manner using appropriate material.

Taking the above into account, the proposed extension does raise a number of conflicts in terms of addressing the relevant criteria, most notably:

- The proposed extension would not be located on a secondary elevation, rather the extension would be to the front (principal) elevation of the property where it would project between 10 and 12.6m forward of that elevation, with an additional 1m projection beyond the walls of the extension from the roof overhang;
- The proposed extension of 104.3m² would result in an increased footprint of some 39% based on the 75m² footprint of the existing garage/store extension which it would replace. This would see the proposed development footprint of the extended property rising from 285.5m² to 314.8m², thereby resulting in the 104.3m² footprint of the replacement extension equating to just under a third of the entire building footprint.
- Whilst the proposed extension would be single-storey in height, its internal ceiling height and form bears no relationship to that of the original House, including in terms of the proposed detailing which is also of a larger scale. Whether in terms of its siting, scale or detailing, the proposed development would not have a subordinate relationship with the Category B listed Kingswells House.

In further considering the siting of the proposed development in the context of the existing property

and surrounding grounds, the proposed single storey extension would serve to replace an existing flat-roofed garage/store extension which extends from the same front elevation of the building as the remodelling of an earlier granite building, documented in the Heritage Statement submitted, and it is acknowledged that the proposed extension would be set slightly further back (by some 3.3m) from the main part of the front elevation than the existing garage/store is. That the proposed extension would be further removed from the main elevation and entrance to the property is considered a positive in terms of the resulting architectural relationship between existing and proposed development, though the proposed extension's form and scale is greater than the existing garage and the architectural design does not demonstrate a harmonious visual relationship with the main frontage to Kingswells House.

However what does need to be taken into account in the consideration of this application, based on the requirements of the aforementioned national and local policy expectations, is that a form of the aforementioned garage/store extension dates back to the late 19th century, being of a traditional granite construction, and despite having been the subject of alterations over time, with the loss of the curved front wall as an architectural feature and the insertion of garage doors, the remaining extension does nevertheless retain historical relevance to Kingswells House, with the rear and side granite walls appearing original to that 19th century extension. Whilst this aspect of the extension has been somewhat recognised and reflected in the information provided within the Heritage Statement and with photographic evidence included in the Planning & Listed Building Consent Design Statement it does appear to have been overlooked in terms of the current proposal which seeks the full-scale demolition of that extension. It is also of note that the garage/store extension has remained very much domestic in scale and form and in-keeping with the character of the wider property. This includes in relation to its granite construction and harled finish which is clearly reflected across the wider building.

In the consideration of this application it has been noted that Policy D7 (Our Granite Heritage) of the ALDP seeks the retention and appropriate re-use, conversion and adaptation of all historic granite buildings, structures and features and states that '*Proposals to demolish any granite building, structure or feature, partially or completely, will not normally be granted planning permission or listed building consent.*' The Policy continues by outlining that in order to support such demolition, a number of tests should be met, notably that:

- Evidence provided to demonstrate that every effort has been made to retain it, and
- It is no longer of special interest or cultural significance; or
- It is incapable of meaningful repair; or
- It can be demonstrated the demolition is essential to delivering significant benefits to economic growth or the wider community; or
- Its repair and reuse is not economically viable and that it has been marketed in an open and transparent manner.

It is acknowledged that clarification was provided demonstrating that the proposal would accommodate the granite dowlings from the existing garage/store building within the retaining wall which is proposed some 1m back from the northern (rear) elevation of the extension. If the above tests had been satisfied in terms of demolition of that existing garage/store extension, such re-use would be entirely appropriate, however there has been no real indication or evidence provided within the supporting information submitted as to the consideration given to the potential upgrading, adaptation and re-use of the existing garage/store building for office accommodation, or at least as part of, where this would potentially have enabled retention of much of the remaining historic footprint and structure. As such, it has not been demonstrated that the principle of demolition is acceptable.

It has not been demonstrated in the submission whether consideration was given to the siting of an extension, in support of the proposed change of use of the property to an office, on any secondary and less sensitive elevation of the building. The Design Statement submitted with the application contains no detail on whether alternatives to the existing proposal were explored. Taking into account the existing layout of Kingswells House and of the corresponding ground levels surrounding the property, it would certainly appear achievable for an extension to be sited within the rear curtilage and on a secondary elevation of this listed property, including to the rear of the existing off-shoot where it would have no visual impact on the principal elevation of the building. Such an option would potentially have resulted in less visual intrusion and likely limited the impact on the historic setting, allowing for reduced intervention and this could have more readily supported retention of the existing garage/store structure.

Following on from the above and taking into account the scale, form and design of the single storey extension as proposed, clearly with the look of a modern office development, it remains questionable as to how the proposed extension relates to the character and appearance of the existing Kingswells House, which as outlined above, remains very much domestic in terms of its scale and general appearance. Whilst accepting that the applicant has sought to demonstrate that the floorspace deemed necessary for the proposed office use cannot be accommodated within the existing floor space of Kingswells House, thereby justifying the scale of development which is being proposed, it is nevertheless considered that the resulting exaggerated scale of the proposed extension, both in terms of its height and footprint, is out of context with the original building. With the footprint taking no reference from and being considerably larger than that of the existing garage/store building, and notwithstanding that it would be set slightly further back, the proposed development would nonetheless serve to challenge the visual importance of the main entrance of the House.

In the evaluation of extensions to historic buildings against HES's Managing Change Guidance, there is a requirement for such development to play a subordinate role and be of a scale, form, material finish and siting which does not dominate the original building, nor overlay principal elevations. In this respect the proposed extension does raise concern, as previously indicated, and this includes with regards the height and form of development being sought. It has been suggested by the applicant that the proposed roof height reflects that of the main rooms in the House, however the proposed extension would be linked to a 1½ storey off-shoot and by means of a simple glazed corridor, therefore demonstrating no external reference to the House or any direct connection to the mains rooms, and in conjunction with the larger footprint of development which is being sought, it is considered that the exaggerated height of the roof further adds to the dominant appearance of the extension.

HES's Managing Change Guidance on 'Extensions' states that in every case, new development must acknowledge the old and that includes where the proposal is considered to be an '*assertive contrast*', where new design is required to be of equal or higher calibre than that of the historic building to which it is attached and which also '*demand higher-quality work than would often be found in an isolated new building, where the existing building 'raises the game for the new build'*'. In this respect the presence of the existing building should 'raise the game' for the replacement extension, with the delivery of suitably high quality design. It is noted that the proposed extension is indeed materially different from the architecture of Kingswells House in both form and detail but appears lacking in terms of its relationship with the listed building.

The main House for example is finished in a grey/brown harling with granite features, slate roof and white timber windows and doors. Where it has a vertical emphasis in design, the proposed extension is very much horizontal, with a timber cladding finish laid horizontally which further emphasises that point. The proposed material finish of the replacement extension including timber

and zinc cladding with a projecting zinc fin also appears to have been focussed on the intention to achieve an assertive contrast. The combined effect results in a development proposal which appears simply different in terms of its scale, design and form and which would draw attention to itself at the expense of the setting of the listed building, unlike the current extension which may not be of particularly great design, but which nevertheless retains a degree of neutrality and does not serve to dominate the main elevation of the property. The development as proposed does not deliver the suitably high-quality response expected in terms of its overall form and detail, with the 'assertive contrast' required of such a proposal appearing neither suitably harmonious nor exemplary for the principal elevation of Kingswells House.

Whilst there is no doubt that the intended reuse of a currently vacant listed building is positive in its own right, it is considered that the scale, form and design of the proposed replacement extension to the front elevation of the building is such that its character and historic interest would not be suitably preserved and whilst the proposal could well enable positive change in terms of the reuse of the building, such benefit cannot be considered in isolation and at the expense of the protection and enhancement of the buildings historic assets.

Taking all of the above into account, it is considered that the proposal has not suitably demonstrated that the principle of demolition is acceptable in this instance, therefore the requirements of Policy D7 (Our Granite Heritage) of the ALDP have not been addressed. Beyond this, the proposed replacement extension is not considered to be of an appropriate, suitably high-quality in terms of its scale, form or design and could not reasonably be described as exemplary, as is the requirement for development which seeks to deliver an 'assertive contrast' as appears to be the case in this instance. The proposed development is contrary to the requirements of Policies 7 (Historic Assets and Places) and 14 (Design, Quality and Place) of the NPF4, Policies D1 (Quality Placemaking) and D6 (Historic Environment) of the ALDP and does not address the requirements of Historic Environment Policy for Scotland (HEPS) or Historic Environment Scotland's Managing Change in the Historic Environment Guidance (MCHE) on Extensions.

Alteration to Door/Formation of Window

Notwithstanding the above evaluation which does raise issues in terms of the proposed demolition of the existing garage/store extension and its subsequent replacement with a single storey office extension, it is noted that the proposed extension would be set further back, resulting in part of the front elevation of the existing and historic off-shoot being opened up. This would also see an existing internal door being blocked up and a fully glazed aluminium framed fixed window introduced in its place, with the remaining external façade made good with a granite and lime mortar finish.

Historic Environment Scotland's Managing Change Guidance on 'Doorways' states that '*Conversion of doors to windows is usually difficult to achieve without disruption to the architectural character of the building*' and advises that '*Such alteration work should only be considered in subsidiary locations and where it will not involve the loss of historic fabric of quality.*' Policy D8 (Window and Doors) of the ALDP meanwhile states that '*Historic windows and doors will be retained, repaired and restored*'. In this instance whilst the door opening itself would originally have been located on an external wall to the property, for many years now it has been 'enclosed' within the garage/store layout, currently providing access between the kitchen and utility room and fitted with a modern glazed door which is of no historic relevance. With this in mind it is considered that the proposed removal of the door and introduction of full height glazing within the existing opening and subsequent formation of an external, full height window would not have any significant adverse impact on the overall appearance of this elevation, with no loss of historic fabric and would allow for the historic proportions of the original doorway to be suitably retained. As a result, and if viewed in isolation of the wider development works, including the proposed demolition of the existing extension the proposal would be compliant with Policy D8 (Window and Doors) of the ALDP and the associated Aberdeen

Planning Guidance in addition to addressing the requirements of Historic Environment Scotland's Managing Change Guidance on 'Doorways'.

Impact of Development on Trees & Natural Heritage

Policy 6 (Forestry, Woodland and Trees) of National Planning Framework 4 (NPF4) has as its intention, the protection and expansion of existing forests, woodland and trees whilst Policy NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan 2023 (ALDP) states that development should not result in the loss of, or damage to, trees and woodland. Policy 4 (Natural Places) of NPF4 meanwhile seeks to protect, restore and enhance natural assets, with this including a requirement to avoid any adverse effect on protected species and Policy NE3 (Our Natural Heritage) is in line with this, stating that '*development should not have a detrimental effect on sites, habitats, ecosystems or species protected by law or natural heritage designation*'.

As previously stated, the mature woodland which covers part of the application site is protected under Tree Protection Order No 195. The application was supported by a Tree Survey Report and Arboricultural Assessment. The Report outlined that the proposed development would not result in the loss of, or damage to any trees and woodland. A Bat Survey Report was also submitted in support of the application comprising a bird and protected species assessment.

Aberdeen City Council's Environmental Policy team was consulted on the application and having reviewed all of the supporting information submitted confirmed that the findings of the tree survey report and assessment were acceptable, with the existing tree stock not being impacted by the proposed development.

The findings of the bat report and protection plan were also deemed acceptable. The Council's Environmental Policy team advised that due to the small number of bat roosts and species found to be using the building that the proposed development works could be carried out under a low impact licence issued by NatureScot and that the proposed bat mitigation and compensation as detailed in the Bat Survey Report should be carried out in full. The bird assessment undertaken as part of the aforementioned Survey had identified nesting house sparrows within the building. This was noted by the Environmental Policy team who advised that where possible, works should avoid the breeding season. They confirmed that both the bat and bird protections plans, as detailed in the Bat Survey Report submitted in support of the application, would need to be implemented as part of any approved development works.

Taking the above into account the proposed development would not be contrary to Policies NE3 (Natural Heritage) and NE5 (Trees and Woodland) of NPF4 or Policies 4 (Natural Places) and 6 (Forestry, Woodland and Trees) of the ALDP.

Transport, Accessibility and Parking

Policy 13 (Sustainable Transport) of NPF4 and Policy T2 (Sustainable Transport) of the ALDP require new development to be accessible by a range of transport modes, with an emphasis on sustainable and active modes of transport, including public transport, walking and cycling. Policy T3 (Parking) of the ALDP meanwhile requires new development to have sufficient car parking for the context of the proposed use and its location and to ensure that such parking accords with Council standards.

The Roads Development Management (DM) team considered the proposed change of use of the building for office use and noted that the application site would be accessible on foot and by cycle via the adopted shared use footways which extend along the northern side of the A944. The Kingswells Park and Ride is within a 15 minute walk of the site and there are bus stops located on the eastbound (city) and westbound (Westhill) side of the dual carriageway at a distance of some

500m from the site, with an existing signalised pedestrian crossing allowing access from the western side. The Roads DM team noted that access to the property off the A944 would be along a narrow access track with no separation from motor vehicles, but with traffic volumes likely to be low. Given the lack of physical separation and the apparent lack of lighting, along with heavy vegetation cover, this sole means of access to the site was not considered to be a particularly pedestrian friendly route.

The Roads DM team considered the proposed parking layout which would see 9 car parking spaces being delivered on site, 1 of which would be accessible and 3 cycle stands. It was confirmed that the cycle stands as shown would be acceptable but should be covered for long stay. Based on the Council's parking standards of 1 space per 30m² GFA, which takes account of the expected occupation of a building, the Roads DM team advised that the proposed car parking provision for the site would see a significant shortfall from the maximum level expected of 19 spaces, with accessible requirements on top of this. The Roads DM team considered that such a shortfall could be accepted in this instance on the basis that the constraints of the site would mean that the level of parking expected may not be readily achievable. It was also noted by the team that the potential for indiscriminate parking beyond the site boundary would be limited given the parking controls within the adjacent Prime Four site and with parking unauthorised along the A944.

Finally, the Roads Development Management team considered the proposed vehicle access to the site. They raised safety concerns in relation to the potential use of the existing gap in the central reservation of the A944, directly opposite the entrance to the site. This gap permits vehicles travelling westbound along the dual carriageway to turn right and cross the eastbound carriageway into the site and vice versa for vehicles exiting the site. These types of manoeuvres are not considered to be safe. In the event that the proposed development had been supported, then a condition of any consent would have required that section of central reservation to be closed, and for this to have taken place prior to the implementation of the change of use and occupation of the property for office use. Such works would be deemed necessary in terms of removing the potential for the aforementioned vehicle movements and to ensure that whether accessing or exiting the site, vehicles would be restricted to left turn only.

However in addition to the abovementioned concern, and fundamental in terms of their objection to the proposed change of use, the Roads DM team has raised significant road safety concerns with regards the limitations of the existing vehicle access/egress available to and from the site, based on the inadequate visibility splays for the access road and its junction with the A944 which are far below modern standards in terms of geometry. It is noted that as a result of the limited width of the junction and the narrowness of the single track access road, visibility of any vehicle looking to exit the site would not be possible until such time as a vehicle seeking to enter the site would have committed to turning left, thereby exiting the A944. This could potentially result in a vehicle entering the site having to stop partly on the dual carriageway and for the vehicle approaching the junction from along the single track road having to reverse for a considerable distance with the nearest passing space located some 65m into the site. The restricted visibility available to vehicle drivers exiting/entering the site is further compromised by the curvature in the dual carriageway to the east of where the junction is located. Whilst this is an existing situation, it is evident that the potential for such hazardous situations arising increases with any intensification of use.

This issue of limited visibility not only affects the safety of vehicles in terms of their access/egress of the site, but also compromises the safety of cyclists and pedestrians using the shared public footway which runs in line with the A944. Cyclists in particular are likely to be using this commuter route at some speed and with very limited sight of vehicles that may be approaching the junction to access the A944 from the single track road. In the event that cyclists travelling along the shared path encounter vehicles exiting the site, the lack of prior sight could easily result in collision or where

cyclists attempt to avoid a vehicle, such a manoeuvre taking them into the path of eastbound traffic on the dual carriageway. Once again, whilst noting this is an existing situation, any intensification of vehicle movement in exiting the site would inevitably increase such a risk.

The Roads DM team noted that due to land ownership limitations and the location of buildings outwith the site, the significant road safety concerns which they had raised could not be overcome and this was confirmed by the applicant. The applicant did suggest the existing junction should be subject to less stringent road safety standards than required by the Roads DM team and treated as a 'Direct Access' junction, thus allowing for a visibility splay depth of 2m. However, the Roads DM team confirmed that any disregard of current safety standards would not be supported and advised that the junction could not be treated other than as a 'Priority Junction', requiring a visibility splay depth of 9m, on the basis that a 'Direct Access' junction provides access to only one of the following, and does not provide a through route: 1) a single dwelling; 2) a single field; 3) a single-use public utilities site (such as an electric substation) where access is needed for maintenance of that specific site only; or, 4) a single-use highway maintenance site (such as an attenuation pond) where access is needed for maintenance of that specific site only. The application site and proposed use clearly does not fall within any of the aforementioned categories.

Notwithstanding that the applicant has highlighted the existence of similar non-compliant junctions which remain in use along this same section of the A944, it is contested that none have such poor, restricted visibility whilst also serving business premises. It is also quite apparent that these non-compliant junctions are historic, therefore their existence cannot in any way provide justification to allow the road safety concerns which are being raised to be overlooked by the planning authority or by the Roads DM team based on their assessment of this application which is seeking a change of use of the property to Class 4 (Business).

The applicant has indicated that based on the 16 current employees of the business, the expected number of vehicles accessing the site on a daily basis would be 4-5 on average to a maximum of 7. It is noted that the proposed floor plans show a total of 8 desks within the proposed ground floor extension, with the addition of two separate managers offices at first floor, with the remaining floor space across the three floors of the building allocated as meeting rooms, a reception area, breakout space, a canteen and storage space along with the requisite toilet facilities. It is therefore of particular note that under Regulation 10 of the Health and Safety Executive's Workplace, (Health Safety and Welfare) Regulations 1992 and the associated Approved Code of Practice and Guidance, a specific minimum floorspace allocation of 3.7m² is stipulated for each workspace, based on a minimum 3m high ceiling. This allocation would allow for 19 people to occupy the open plan office space within the proposed extension alone, given its 73m² floorspace, compared to the 8 desks currently shown on the proposed floor plan, without even starting to consider the additional staff numbers that could then potentially occupy the remaining floor space within the rest of the building. Whilst accepting that such a high level of occupation would be unlikely, for example it doesn't take account of the equipment that would be required in support of an office environment, it does nonetheless demonstrate the much higher staff numbers which Kingswells House could potentially accommodate under a Class 4 use, based on Health and Safety Executive requirements, and given the building's total floor space of 560m².

Taking the above into account it is considered that the proposed use would allow for intensification of vehicle movements in and out of the existing junction compared to its current use and without the ability to restrict such movement. The imposition of any condition to attempt to limit the intensity of the office use or control travel arrangements for those occupying the office would be unenforceable and therefore unlawful, with such a condition failing to meet the required six tests as outlined within *Planning Circular 4/1998: the use of conditions in planning permissions*. The circular states that 'A condition should not be imposed if it cannot be enforced' and if the terms of a condition cannot be

monitored in practice, thereby making it impossible to detect or prove an infringement, then such a condition would be unenforceable. A clear example of this would be the imposition of a condition, for traffic reasons, to restrict the intensity of use of a property. In such a case the intensity of use, and resulting vehicle movement, would have to be continually measured/monitored. This would not only be impracticable but would also pose severe difficulties in terms of proving an infringement. The circular also states that the use of '*an unreasonable condition does not become reasonable because an applicant suggests it or consents to its terms*'. The condition runs with the land, and in this instance therefore with the proposed office use, and therefore would still be operative long after the applicant may have moved on and where the resulting intensity of use of the building by a different occupier could undoubtedly be significantly higher than is currently being suggested based on the applicants current business model.

The Council's Roads Development Management team has raised fundamental road safety concerns regarding vehicle access to the site and objected to the proposed change of use to Class 4 (Business) on this basis. In addition, it was noted that the sole means of access to the proposed office building would not be particularly conducive to pedestrians, given that it would be along a narrow, single track road off the A944 dual carriageway, with no apparent lighting or physical separation available for vehicles and pedestrians and with heavy vegetation cover. Taking all of the above into account the proposal would be contrary to the requirements of Policy 13 (Sustainable Transport) of NPF4 and Policy T2 (Sustainable Transport) of the ALDP, both of which require safe access to new development by a range of transport modes. Whilst Policy T3 (Parking) of the ALDP seeks to ensure adequate parking standards are delivered for new development and in this regard the proposed vehicle on-site parking arrangements are in themselves deemed acceptable by the Roads DM team, such provision and use is clearly inextricably linked to and dependant on vehicles having safe access to the site and therefore given the road safety concerns which have been raised, there would also be tension with Policy T3 (Parking) of the ALDP.

Other Technical Matters

Policy R5 (Waste Management Requirements for New Development) of the ALDP requires all new development to have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate. The proposal has identified an area for bin storage adjacent to the drive and at a distance of some 19 metres back from the site entrance. For collection purposes the bins would be brought adjacent to the site entrance, set back from the bell mouth which forms the junction with the A944. Waste vehicles would not access the site but would uplift at the site entrance. The Council's Waste Strategy & Recycling team provided general advice on bin storage/collection arrangements relevant to the proposed commercial use of the site. ACC Roads DM team confirmed that whilst the proposed waste collection arrangements were not ideal, they acknowledged that this was an existing situation and could therefore be accepted, noting that the appointed waste collection company would likely undertake their own risk assessment for the proposed location of the bins and subsequent collection and would likely arrange such collection outwith peak times. The proposal would not be deemed to be contrary to the requirements of Policy R5 of the ALDP or to the expectations of Policy 12 (Zero Waste) of NPF4 in terms of its intended use and subsequent waste generation.

DECISION

Refuse

REASON FOR DECISION

The application relates to a proposed change of use to Class 4 (Business) for the Category B listed Kingswells House and the development works associated with its extension and adaptation in support of that Class 4 (Business) use. The proposed use of the property as an office for an engineering consultancy business would be deemed acceptable in principle on the basis that it would be compliant with the criteria of Policy B2 (Business Zones) of the Aberdeen Local Development Plan 2023 (ALDP) and the expectations of Policy 26 (Business and Industry) of the National Planning Framework 4 (NPF4).

Policy D7 (Our Granite Heritage) of the ALDP seeks the retention and appropriate re-use, conversion and adaptation of all historic granite buildings, structures and features and states that *'Proposals to demolish any granite building, structure or feature, partially or completely, will not normally be granted planning permission or listed building consent.'* The proposal has not demonstrated that the proposed change of use necessitates the demolition of the garage/store extension and as such the proposal has failed to address the expectations of Historic Environment Policy for Scotland and is deemed contrary to Policy D7.

In terms of the merits of the proposed replacement extension which would be located on the principal elevation of this listed building where it would project some 10 metres beyond the frontage of the main house, it is considered that it would neither appear sufficiently subordinate nor would it be of a suitably high quality in terms of its scale, form or design and could not reasonably be described as exemplary or appear harmonious when viewed in the context of the existing property. The proposed development is deemed to be contrary to Policies 7 (Historic Assets and Places) and 14 (Design, Quality and Place) of the NPF4, Policies D1 (Quality Placemaking) and D6 (Historic Environment) of the ALDP and fails to address the requirements of Historic Environment Policy for Scotland (HEPS) or of Historic Environment Scotland's Managing Change in the Historic Environment Guidance on Extensions.

The proposal would not be contrary to Policies NE3 (Natural Heritage) and NE5 (Trees and Woodland) of NPF4 or Policies 4 (Natural Places) and 6 (Forestry, Woodland and Trees) of the ALDP. Whilst it would accord with the objectives of Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4 in part, it is of note that as a result of the demolition works required to deliver the replacement extension and lack of any biodiversity enhancement the proposal would be contrary to Policies 1 (Tackling the Climate and Nature Crises), 2 (Climate Mitigation and Adaptation), 3 (Biodiversity) and 12 (Zero Waste) of the NPF4, whilst also conflicting with Historic Environment Scotland's Managing Change in the Historic Environment's Guidance on the Use and Adaptation of Listed Buildings.

In terms of the intended business use and subsequent waste generation, the proposal has suitably addressed the requirements of Policy R5 (Waste Management Requirements for New Development) of the ALDP and the relevant aspect of Policy 12 (Zero Waste) of NPF4.

The application site is accessed directly off the A944, a dual carriageway which acts as a key arterial route into the city with a 40mph speed limit, carrying a significant volume of vehicular traffic and with a well-used shared use path extending along the frontage of the site. Pedestrian access to the property is off the A944 along a narrow access track with no separation from motor vehicles, a lack of lighting and heavy vegetation cover and not considered to be a particularly pedestrian friendly route. Refusal of the application by the Planning Authority on the grounds of road safety is agreed by Aberdeen City Council's Roads Development Management team, taking into account that the existing junction of the site's single track road with the A944 is far below modern standards. In the

absence of the required visibility splays, the proposal raises significant safety concerns for vehicles accessing/exiting the site. The extremely poor visibility at that junction is also of concern with regards the likely conflict with cyclist and pedestrian use of the shared public footway. As a result of existing land ownership limitations and the location of buildings outwith the site there is an inability to address or overcome these road/public safety concerns, as confirmed by the applicant. The Roads Development Management team has advised that this does not justify any relaxation in safety standards and has maintained their objection to the proposed change of use to Class 4 (Business).

The proposal would therefore be contrary to the requirements of Policy 13 (Sustainable Transport) of NPF4 and Policy T2 (Sustainable Transport) of the ALDP, both of which require safe access to new development by a range of transport modes. Whilst Policy T3 (Parking) of the ALDP seeks to ensure adequate parking standards are delivered for new development and in this regard the proposed vehicle on-site parking arrangements are in themselves deemed acceptable by the Roads DM team, such provision and use is clearly inextricably linked to and dependant on vehicles having safe access to the site and therefore given the road safety concerns which have been raised, the proposal would also raise tension with Policy T3 (Parking) of the ALDP.

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



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 100649447-004

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

Type of Application

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

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

Description of Proposal

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

Proposed Change of Use of, Replacement Extension for, and Repair Works to, an Existing Listed Building. Change of Use to be from Class 10 - Non Residential Institution (Religious) to Class 4 - Business

Is this a temporary permission? * Yes No

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

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

No Yes – Started Yes - Completed

Applicant or Agent Details

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

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:

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

First Name: *

Mark

Building Name:

Last Name: *

Hadfield

Building Number:

4

Telephone Number: *

01467 622 785

Address 1
(Street): *

St James's Place

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Inverurie

Fax Number:

Country: *

Scotland

Postcode: *

AB51 3UB

Email Address: *

mark@mcwla.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:

Building Name:

Petmathen

First Name: *

Andrew

Building Number:

Last Name: *

Mosley

Address 1
(Street): *

Laundry Cottage

Company/Organisation

Address 2:

Oyne

Telephone Number: *

Town/City: *

Insch

Extension Number:

Country: *

Scotland

Mobile Number:

Postcode: *

AB52 6RU

Fax Number:

Email Address: *

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

KINGSWELLS HOUSE

Address 2:

SKENE ROAD

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 8PJ

Please identify/describe the location of the site or sites

Northing

806402

Easting

386218

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

1.82

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)

Class 10 - Non Residential Institution (Religious)

Access and Parking

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

Yes No

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

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * ≤ Yes T No</p> <p>If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.</p>
<p>How many vehicle parking spaces (garaging and open parking) currently exist on the application Site? 8</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)? * 6</p> <p>Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).</p>
<p>Water Supply and Drainage Arrangements</p> <p>Will your proposal require new or altered water supply or drainage arrangements? * ≤ Yes T No</p>
<p>Do your proposals make provision for sustainable drainage of surface water?? * ≤ Yes T No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>
<p>Are you proposing to connect to the public water supply network? *</p> <p>≤ Yes</p> <p>≤ No, using a private water supply</p> <p>T No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>
<p>Assessment of Flood Risk</p> <p>Is the site within an area of known risk of flooding? * ≤ Yes T No ≤ Don't Know</p> <p>If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * ≤ Yes T No ≤ Don't Know</p>
<p>Trees</p> <p>Are there any trees on or adjacent to the application site? * T Yes ≤ No</p> <p>If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.</p>
<p>Waste Storage and Collection</p> <p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * ≤ Yes T No</p>

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

Existing Bin Collection Area by Entrance to Site as required to be utilised

Residential Units Including Conversion

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

Yes No

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

All Types of Non Housing Development – Proposed New Floorspace Details

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

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

Class 4 Business (Office/Light Industry)

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

560

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

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

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: Mark Hadfield

On behalf of: Mr Andrew Mosley

Date: 02/11/2023

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 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)

Heritage Statement, Archaeological Desk based Analysis

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 Mark Hadfield

Declaration Date: 24/10/2023



DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Mark Hadfield
4 St James's Place
Inverurie
AB51 3UB

on behalf of **Mr Andrew Mosley**

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

Application Reference Number	231380/DPP
Address of Development	Kingswells House Skene Road Aberdeen AB15 8PJ
Description of Development	Change of use from class 10 (non-residential institutions) to class 4 (business); erection of replacement extension, alterations to door and associated works
Date of Decision	27 June 2024

DETAILS OF ANY VARIATION MADE TO THE APPLICATION

In addition to the provision of necessary details following the original submission of the application, including vehicle/cycle parking and bin storage arrangements for the site and further detail on finishes, for example clarification on the use of granite downtakings for the retaining wall, there has been a reduction in scale of the proposed link, and associated detailing, which would serve to connect the proposed extension with main house.

REASON FOR DECISION

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

The application relates to a proposed change of use to Class 4 (Business) for the Category B listed Kingswells House and the development works associated with its extension and adaptation in support of that Class 4 (Business) use. The proposed use of the property as an office for an engineering consultancy business would be deemed acceptable in principle on the basis that it would be compliant with the criteria of Policy B2 (Business Zones) of the Aberdeen Local Development Plan 2023 (ALDP) and the expectations of Policy 26 (Business and Industry) of the National Planning Framework 4 (NPF4).

Policy D7 (Our Granite Heritage) of the ALDP seeks the retention and appropriate re-use, conversion and adaptation of all historic granite buildings, structures and features and states that 'Proposals to demolish any granite building, structure or feature, partially or completely, will not normally be granted planning permission or listed building consent.' The proposal has not demonstrated that the proposed change of use necessitates the demolition of the garage/store extension and as such the proposal has failed to address the expectations of Historic Environment Policy for Scotland and is deemed contrary to Policy D7.

In terms of the merits of the proposed replacement extension which would be located on the principal elevation of this listed building where it would project some 10 metres beyond the frontage of the main house, it is considered that it would neither appear sufficiently subordinate nor would it be of a suitably high quality in terms of its scale, form or design and could not reasonably be described as exemplary or appear harmonious when viewed in the context of the existing property. The proposed development is deemed to be contrary to Policies 7 (Historic Assets and Places) and 14 (Design, Quality and Place) of the NPF4, Policies D1 (Quality Placemaking) and D6 (Historic Environment) of the ALDP and fails to address the requirements of Historic Environment Policy for Scotland (HEPS) or of Historic Environment Scotland's Managing Change in the Historic Environment Guidance on Extensions.

The proposal would not be contrary to Policies NE3 (Natural Heritage) and NE5 (Trees and Woodland) of NPF4 or Policies 4 (Natural Places) and 6 (Forestry, Woodland and Trees) of the ALDP. Whilst it would accord with the objectives of Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4 in part, it is of note that as a result of the demolition works required to deliver the replacement extension and lack of any biodiversity enhancement the proposal would be contrary to Policies 1 (Tackling the Climate and Nature Crises), 2 (Climate Mitigation and Adaptation), 3 (Biodiversity) and 12 (Zero Waste) of the NPF4, whilst also conflicting with Historic Environment Scotland's Managing Change in the Historic Environment's Guidance on the Use and Adaptation of Listed Buildings.

In terms of the intended business use and subsequent waste generation, the proposal has suitably addressed the requirements of Policy R5 (Waste Management Requirements for New Development) of the ALDP and the relevant aspect of Policy 12 (Zero Waste) of NPF4.

The application site is accessed directly off the A944, a dual carriageway which acts as a key arterial route into the city with a 40mph speed limit, carrying a significant volume of vehicular traffic and with a well-used shared use path extending along the frontage of the site. Pedestrian access to the property is off the A944 along a narrow access track with no separation from motor vehicles, a lack of lighting and heavy vegetation cover and not considered to be a particularly pedestrian friendly route. Refusal of the application by the Planning Authority on the grounds of road safety is agreed by Aberdeen City Council's Roads Development Management team, taking

into account that the existing junction of the site's single track road with the A944 is far below modern standards. In the absence of the required visibility splays, the proposal raises significant safety concerns for vehicles accessing/exiting the site. The extremely poor visibility at that junction is also of concern with regards the likely conflict with cyclist and pedestrian use of the shared public footway. As a result of existing land ownership limitations and the location of buildings outwith the site there is an inability to address or overcome these road/public safety concerns, as confirmed by the applicant. The Roads Development Management team has advised that this does not justify any relaxation in safety standards and has maintained their objection to the proposed change of use to Class 4 (Business).

The proposal would therefore be contrary to the requirements of Policy 13 (Sustainable Transport) of NPF4 and Policy T2 (Sustainable Transport) of the ALDP, both of which require safe access to new development by a range of transport modes. Whilst Policy T3 (Parking) of the ALDP seeks to ensure adequate parking standards are delivered for new development and in this regard the proposed vehicle on-site parking arrangements are in themselves deemed acceptable by the Roads DM team, such provision and use is clearly inextricably linked to and dependant on vehicles having safe access to the site and therefore given the road safety concerns which have been raised, the proposal would also raise tension with Policy T3 (Parking) of the ALDP.

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



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

5654-PL(00)001 REV B	Proposed Location Plan
5654-PL(90)001 REV D	Proposed Site Plan
5654-PL(00)001 REV C	Proposed Floor Plans
5654-PL(05)001 REV B	Existing/Proposed Internal Doors & Glazed Infill
5654-PL(05)002 REV A	Proposed Retaining Wall & Entrance Details
5654-PL(04)001 REV B	Proposed Elevations & Sections
	Bat Survey Report (Bird & Protected Species Assessment)
KHA-2312-TP	Tree Protection Plan
5654-EX(00)002 REV A	Location Plan
	Arboricultural Assessment
	Tree Survey Report

Signed on behalf of the planning authority

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.

MEMO

Strategic Place Planning

Commissioning

Business Hub 4, Ground Floor North, Marischal College



To	Development Management, Strategic Place Planning		
From	Jack Penman, Engineer, Roads Development Management		
E-mail	JPenman@aberdeencity.gov.uk	Date	04/01/24
		Our Ref.	DPP-231380 – V3
		Your Ref.	

Planning Application No. DPP-231380

I have considered the above planning application have the following observations: This is the **third** revision of Roads comments. For clarity in this memo only pertinent information has been retained with any back and forward between Roads and the applicant removed to produce a final Roads memo.

1. Development Proposal

1.1. I note that this proposal is for a change of use from class 10 (non-residential institutions) to class 4 (business); erection of replacement extension, alterations to door and associated works at Kingswells House, Skene Road, Aberdeen, AB15 8PJ.

1.2. The site is in the outer city boundary and not in a CPZ.

2. Walking and Cycling

2.1. Access to the site by walking can be achieved by the adopted shared use footways along the northern side of Skene Road (A944).

2.2. The shared use footway can also be used by cyclists.

2.3. Access into the site proper would be on carriageway. This is down an access track with no separation from motor vehicles. It is noted traffic volumes will likely be low but given the lack of physical separation, the apparent lack of lighting and heavy vegetation cover it is not considered to be a particularly pedestrian friendly route.

3. Public Transport

3.1. Kingswells Park and Ride is ~15-minute walk from the site and there are bus stops on the eastbound (city) and westbound (Westhill) side of the dual carriageway ~500m from the site. There is an existing signalised pedestrian crossing to access the western side.

4. Parking

- 4.1. The applicant is providing 9 parking spaces, 1 of which is accessible. ACC maximum parking guidelines for offices in the outer city boundary are 1 space per 30m² GFA. I note the proposed floor space is to be 560m². This would equate to a maximum permitted 19 spaces with accessible requirements on top of this. The proposal is therefore a significant shortfall on this maximum standard. Roads had noted that owing to the constraints of the site this level of parking would unlikely be able to be achieved even if required. Roads had previously indicated a compromise of 12 spaces would likely be acceptable. Reviewing the information put forward the 10 spaces would be acceptable given the applicants comments on not seeking to impact on existing tree root zones. The site is fronted by the A944 where no parking would be permitted and Prime Four has its own parking controls and restrictions to prevent any obstructive parking.
- 4.2. I note the proposed parking bays meet ACC dimensions which is acceptable.
- 4.3. The applicant should be made aware that as of June 2023 EV charging requirements now fall under the remit of building standards. These requirements apply to redevelopment works. The applicant should familiarise themselves with these standards and ensure that they are meeting the requirements. The provision of Active EV charging is always welcomed.
- 4.4. The 3 cycle stands shown are acceptable but these should be covered for long stay parking.

5. Vehicle Access

- 5.1. Vehicle access to the site is from an existing access junction on the A944. As per previous discussions with Roads there are significant road safety concerns with this access. These concerns have not been addressed and remain. Roads retain the position as outlined in pre-application discussions and previous responses.
- 5.2. The applicant has noted they would close the gap in the central reservation as per Roads comments. The exact design and specification of this would require to be agreed with Roads. This would need to be in place before occupation of the site should approval be granted.
- 5.3. The access road itself appears to be quite narrow with further localised narrowing where there are bins stored. Looking at the plan provided by the applicant the road is shown as being around 3.5m wide. For this to be suitable for two-way traffic it would need to be a minimum of 5.5m. Visibility of a car looking to exit the site would not be achieved until a vehicle has committed to turning left into the site. This could potentially lead to a vehicle(s) having to reverse back along the long access road or onto the A944. Both of which are not ideal and are a road safety concern. I note the length that would be required to be reversed in the site is around 60m.

This is an excessive distance and would not be appropriate. An alternative passing place nearer the junction should be provided.

6. Waste Management Plan

6.1. The waste bins will be collected from near the access junction. Whilst this is not ideal as an existing situation this can be accepted. The waste collection company would likely undertake their own risk assessment for this location and collection would likely be arranged outwith peak times.

7. Drainage Impact Assessment

7.1. As this is a brownfield site no DIA has been submitted.

8. Conclusion

8.1. Roads would object to this proposal on the grounds of Road Safety owing to lack of appropriate visibility and junction design for the access to the site. This has been discussed with other inter Roads departments such as Traffic Management and Roads Safety and Roads Construction Consent who are in agreement with this stance.

Jack Penman
Engineer
Roads Development Management

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Aberdeen City Council – Development Management Team Consultation Request

Response to application 231380 Kingswells House

Please select one of the following.

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

COMMENTS

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

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

See below for general comments:

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

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

Responding Officer: L Todd

Date: 07/11/2023

Email: wasteplanning@aberdeencity.gov.uk

Tuesday, 07 November 2023



Local Planner
Strategic Pace Planning
Aberdeen City Council
Aberdeen
AB10 1AB

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

Kingswells House Skene Road, , Aberdeen, AB15 8PJ
Planning Ref: 231380/DPP
Our Ref: DSCAS-0097864-LPC
Proposal: Change of use from class 10 (non-residential institutions) to class 4 (business); erection of replacement extension, alterations to door and associated works

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Drinking Water Protected Areas

A review of our records indicates that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Ruth Kerr.

Development Services Analyst

PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."



By email to: JANEF@aberdeencity.gov.uk

Aberdeen City Council
Planning & Sustainable Development
Business Hub 4, Ground Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
HMConsultations@hes.scot

Our case ID: 300069178
Your ref: 231347/LBC
14 November 2023

Dear Aberdeen City Council

Planning (Listed Building Consent and Conservation Area Consent Procedure)
(Scotland) Regulations 2015
Kingswells House Skene Road Aberdeen AB15 8PJ - Erection of replacement single
storey extension and door; internal alterations to include upgrading existing doors, repair
and maintenance works

Thank you for your consultation which we received on 01 November 2023. The proposals
affect the following:

Ref	Name	Designation Type
LB15681	KINGSWELLS HOUSE	Listed Building

Our Advice

Category B-listed Kingswells House dates from 1666. The house was originally
rectangular, 2-storey with a 3-window centre flanked by narrow wings with shaped jerkin
head gables. It was restored in the 19th century when new additions were added.

The proposals are to remove a modern garage extension and, in its place, create a new
extension to house offices, it is also proposed to upgrade internal doors to meet fire
regulations in line with our [Managing Change Guidance on Fire and Historic Buildings](#).

Our advice

Our [Managing Change guidance on Extensions](#) sets out four key considerations when
extending a historic building.

It notes that extensions:

- must protect the character and appearance of the building;



- should be subordinate in scale and form;
- should be located on a secondary elevation;
- must be designed in a high-quality manner using appropriate material

The extension would be connected through to the main elevation of the building but because it would be located further back than the previous existing garage, it would allow for better visibility of the main elevation. We note the scale of the proposed building would be greater than the existing garage, but because of its form and set-back location, it would appear subordinate.

The materials proposed for the extension are contemporary, with zinc and timber cladding, aluminium windows and a green roof. This would maintain a clear distinction between the historic house and the new element.

Taking these factors into consideration, in our view, the proposed extension would not significantly detract from the character and appearance of the house.

We have not seen details of the proposed upgrading of internal doors to meet fire regulations, but we have no concerns about this in principle.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on listed building/conservation area consent, together with related policy guidance.

Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.engineshed.org.

Please contact us if you have any questions about this response. The officer managing this case is Chloe Porter who can be contacted by phone on 0131 668 8653 or by email on chloe.porter@hes.scot.



HISTORIC
ENVIRONMENT
SCOTLAND

ÀRAINNEACHD
EACHDRAIDHEIL
ALBA

Yours faithfully

Historic Environment Scotland

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**

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Application 231380/DPP

Development Plan

National Planning Framework 4

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

- 1. Tackling the climate and nature crises
- 2. Climate mitigation and adaptation
- 3. Biodiversity
- 6. Forestry, woodland and trees
- 7. Historic assets and places
- 9. Brownfield, vacant and derelict land and empty buildings
- 12. Zero waste
- 13. Sustainable transport
- 14. Design, quality and place
- 26. Business and Industry

Aberdeen Local Development Plan 2023

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

- B2 Business Zones
- NE3 Our Natural Heritage
- NE5 Trees and Woodland
- D1 Quality Placemaking
- D2 Amenity
- D5 Landscape Design
- D6 Historic Environment
- D7 Our Granite Heritage
- D8 Window and Doors
- R5 Waste Management Requirements for New Development
- T2 Sustainable Transport
- T3 Parking

Other Material Considerations

Aberdeen Planning Guidance

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

- Transport and Accessibility SG
- Repair and Replacement of Windows and Doors

Other National Policy and Guidance

Managing Change in the Historic Environment: Extensions and Doors
Historic Environment Policy for Scotland (HEPS)

[Historic Environment Policy for Scotland | Historic Environment Scotland](#)

Other Material Considerations



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 100686325-001

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:

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

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Petmathen"/>
First Name: *	<input type="text" value="Andrew"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Mosley"/>	Address 1 (Street): *	<input type="text" value="Laundry Cottage"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Oyne"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Insch"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB52 6RU"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="c/o info@mcwla.co.uk"/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="KINGSWELLS HOUSE"/>
Address 2:	<input type="text" value="SKENE ROAD"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB15 8PJ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="806402"/>	Easting	<input type="text" value="386218"/>
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Description of Proposal

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

Appeal against the refusal of full planning permission for change of use from class 10 to class 4, erection of replacement extensions, alterations to door and associated works

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 supporting statement

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

Yes No

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

Reasons for refusal include reasons that had not previously been raised with us as agent and we were not therefore given an opportunity to comment on these so have to take the opportunity to address them through this appeal.

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)

See documents list in appeal statement

Application Details

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

231380

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

02/11/2023

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

27/06/2024

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 McWilliam Lippe Architects

Declaration Date: 25/09/2024

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McWILLIAM LIPPE
ARCHITECTS

Statement of Appeal Against Refusal of Full Planning Permission for Change of Use From Class 10 (Non-residential Institutions) to Class 4 (Business); Erection of Replacement Extension, Alterations to Door and Associated Works

At Kingswells House, Skene Road, Aberdeen, AB15 8PJ

For AS Mosley

Aberdeen City Council Planning Reference 231380/DPP

September 2024



McWILLIAM LIPPE
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1 Introduction, the Proposed Development, and its Refusal

1.1 Full Planning Permission Application Reference Number 231380/DPP was refused on 27 July 2024 for the following reasons:

Policy D7 (Our Granite Heritage) of the ALDP seeks the retention and appropriate re-use, conversion and adaptation of all historic granite buildings, structures and features and states that 'Proposals to demolish any granite building, structure or feature, partially or completely, will not normally be granted planning permission or listed building consent.' The proposal has not demonstrated that the proposed change of use necessitates the demolition of the garage/store extension and as such the proposal has failed to address the expectations of Historic Environment Policy for Scotland and is deemed contrary to Policy D7.

In terms of the merits of the proposed replacement extension which would be located on the principal elevation of this listed building where it would project some 10 metres beyond the frontage of the main house, it is considered that it would neither appear sufficiently subordinate nor would it be of a suitably high quality in terms of its scale, form or design and could not reasonably be described as exemplary or appear harmonious when viewed in the context of the existing property. The proposed development is deemed to be contrary to Policies 7 (Historic Assets and Places) and 14 (Design, Quality and Place) of the NPF4, Policies D1 (Quality Placemaking) and D6 (Historic Environment) of the ALDP and fails to address the requirements of Historic Environment Policy for Scotland (HEPS) or of Historic Environment Scotland's Managing Change in the Historic Environment Guidance on Extensions.

Whilst it would accord with the objectives of Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4 in part, it is of note that as a result of the demolition works required to deliver the replacement extension and lack of any biodiversity enhancement the proposal would be contrary to Policies 1 (Tackling the Climate and Nature Crises), 2 (Climate Mitigation and Adaptation), 3 (Biodiversity) and 12 (Zero Waste) of the NPF4, whilst also conflicting with Historic Environment Scotland's Managing Change in the Historic Environment's Guidance on the Use and Adaptation of Listed Buildings.

The application site is accessed directly off the A944, a dual carriageway which acts as a key arterial route into the city with a 40mph speed limit, carrying a significant volume of vehicular traffic and with a well-used shared use path extending along the frontage of the site. Pedestrian access to the property is off the A944 along a narrow access track with no separation from motor vehicles, a lack of lighting and heavy vegetation

cover and not considered to be a particularly pedestrian friendly route. Refusal of the application by the Planning Authority on the grounds of road safety is agreed by Aberdeen City Council's Roads Development Management team, taking into account that the existing junction of the site's single track road with the A944 is far below modern standards. In the absence of the required visibility splays, the proposal raises significant safety concerns for vehicles accessing/exiting the site. The extremely poor visibility at that junction is also of concern with regards the likely conflict with cyclist and pedestrian use of the shared public footway. As a result of existing land ownership limitations and the location of buildings outwith the site there is an inability to address or overcome these road/public safety concerns, as confirmed by the applicant. The Roads Development Management team has advised that this does not justify any relaxation in safety standards and has maintained their objection to the proposed change of use to Class 4 (Business).

The proposal would therefore be contrary to the requirements of Policy 13 (Sustainable Transport) of NPF4 and Policy T2 (Sustainable Transport) of the ALDP, both of which require safe access to new development by a range of transport modes. Whilst Policy T3 (Parking) of the ALDP seeks to ensure adequate parking standards are delivered for new development and in this regard the proposed vehicle on-site parking arrangements are in themselves deemed acceptable by the Roads DM team, such provision and use is clearly inextricably linked to and dependant on vehicles having safe access to the site and therefore given the road safety concerns which have been raised, the proposal would also raise tension with Policy T3 (Parking) of the ALDP.

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

- 1.2 For clarity the application was assessed as being in accordance with NPF4 and ALDP as follows:

The proposal would not be contrary to Policies NE3 (Natural Heritage) and NE5 (Trees and Woodland) of NPF4 or Policies 4 (Natural Places) and 6 (Forestry, Woodland and Trees) of the ALDP.

The application relates to a proposed change of use to Class 4 (Business) for the Category B listed Kingswells House and the development works associated with its extension and adaptation in support of that Class 4 (Business) use. The proposed use of the property as an office for an engineering consultancy business would be deemed acceptable in principle on the basis that it would be compliant with the criteria of Policy B2 (Business Zones) of the Aberdeen Local Development Plan 2023 (ALDP) and the expectations of Policy 26 (Business and Industry) of the National Planning Framework 4 (NPF4).

In terms of the intended business use and subsequent waste generation, the proposal has suitably addressed the requirements of Policy R5 (Waste Management Requirements for New Development) of the ALDP and the relevant aspect of Policy 12 (Zero Waste) of NPF4.

- 1.3 For completeness, the associated application for listed building consent for erection of single storey extension and alterations to door, internal alterations to include upgrading of existing doors, repair and maintenance works, planning reference 231347/LBC was also refused on 9th July 2024 and an appeal has been submitted to the Department of Planning and Environmental Appeals. Each appeal must be determined on its own merits and considerations, however, it is requested that Aberdeen City Council Local Review Body do not determine this appeal until the outcome of the listed building consent appeal is known given the duplication of the reasons for refusal of full planning permission. Notwithstanding this duplication, the grounds for appeal which were included within the appeal to the DPEA, are also contained within this appeal. These are covered at the end of the grounds for appeal. For clarity, it is the principle of the extension which was refused listed building consent and the other alterations included within the application appear to be acceptable to the Planning Authority.
- 1.4 AS Mosley, the business which proposes to operate from the premises, is a small, local engineering analysis consultancy business, specialising in surface and subsea design for the offshore industry. It employs 16 people, who, following the Coronavirus Pandemic, continue to work a successful hybrid system consisting of a combination of office and home working (minimum 1 day in office per week).
- 1.5 Appeal documents 9 and 46 extensively explain the proposal as far as access and visibility are concerned, A previous application to convert the building to its current Class 10 use (Application A6/0170 approved on 26th October 2006) included a supporting statement which confirmed that the premises would have “meetings and gatherings in small groups (normally around 4-6 people, with an absolute maximum of around 12) to engage in spiritualism”. In addition to this, the supporting letter for this application also confirmed that “the property will also be used on an occasional basis for accommodation for guest speakers and visiting guests from further afield who have come to engage in spiritualism. That maximum number of people that would reside in the premises is around 8 people”, and that “a caretaker is resident at the property full-time”. From this, we can see that around 20 people may easily have been coming and going from the site each day. Due to the somewhat ambiguous nature of this text, it is unclear if there were more than one group per day and therefore this number could easily be more if, for example, one group were present in the morning, and another in the afternoon.
- 1.6 Aberdeen City Council Roads Authority has stated that as part of any change of use the junction would require to be upgraded to have a visibility splay of 9m deep x 120m wide in both directions along the carriageway. This means there is a requirement to have clear visibility of the road edge, 120m away from the centre of the access/egress, from a point 9m back from the road edge. The bell mouth forming the access/egress would also require radii of 10.7m.
- 1.7 The existing junction is a “Direct Access Junction”. Contrary to current standards however, this junction can continue to be utilised under its current lawful use (Class

10 – Non-Residential Institutions) and can be used as both an access and an egress despite this ‘non-compliant nature’. As part of the change of use proposal to Class 4, the Roads Authority require that the junction is “brought up to current ACC/DMRB Standards”. However, this is not feasible due to the ‘landlocked’ nature of the existing site by the surrounding sites and adjacent domestic building. Following land sales by the previous owners, site ownership effectively extends only to the width of the junction at this point, with the surrounding land to either side of the entrance now under separate ownerships and with the applicant therefore having no control over this. All alternative exit options have been thoroughly explored, with discussions to buy areas of neighbouring land and requests to use an existing exit to the north having been rejected.

- 1.8 The proposed external alterations include demolition of the existing single storey, flat roofed double garage (not original) to the north side of the west (front) elevation, its replacement with a single storey, flat roofed extension in the same position set back from the main elevation to the front further to the north than the existing garage but projecting further to the west, the erection of retaining wall to rear (north) of the proposed extension and removal of an existing internal door to form an external full height fixed window. The proposed internal alterations include upgrading the existing doors on the ground floor and replacing existing doors on the ground, first and second floors.
- 1.9 The full history of Kingswells House and the estate is covered in the Heritage Statement which accompanied the planning application and is also included as appeal document 2. Similarly, the background to the proposals is contained within the Design Statement which accompanied the planning application and is also included as appeal document 1. It is not the intention of this appeal to cover the historical, architectural and other background information contained in these documents.
- 1.10 Appeal document 47 demonstrates how, in addition to the information contained within appeal documents 1 and 2, the matters questioned by the Planning Authority (in blue text) were addressed by the agent (in red) and that to suggest that there has been no justification advanced in support of the demolition of the garage/store or that it has failed to address Historic Environment Scotland requirements is obtuse. It would appear there is a misunderstanding on the part of the Planning Authority whereby the extension is of a *“non-domestic scale attached to a domestic property”* when Kingswells House is no longer a dwellinghouse and the extension can be considered to be of a domestic scale (considering the size of Kingswells House or any other number of large rural properties).
- 1.11 It should be noted that the setting of the house has completely changed over the years and is now almost surrounded by various commercial developments. Kingswells House is not widely visible in the surrounding landscape. Other buildings and extensions have existed over hundreds of years and the proposal is the next part of its evolution.
- 1.12 The grounds for appeal are therefore:

- The only matters of concern raised by the Planning Service were with regard to built heritage and access. At no point were issues pertaining to NPF4 Policies 1, 2, 3, 4, 5, 6, 9 or 12 raised.
- No clear reason has been given why the proposal is contrary to Policy 1 or Policy 2 of NPF4 which in any event are overarching policies. This is not a new development. Kingswells House is retained and an unsustainable and not original extension is removed.
- With regard to Policy 3 and Policy 12 of NPF4 the applicant was not asked at any point in the processing of the application to include proposals for biodiversity net gain.
- With regard to Policy 13 of NPF4 and Policy T2 of ALDP, the proposal could be accepted as a departure to these policies.
- It is unreasonable to say that the proposal does not accord with ALPD Policy T3 by linking it to the fact that cars need to use the existing junction which road object to when there is no such link written into the policy.
- The principle of business use has been agreed as being acceptable by the Planning Authority, however, the economic benefit which would derive from the development has not been given significant consideration in coming to a decision.
- It is material to the consideration of this appeal that there are wider considerations in terms of the business and wider economic implications if the building is not able to adapt to change and provide much needed employment in a high quality development, serving the wider business's needs and requirements and which reflects much of the PRIME FOUR masterplan now built out and supporting the economy of Aberdeen City and Shire.
- The existing garage is of no historic or architectural value and notwithstanding the desire to make demolition the last option, more than adequate justification has been provided to justify its removal, replacement with a modern and sustainable extension and the reuse of material in the proposed retaining wall in compliance with NPF4 Policy 9.
- The demolition of the garage/store has been justified within the supporting justification and papers submitted with the application. To suggest this is not the case is unfair and unreasonable. Not only was this done at the point of the application being submitted, but it was also done throughout the processing of the application including concessions where these were considered acceptable to the client. As such the proposal complies with Policy D7 Our Granite Heritage of the ALDP and Historic Environment Scotland Managing Change in the Historic Environment Guidance on Extensions and Historic Environment Scotland do not

object to the development. (Ground of Appeal also submitted in appeal against refusal of listed building consent).

- It is unclear why the Planning Authority consider the proposal does not accord with the guidance for the use and adaptation of listed buildings and guidance on setting when the only Historic Environment Scotland guidance deemed applicable by Historic Environment Scotland is that concerning extensions. The new extension is subordinate and high quality in terms of design, construction and materials and complies with ALDP Policy D6 Historic Environment and Historic Environment Policy Managing Change in the Historic Environment Guidance on Extensions and Historic Environment Scotland do not object to the development. (Ground of Appeal also submitted in appeal against refusal of listed building consent).
- The Planning Authority have ignored the consultation response from Historic Environment Scotland which does not object to the development, have not consulted their own specialist built heritage staff and have carried on in a 'judge and jury' fashion to refuse consent despite it clearly complying with national policy and guidance and the Local Development Plan and without any consideration to the fair and reasonable alterations agreed to by the applicant. (Ground of Appeal also submitted in appeal against refusal of listed building consent).
- While this is an appeal against refusal of full planning permission, it is relevant to the consider the justification for the associated application for listed building consent. It is material to the consideration of this appeal that there are wider considerations in terms of the business and wider economic implications if the building is not able to adapt to change and provide much needed employment in a high quality development, serving the wider business's needs and requirements and which reflects much of the PRIME FOUR masterplan now built out and supporting the economy of Aberdeen City and Shire. Some of the PRIME FOUR development which has been built in such close proximity to Kingswells House already compromise its setting to an extent. The proposed development will be an attractive to employees who will be provided with the same high quality environment and working surroundings being afforded to many workers in adjacent office buildings, there is no recognition of the specific needs of the business in terms of operational and business requirements which have led the development to being designed in the way it has been, and the development secures the long term investment required to maintain such an important building in the next stage of its use and history.



2 The Development Plan and Material Considerations

Only the policies which it is considered are contravened are included in this section.

National Planning Framework 4

Policy 1 Tackling the Climate and Nature Crises

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

- a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible
- b) Development proposals will be sited and designed to adapt to current and future risks from climate change
- c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported

Policy 2 Climate Mitigation and Adaptation

- a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible
- b) Development proposals will be sited and designed to adapt to current and future risks from climate change
- c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

Policy 3 Biodiversity

- a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible
- c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development.

Policy 7 Historic Assets and Places

- a) Development proposals with a potentially significant impact on historic assets or places will

be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change.

Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records.

b) Development proposals for the demolition of listed buildings will not be supported unless it has been demonstrated that there are exceptional circumstances and that all reasonable efforts have been made to retain, reuse and/or adapt the listed building. Considerations include whether the:

i. building is no longer of special interest;

ii. building is incapable of physical repair and re-use as verified through a detailed structural condition survey report;

iii. repair of the building is not economically viable and there has been adequate marketing for existing and/or new uses at a price reflecting its location and condition for a reasonable period to attract interest from potential restoring purchasers; or

iv. demolition of the building is essential to delivering significant benefits to economic growth or the wider community.

c) Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.

Where impacts cannot be avoided they should be minimised. Where it has been demonstrated that avoidance or retention is not possible, excavation, recording, analysis, archiving, publication and activities to provide public benefit may be required through the use of conditions or legal/planning obligations.

Where the tests for demolition are met the visible re-use of salvaged features within the development site is required.

Policy 9 Brownfield, Vacant and Derelict Land and Empty Buildings

a) Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.

b) Proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.

c) Where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.

d) Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.

Policy 12 Zero Waste

- a) Development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.
- b) Development proposals will be supported where they:
 - i. reuse existing buildings and infrastructure;
 - ii. minimise demolition and salvage materials for reuse;
 - iii. minimise waste, reduce pressure on virgin resources and enable building materials, components and products to be disassembled, and reused at the end of their useful life;
 - iv. use materials with the lowest forms of embodied emissions, such as recycled and natural construction materials;
 - v. use materials that are suitable for reuse with minimal reprocessing.
- c) Development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including:
 - i. provision to maximise waste reduction and waste separation at source, and
 - ii. measures to minimise the cross-contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.

Policy 13 Sustainable Transport

- a) Proposals to improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported. This includes proposals:
 - i. for electric vehicle charging infrastructure and electric vehicle forecourts, especially where fuelled by renewable energy
 - ii. which support a mode shift of freight from road to more sustainable modes, including last-mile delivery
 - iii. that build in resilience to the effects of climate change and where appropriate incorporate blue and green infrastructure and nature rich habitats (such as natural planting or water systems).
- b) Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:
 - i. Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
 - ii. Will be accessible by public transport, ideally supporting the use of existing services;
 - iii. Integrate transport modes;
 - iv. Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
 - v. Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
 - vi. Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;
 - vii. Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of

all users; and

viii. Adequately mitigate any impact on local public access routes.

c) Where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance

d) Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area

e) Development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people

f) Development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation

g) Development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer

While new junctions on trunk roads are not normally acceptable, the case for a new junction will be considered by Transport Scotland where significant economic or regeneration benefits can be demonstrated. New junctions will only be considered if they are designed in accordance with relevant guidance and where there will be no adverse impact on road safety or operational performance.

Policy 14 Design, Quality and Place

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.

Further details on delivering the six qualities of successful places are set out in Annex D.
c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

Aberdeen Local Development Plan 2023

Policy D1 Quality Placemaking

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

Policy D6 Historic Environment

Development must protect, preserve and enhance Aberdeen's historic environment, including its historic fabric.

There will be a presumption in favour of the retention and appropriate reuse of historic environment, historic assets, and heritage assets that contribute positively to Aberdeen's character.

Appropriate developments, including new features and fixings, must be designed to respect the character, appearance and setting of the historic environment and protect the special architectural or historic interest of listed buildings, conservation areas and historic gardens and designed landscapes. Stone cleaning will only be supported if in line with local and national guidance.

Proposals which have the potential to impact on historic environment, historic assets, and heritage assets, or a significant element thereof, will be required to ensure the effective recording, assessments, analysis, archiving and publication of any reports or records to an

agreed timeframe.

The physical in situ preservation of all scheduled monuments and archaeological sites is expected. Developments that would adversely impact upon archaeological remains, of either national or local importance, or on their setting will only be permitted in exceptional circumstances, where there is no practical alternative site and where there are imperative reasons of over-riding public need.

In any such case, the applicant must at their own expense:

- take satisfactory steps to mitigate adverse development impacts; and
- ensure suitable investigation and recording is completed, and
- where the preservation of the site in its original location is not possible, arrange for the full excavation and recording of the site in advance of development and the publication/curation of findings, and, where appropriate, associated events for the public benefit.

Policy D7 Our Granite Heritage

The Council seeks the retention and appropriate re-use, conversion and adaption of all historic granite buildings, structures and features, including setted streets, granite kerbs and granite boundary walls.

Proposals to demolish any granite building, structure or feature, partially or completely, will not normally be granted planning permission, conservation area consent or listed building consent.

Any listed building; structure or feature in the curtilage of a listed building; or any unlisted building, structure or feature in a Conservation Area, may only be demolished where:

- evidence is provided to demonstrate that every effort has been made to retain it, and:
- It is no longer of special interest or cultural significance; or
- It is incapable of meaningful repair; or
- It can be demonstrated the demolition is essential to delivering significant benefits to economic growth or the wider community; or
- Its repair and reuse is not economically viable and that it has been marketed in an open and transparent manner.

Policy T2 Sustainable Transport

Proportionate to the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic generated. New developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport, and the internal layout of developments must prioritise walking, wheeling, cycling and public transport. Proposals should be designed to allow for public transport penetration which should be available within 400 metres from the centre of the development.

Transport Assessments and Travel Plans will be required where thresholds set out in Aberdeen Planning Guidance are exceeded.

Where sustainable transport links to and from new developments are not in place, developers will be required to provide infrastructure to support such facilities or a suitable contribution towards implementation.

Development of new communities should be accompanied by an increase in local services as well as employment opportunities that reduce the need to travel.

Recognising that there will still be instances in which people will require to travel by car, initiatives such as car sharing, alternative fuel vehicles and Car Clubs will also be supported where appropriate.

Existing access rights, including Core Paths, rights of way and paths within the wider network will be protected and enhanced. Where development proposals impact on the access network, the principle of the access must be maintained at all times by the developer through provision of suitable alternative routes approved by the Council.

Policy T3 Parking

In inner city areas, low or no car development will be supported in suitable locations where there is adequate access to active travel and public transport options. Where this is not possible, development shall be required to comply with the parking standards set out in Aberdeen Planning Guidance: Transport and Accessibility. Low car development is encouraged within conservation areas.

Historic Environment Scotland Managing Change in the Historic Environment Guidance

- Extensions
- The Use and Adaptation of Listed Buildings (Deemed not relevant by HES)
- Setting (Deemed not relevant by HES)

Scotland's Economic Strategy and the Regional Economic Strategy

These highlight a range of both urban and rural short- and long-term opportunities and challenges but ultimately the aim is to ensure economic growth is sustainable. The vision for the Northeast of Scotland is to align commitment, lead investment and coordinate diversification opportunities.



3 Discussion including Response to Reason for Refusal, Development Plan Assessment and Decision

Ground of Appeal 1

- **The only matters of concern raised by the Planning Service were with regard to built heritage and access. At no point were issues pertaining to NPF4 Policies 1, 2, 3, 4, 5, 6, 9 or 12 raised.**

3.1 It is unacceptable and unreasonable to not give applicants the opportunity to address any matters the Planning Authority is concerned about. How can agents and applicants remotely hope to address any outstanding matters if these are not communicated. As highlighted in Appeal Document 47 which was compiled in response to the continuing wait for a final response from the Planning Authority with regard to the additional information and justification provided, these requests were never responded to by the Planning Authority prior to issuing the refusal.

Ground of Appeal 2

- **No clear reason has been given why the proposal is contrary to Policy 1 or Policy 2 of NPF4 which in any event are overarching policies. This is not a new development. Kingswells House is retained and an unsustainable and not original extension is removed.**

3.2 The Chief Planner's letter of 8 February 2023 clearly detailed the transitional arrangements with regard to NPF4 and stated that it is important to bear in mind that NPF4 must be read and applied as a whole. The intent of each of the 33 policies is set out in NPF4 and can be used to guide decision making. Conflicts between policies are to be expected. Factors for and against development will be weighed up in the balance of planning judgement.

Ground of Appeal 3

- **With regard to Policy 3 and Policy 12 of NPF4 the applicant was not asked at any point in the processing of the application to include proposals for biodiversity net gain.**

3.3 The applicant has carried out acceptable tree management at the site to the overall betterment of the health and safety of the remaining trees. New planting to help

biodiversity gain can easily be provided.

Ground of Appeal 4

- **With regard to Policy 13 of NPF4 and Policy T2 of ALDP, the proposal could be accepted as a departure to these policies.**
- 3.4 The direct access junction is already in use, in a non-domestic situation as both an access and an egress. If approved, this situation would in effect, remain unchanged, and while it is accepted that this is not to current Aberdeen City Council Standards (on the basis that the Roads Authority consider this should be treated a Priority Junction rather than the existing Direct Access), the level of road safety would not be compromised in any way from that of the existing situation.
- 3.5 Due to no fault of the applicant, it is simply not feasible to comply with current Roads Authority standards. If it were feasible, i.e. the required land was within the applicant's ownership, the applicant would indeed seek to upgrade the junction as required. This would only be feasible from a cost perspective through the applicant's business, and it is this business that intends to occupy the site.
- 3.6 All other options to egress the site have been explored by the applicant including discussions to buy areas of neighbouring land and requests to use an existing exit to the north having been rejected. This has left no other option other than to utilise the existing, functional Direct Access Junction, which is already in use as part of the lawful Class 10 use of the site.
- 3.7 Other junctions which would not be considered compliant under the current regulations remain in use along this section of the A944 for both domestic and non-domestic usage.
- 3.8 The junction as existing is a direct access junction to a non-domestic development. The minimum standard for a direct access junction would be to have a visibility splay depth of 2m (rather than the standard 9m associated with a Priority junction). In this circumstance, the junction, has a visibility splay (2m x 120m) which is compliant.
- 3.9 Since the previous change of use to Class 10 was approved, the speed limit of the A944 has reduced making the egress safer. The more recent introduction of the AWPR has also reduced traffic numbers past the site and further decreasing the chance of incident.
- 3.10 The number of people using the junction will be reduced from the site's maximum as a Class 10 building (which it could be utilised as without any changes, upgrades, or permissions required), by the known, factual numbers associated with the applicant's proposals as a Class 4 Business. Adequate parking provision has been shown for the specific numbers required on site and should the capacity of the building increase for any reason, it would be subject to future applications for planning permission and listed building consent that would be needed to create additional parking within the

grounds of the site. The Roads Authority would be able to comment accordingly at this time. This would also be the case should the current applicant wish to increase parking above and beyond that of this application and could be rejected if deemed excessive.

- 3.11 If in use as a Class 4 Business, access and egress times are relatively standardised and known quantities i.e. access will be required in the AM and egress in the PM as the office opens and closes. At these times, traffic on the A944 will be moving more slowly in this area due to congestion, reducing the likelihood of incident further.
- 3.12 Additional safety measures such as closing the gap in the central reservation could be discussed as part of any negotiation or condition. This can be done separately to upgrading the junction to current Priority Junction standards and helps to make the junction safer whilst retaining it as a compliant Direct Access Junction. This provides a mitigation measure to help facilitate the continued use of the junction.
- 3.13 Whilst not directly related to mitigation for this application, it is also of note that the same standards have not been applied (and/or enforced) at the only other junction which appears to have been upgraded in any way along this section of road, which is to the west at the Ardene Veterinary Practice. If standing 8-9m back from the carriageway at this junction, the visibility splay is also significantly less than the desired 120m in either direction due to the presence of trees and road signage.
- 3.14 With regard to the historical permission, the Roads Authority state that: *“This approval as class 10 was subject to a specific condition which restricted use of the building to activities and intensity of use as described in a letter from the agent [as quoted from above]. Roads did raise concerns over the access junction and the lack of right hand turn stacking lane on the A944. However, no objection was submitted on the basis that intensification of use does not increase based upon that which was submitted in this letter and a condition was attached to the permission relating to this”*.
- 3.15 As part of AS Mosley’s hybrid working system, the *“number of vehicles accessing and exiting the site each day is going to be 4-5 on average. This will increase to 7 as a maximum if there are new starts. This is less than the most recent Class 10 Use under the Summerland Trust”*.
- 3.16 As noted, AS Mosley currently employs 16 staff members in a hybrid work pattern consisting of a combination of office and home working (minimum 1 day per week in the office per week) and resulting in no more than 7 (maximum) staff on site in a day. Given the listed nature of the building, and the desire/heritage requirement to retain the important existing floor plan, it would not really be suited to housing more than this number in any case. The plans therefore show desks for 10 staff (8 in the proposed extension plus 2 manager’s offices), plus some meeting spaces. This again reflects the maximum requirements of the company i.e. staff members will have their own individual workstation on the days they attend the office. Not all these staff members will be present at any one time, due to the hybrid work pattern, and therefore what is shown is exactly what is required by the company to facilitate their presence within

the building. The proposal is very clear on the associated intensity of use which again appears to be lower than that of the previous approval.

- 3.17 In their most recent correspondence, the Roads Authority has also noted that *“with a change of use there is no guarantee this will always be the same end user”* and that a future owner/occupier could result in a greater intensity of use if the building were to change hands in future. However, with regard to the previous approval, the Roads Authority has also stated in this same correspondence, that *“The proposed use as a religious retreat was outlined as of low intensity, with relatively small numbers of people visiting and a residential element retained in the form of the resident caretaker ... Any future class 10 use of this building would likewise need to adhere to this condition. Any requests to change/remove this condition would require planning permission”*. This qualification to maintain use intensity would therefore also apply if the proposed Change of Use to Class 4 were approved, but the then Class 4 building was to change hands in future.
- 3.18 The Roads Authority has also requested that more parking spaces than shown are provided (or ultimately require). This seems to be somewhat contradictory, as it has the effect of facilitating additional use intensity. The number of suggested spaces to be provided is 12, however, a maximum of only 9 spaces can be provided on site and in appropriate proximity to the building without coming into the various Zones of Influence of existing trees. It is not desirable to form parking within these areas or to disrupt any of the existing trees unnecessarily to provide parking spaces that the business does not ultimately require. What is therefore provided is the maximum that can be under these circumstances and equates to 7 spaces (i.e. the maximum number of staff likely to be in the building at one time) plus 2 overflow spaces which can be used for visitors as required.
- 3.19 It is clear that the proposed Change of Use, which will serve to facilitate economic development on a site directly abutting the wider Prime 4 business park, will not increase the intensity of use from that already accepted and lawful for the site.
- 3.20 Should greater parking be required in the future for this, or indeed, any other business, this would be subject to a new planning application to be decided to its own merits. With that and given the lack of options (outlined previously) regarding the junction upgrade and/or alternative means of egress, it is suggested that a similar condition to that seen with the 2006 planning permission could be attached in the same way. For reference, the condition on the previous 2006 planning permission is outlined below: *“That the proposed use shall be restricted to the activities and intensity of use described in the letter from Halliday Fraser Munro [Agent] dated 28 September 2006 – in the interests of preserving the character of the Green Belt and the Category B listed building”*.

Ground of Appeal 5

- **It is unreasonable to say that the proposal does not accord with ALDP Policy T3 by linking it to the fact that cars need to use the existing junction which the Roads**

Authority object to when there is no such link written into the policy.

- 3.21 ALDP Policy T3 seeks to ensure that any car parking provided as part of development proposals accords with Council standards. It is completely unclear how Policy T3 can be used as part of a reason for refusal when there is no issue with the level of parking provided. The on-site parking arrangements are not *“inextricably linked to and dependent of vehicles having safe access to the site”*.

Ground of Appeal 6

- **The principle of business use has been agreed as being acceptable by the Planning Authority, however, the economic benefit which would derive from the development has not been given significant consideration in coming to a decision.**
- 3.22 The North-East is supposed to be open for business, however, the merits of the application have not been given due weight in terms of the built heritage impact (which will be addressed through the listed building consent to the Department of Planning and Environmental Appeals) or the unreasonable approach taken to the use of the access into the site addressed elsewhere in this appeal.

Ground of Appeal 7

- **It is material to the consideration of this appeal that there are wider considerations in terms of the business and wider economic implications if the building is not able to adapt to change and provide much needed employment in a high quality development, serving the wider business’s needs and requirements and which reflects much of the PRIME FOUR masterplan now built out and supporting the economy of Aberdeen City and Shire.**
- 3.23 Some of the PRIME FOUR development which has been built in such close proximity to Kingswells House already compromises its setting to an extent. The proposed development will be an attractive to employees who will be provided with the same high quality environment and working surroundings being afforded to many workers in adjacent office buildings, there is no recognition of the specific needs of the business in terms of operational and business requirements which have led the development to being designed in the way it has been, and the development secures the long term investment required to maintain such an important building in the next stage of its use and history.

Ground of Appeal 8

- **The existing garage is of no historic or architectural value and notwithstanding the desire to make demolition the last option, more than adequate justification has been provided to justify its removal, replacement with a modern and sustainable extension and the reuse of material in the proposed retaining wall in compliance with NPF4 Policy 9.**

3.24 The historical and architectural information, nor the reasoned justification provided have not been given adequate weight. The building has not been in use for some time and the wider roads and access implications are of grave concern with regard to where this leaves the future of the building. Biodiversity can easily be enhanced, if this is communicated to the appellant.

Ground of Appeal 9

- **The demolition of the garage/store has been justified within the supporting justification and papers submitted with the application. To suggest this is not the case is unfair and unreasonable. Not only was this done at the point of the application being submitted, but it was also done throughout the processing of the application including concessions where these were considered acceptable to the client. As such the proposal complies with Policy D7 Our Granite Heritage of the ALDP and Historic Environment Scotland Managing Change in the Historic Environment Guidance on Extensions and Historic Environment Scotland do not object to the development. (Ground of Appeal also submitted in appeal against refusal of listed building consent).**
- 3.25 To suggest that an “*appropriate understanding of the buildings significance*” has not been provided nor any justification in terms of impact or minimising of negative impact is incorrect. There was no suggestion during the processing of the application that it was lacking in this regard. The focus was very much on the specifics of the proposal in terms of mass and design. Although it is “*not normal*” for listed building consent to be granted for demolition in terms of Policy D7 Our Granite Heritage of the ALDP, it has been demonstrated in the information submitted that the garage is not original, has been previously adapted and why the operational requirements of the owner and business necessitate its removal. Historic Environment Scotland raised no issue in terms of their guidance for extensions about the demolition of the garage and its replacement with a new extension and thus it is compliant with that. They make no mention of their guidance on the use and adaptation of listed buildings or setting and as such it must be assumed are not relevant and should not be used in coming to a decision of the application.
- 3.26 The alterations which were made to the proposal include amended site plans to comply with Roads Authority requirements on 30th November 2023, further amendments to comply with Roads Authority requirements on 19th January 2024 such that the only outstanding roads matter related to the use of the junction and then the provision of additional information and amended drawings related to the house in line with some of the requests from the Planning Authority on 27th March 2023. These did not address every single point requested by the Planning Authority as those would have not met the applicant’s operational needs and requirements but certainly recognised some of the concerns and addressed these.
- 3.27 In terms of ALDP Policy D7, while it could be argued that there is no specific evidence provided to demonstrate that every effort has been made to retain the existing extension, the proposals will deliver economic benefit. It is considered that as the

existing garage is a later addition which is of little historical character or reference and that the proposal will otherwise see the use and upgrading of the building. The supporting information and justification provided with the application is demonstration of the wider benefits and the efforts being made to secure the viable future of the building.

Ground of Appeal 10

- **It is unclear why the Planning Authority consider the proposal does not accord with the guidance for the use and adaptation of listed buildings and guidance on setting when the only Historic Environment Scotland guidance deemed applicable by Historic Environment Scotland is that concerning extensions. The new extension is subordinate and high quality in terms of design, construction and materials and complies with ALDP Policy D6 Historic Environment and Historic Environment Policy Managing Change in the Historic Environment Guidance on Extensions and Historic Environment Scotland do not object to the development. (Ground of Appeal also submitted in appeal against refusal of listed building consent).**

3.28 Notwithstanding that Historic Environment Scotland do not consider that the guidance on the use and adaptation of listed buildings or setting are applicable, it should be noted that proposals that keep buildings in use should be supported so long as they do the least possible harm. Historic Environment Scotland clearly do not consider there is any harm caused by the demolition of the garage and the replacement extension and are content that the benefits of the development will be secured for present and future generations. The guidance is also clear that later extensions of little interest are likely to be best options for removal. This is the case with this proposal. Although the extension is on the front and has a higher impact, this has also been accepted by Historic Environment Scotland as compliant with their guidance.

3.29 Arguments about the principle of the change of use of the building which has been refused under the accompanying full planning application are made within that appeal. While there may be no other viable alternative to the redevelopment of this building due to the objections to the use of the existing junction and the Local Review Body will consider the grounds for appealing that refusal, acceptance of the demolition and extension from a built heritage perspective will go some way to addressing the reasons for refusal as it is clearly one of a number of material considerations in the determination of that appeal.

3.30 As Historic Environment Scotland has noted in its consultation response the guidance on extensions sets out four key considerations when extending a historic building. Specifically, it notes that extensions:

- Must protect the character and appearance of the building:
- Should be subordinate in scale and form:
- Should be located on a secondary elevation:
- Must be designed in a high-quality manner using appropriate material

- 3.31 Responses from Historic Environment Scotland commonly do not make any further comment on applications other than that they “do not object”. However, in this case there is a detailed response stating the proposals are acceptable as follows:

“The extension would be connected through to the main elevation of the building but because it would be located further back than the previous existing garage, it would allow for better visibility of the main elevation. We note the scale of the proposed building would be greater than the existing garage, but because of its form and set-back location, it would appear subordinate.

The materials proposed for the extension are contemporary, with zinc and timber cladding, aluminium windows and a green roof. This would maintain a clear distinction between the historic house and the new element.

Taking these factors into consideration, in our view, the proposed extension would not significantly detract from the character and appearance of the house.

We have not seen details of the proposed upgrading of internal doors to meet fire regulations, but we have no concerns about this in principle.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on listed building/conservation area consent, together with related policy guidance”.

- 3.32 The Planning Authority has completely ignored this advice and it is a material consideration supporting approving the proposal.

Ground of Appeal 11

- **The Planning Authority have ignored the consultation response from Historic Environment Scotland which does not object to the development, have not consulted their own specialist built heritage staff and have carried on in a ‘judge and jury’ fashion to refuse consent despite it clearly complying with national policy and guidance and the Local Development Plan and without any consideration to the fair and reasonable alterations agreed to by the applicant. (Ground of Appeal also submitted in appeal against refusal of listed building consent).**

- 3.33 As can be seen in appeal document 47 “Response Follow Up”, no further correspondence was received from the Planning Authority in response to the suitability or otherwise of the amended drawings, further information and justification provided by the agent. This is a clear case of a lack of objective judgment being exercised by the Planning Authority, a lack of clarity about their view of the supporting

information and justification and no further reasoning being provided for rejecting that – until the point of refusal. There is also a lack of consistency in the application of policy and guidance as demonstrated by the numerous examples of similar, if not more impactful, extensions granted consent in Aberdeen.

- 3.34 With regard to the materials, multiple examples were given of the same materials being approved for use on similar listed granite buildings in Aberdeen, and pointed out that the extension is of a contemporary form – even more so with the changes requested by the Planning Authority including the splayed canopy fascia, fin walls, glazed link etc. and that as a result, a contemporary material palette was therefore, the most appropriate for this purpose. It was made clear that granite from the doughtings was to be re-used in line with policy on the adjacent retaining wall 1200mm to the north of the house and extension – replicating the adjacent walled garden, and that utilising this in context of the wider site is just as meaningful as elsewhere as the grounds of the house significantly contribute to its setting. To utilise the granite on the extension itself would only serve to “blur” the contrast between the existing and new elements and create an extension which is ‘neither here nor there’ in terms of style – contrary to the desire to clearly contrast the extension with the existing building required in line with Historic Environment Scotland Managing Change in the Historic Environment Guidance for Extensions.

Grounds of Appeal 12

- **While this is an appeal against refusal of Listed Building Consent, it is relevant to the consider the justification for the associated application for full planning permission. It is material to the consideration of this appeal that there are wider considerations in terms of the business and wider economic implications if the building is not able to adapt to change and provide much needed employment in a high quality development, serving the wider business’s needs and requirements and which reflects much of the PRIME FOUR masterplan now built out and supporting the economy of Aberdeen City and Shire. Some of the PRIME FOUR development which has been built in such close proximity to Kingswells House already compromise its setting to an extent. The proposed development will be an attractive to employees who will be provided with the same high quality environment and working surroundings being afforded to many workers in adjacent office buildings, there is no recognition of the specific needs of the business in terms of operational and business requirements which have led the development to being designed in the way it has been, and the development secures the long term investment required to maintain such an important building in the next stage of its use and history.**
- 3.35 Inadequate consideration has been given to other material considerations in the determination of the application. NPF4 Policy 26 Business and Industry states that business and industry uses will be encouraged, promoted and facilitated. National and Regional Economic Strategies seek the same. Policy 14 Design, Quality and Place states that well designed development that makes successful places will be encouraged, promoted and facilitated. The design process as contained within appeal document 1 describes the design thinking behind the proposal and design in terms of

the scale, setting back and contemporary style and materials in compliance with Policy 14. NPF4 Policy 9 Brownfield, Vacant and Derelict and Empty Buildings encourages the sustainable reuse of vacant buildings. Development proposals for the reuse of existing buildings will be supported taking into account the suitability for conversion to other uses. The lawful use of the building is Class 10, however, it not the intention of the applicant to use it for that purpose and as such it should be classed as vacant. While embodied energy is to be given consideration under this policy and that demolition is the least preferred option, the main house will not be demolished and it is a small, later, not original extension which is being demolished which is considered to not be significant in terms of Policy 9. On balance, there are other development plan policies which should be given weight in reaching a decision.

- 3.36 In conclusion, the historical and architectural importance of Kingswells House has not been underestimated by the applicant. The risk that this place will not secure a change of use including the alterations proposed is a great threat to the future of this listed building. The proposal complies as it retains a historically important building, will see many improvements to the fabric of the building, minimises demolition and reuses salvaged materials from the doughtings. The proposed alterations protect the character of the building more than what exists. The pushing back of the extension to the north ensures the extension better respects the character of the most important part of the front elevation which is currently obscured and the flat roof ensures it will be a subservient feature. Various elements of the design have been altered to address points raised by the Planning Authority, however, the mass needs to remain as proposed for the operational needs of the business. Robust justification has been provided for what elements required by the Planning Authority could and could not be agreed to yet there has been no reasonable acceptance of this and no negotiation without justification for this on the part of the Planning Authority.
- 3.37 Extensive investigation and discussion took place with the Roads Authority. It is disappointing that despite the conflict with Policy 13 Sustainable Transport of NPF4 and Policy T2 Sustainable Transport of ALDP, that support could not have been given to the proposal to secure the future of this important building and in support of economic development. The desire to upgrade the existing Direct Access Junction is understood, however what is not understood is why the condition on the previous change of use permission is not acceptable now given the proposed similarly low intensity of use. The intensity of use of the junction would not be increased and it is unclear why the position taken by the Roads Authority and the Planning Authority last time cannot be taken again. The applicant will happily work with the Roads Authority regarding 'additional' measures such as closing the gap in the central reservation to improve the existing situation. The previous approval and conditions were justified based on the listed building being utilised, which remains a key factor, now even more so with the passing of time. Facilitating this application becomes even more important when looking at the condition of the building which has deteriorated during and after The Summerland Trust's occupation, the aforementioned economic benefits, and that the applicant is not only seeking to occupy the building "in situ", but to actively restore and maintain many of the historic aspects which make it so special – something which did not seem to form part of the previously approved plans.

- 3.38 While the desire to upgrade the existing Direct Access Junction is understood, the previous permission and condition, and which remains the lawful use of the site and building, was clearly granted as a result of seeking to be supportive of the preservation of this important Grade B listed building of “exceptional heritage value”.
- 3.39 While it is no longer feasible to upgrade the junction, and, although despite the best efforts of the applicant, it has not been possible to secure an egress via another route, a change of use could still be facilitated for this proposal in a similar to that on the 2006 permission. The intensity of use will not be increasing from that accepted previously and the appeal simply asks for the same view to be taken with this proposal for the sake of consistency. Utilisation of this listed building remains a key factor, now even more so with the passing of time. Facilitating this development becomes even more important when the deteriorating condition of the building is taken into account along with the aforementioned economic benefits, and that the applicant is not only seeking to occupy the building “in situ”, but to actively restore and maintain many of the historic aspects which make it so special – something which did not seem to form part of the previously approved plans
- 3.40 Historic Environment Scotland has no objection and considers the extension is of a high quality and appropriate design which will significantly improve the front elevation. It is concerning that the Planning Authority has failed to acknowledge this. There appears to be a lack of recognition of the extensive background work carried out in terms of the historical significance of the building and previous alterations, not all of which are considered sympathetic, and that despite the extension being fundamentally acceptable but for a reduction in size of 1metre in length and the same in depth, that the proposal is considered unacceptable.
- 3.41 it is respectfully requested that the appeal is upheld.



Strategic Place Planning

Report of Handling by Development Management Manager

Site Address:	81 Gray Street, Aberdeen, AB10 6JD
Application Description:	Installation of replacement single storey extension to rear
Application Ref:	240798/DPP
Application Type:	Detailed Planning Permission
Application Date:	26 June 2024
Applicant:	Mr Martin Livingstone
Ward:	Airyhall/Broomhill/Garthdee
Community Council:	Ashley and Broomhill

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site relates to a traditional style mid-terraced dwelling, situated to the south-west of Aberdeen City Centre. The application property has a south-west facing principal elevation, which is one and a half storeys and looks onto a small front curtilage, bounded with a low lying granite wall with Gray Street beyond. The rear, north-east elevation, which is a storey and three-quarters has an existing single storey outshot and extension, both of which project into the enclosed rear curtilage finished with a mixture of hard surface and grass. A single storey garden shed is located to the south-east corner of the rear curtilage, where a pedestrian gate, situated to the north-east corner of the rear curtilage gives access onto a pathway which is shared with neighbouring 71-79 Gray Street, allowing access onto a laneway located to the north-west of the site. Due to the plot layout, the rear curtilage is angled northwards. The existing boundary projects in a straight line for approximately 5.5 metres on the north-west boundary and approximately 5.1 metres on the south-east boundary, and then both boundary walls angle northward by approximately 6 degrees.

The application site is bound by neighbouring 79 Gray street to the north-west, 83 Gray Street to the south-east and 162 Broomhill Road is located to the north-east.

Relevant Planning History

- 231519/DPP – Detailed planning permission for the installation of replacement of single storey extension to rear; Refused, 29/05/2024.
- 240739/DPP – Detailed planning permission for the erection of single storey extension to rear of 79 Gray Street; Approved Conditionally, 13/08/2024

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the erection of a single storey extension which would replace the existing rear outshot and extension, which currently project 5.4 metres along the south-east boundary and 4.4 metres along the north-west boundary respectively.

The extension proposed would span 6.9 metres, which is the entire width of the rear elevation, however given the stepped design part of the north-west elevation has been taken off the boundary, reducing the width to 4.3 metres. This results in different projections along the mutual boundaries with the south-east elevation measuring 8.1 metres along the shared boundary with neighbouring 83 Gray Street and the north-west elevation would project 6.5 metres along the shared boundary with 79 Gray Street. The proposed extension would have a total built footprint of c. 51 sqm.

The single storey extension would have an asymmetrical pitched roof. The ridge would sit at an approximate height of 3.7 metres. The eaves height would vary, in that the north-west elevation would sit 2.42 metres above ground level and the south-east elevation would measure approximately 3.2 metres in height. The rear (east) elevation of the proposal would be finished in vertical thermopine cladding, to be mid grey in colour and the north-west and south-east elevation would be finished in smooth render, white in colour. Roof lights are proposed for the north-west and south-east elevations where the roof would be finished in standing seam cladding, anthracite grey in colour. Finally, aluclad double glazed windows and doors are proposed for the east elevation, allowing access into the enclosed rear curtilage.

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=SFOS0EBZH2O00>

- Supporting Statement - Letter

CONSULTATIONS

Ashley and Broomhill 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 (NPF4)

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

Aberdeen Local Development Plan 2023 (ALDP)

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

Aberdeen Planning Guidance

- Householder Development Guide

Other National Policy and Guidance

- The Equality Act 2010

EVALUATION

Background

A previous application submitted for the installation of a replacement single storey extension to the rear, under application 231519/DPP, was refused due to the overbearing nature and adverse impact the proposal would have on neighbouring 79 Gray Street, specifically in terms of the existing bedroom window, located on the north-east (rear) elevation of the neighbouring dwelling.

The current proposal for a single storey extension is almost identical to the previous application in terms of the design, scale and material finish. The difference between both applications relates to the north-west elevation of the proposed extension, which, in the previous application, was shown on some of the submitted drawings to splay slightly northward, following the line of the boundary wall, whereas for this proposal, the north-west elevation would project in a linear fashion, so that it would not follow the existing kink in the boundary wall. The impact of this change will be considered and discussed below.

Principle of Development

The site falls within a “Residential Area” designation on the Aberdeen Local Development Plan 2023 (ALDP) Proposals Map, to which Policy H1 (Residential Areas) in the ALDP applies. Policy H1 supports householder development within such areas providing it satisfies the following criteria:

1. *Does not constitute “overdevelopment”;*

2. *Does not have an adverse impact to residential amenity and the character and appearance of an area; or*
3. *Does not result in the loss of open space.*

Overdevelopment and loss of open space

As per the general principles of the Council's Householder Development Guide Aberdeen Planning Guidance (HDG), to ensure the proposal does not constitute "overdevelopment", 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.

The original footprint of the dwellinghouse is approximately 81 sqm, which includes the existing outshot on the south-east boundary. The proposed extension would add c. 38 sqm to the existing dwelling, therefore the overall footprint would be increased by c. 47%. As such, the proposal would not double the original footprint of the dwelling.

Due to the extent of the rear curtilage, measuring approximately 120 sqm in size, the proposed extension, along with the proposed patio and pathway, would result in approximately 66% of the rear curtilage being covered by development. However, of this, approximately 43% would account for the proposed extension, leaving approximately 68 sqm of useable amenity space within the rear curtilage (both hard and soft landscaped). As such, this aspect is also acceptable and the proposal would not result in the overdevelopment of the site.

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

Impact on the character and amenity of the surrounding area

Policy 16 (Quality Homes), section g), of National Planning Framework 4 (NPF4) advises that householder development proposals will be supported where they do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials. In addition, Policy 14 (Design, Quality and Place) of NPF4 and Policy D1 (Quality Placemaking) of the ALDP both expect development to be designed to be consistent with the six qualities of successful places and to be of an appropriate design for its context.

Furthermore, the APG states that proposals for extensions should be architecturally compatible in design and scale with the original house and surrounding area. Materials used should be complementary to the original building. Any extension or alteration proposed should not serve to overwhelm or dominate the original form or appearance of the dwelling and should be visually subservient in terms of height, mass and scale. Good quality design, careful siting and due consideration of scale, context and design of the main dwelling are key to ensuring that development does not erode the character and appearance of residential areas.

In terms of the design and material finish, the proposal would be single storey in height and would span the width of the rear elevation. The proposal would be subservient to the existing dwelling and has been designed to create a clearly contemporary addition to the dwellinghouse. Consideration to the existing dwelling and surrounding area is evident in the proposed materials, which would create a positive contrast with the application dwelling. Therefore, the design and material finish are not deemed to be a concern in relation to their compatibility with the existing dwelling.

In terms of the scale, whilst the proposed extension would be single storey in height, it would project to a significant length along the mutual boundaries. Section 2.3 of the APG states that

single storey extensions to terraced dwellings will be restricted to 3 metres in projection along a mutual boundary. Whilst adjustments in terms of the north-west projection are evident, the principal of the proposal remains the same, whereby the proposed extension would measure approximately 8.1 metres along the south-east boundary and 6.5 metres in length along the north-west boundary. As such, the proposal far exceeds the guidelines as detailed within the APG. Nonetheless, consideration in terms of what is currently in place is required and it is accepted that the existing extension and outshot currently project approximately 4.4 metres and 5.1 metres respectively along the shared boundaries. Therefore, in its current form the application dwelling does not comply with these guidelines, but this in itself is not suitable or adequate justification to deviate even further from the APG, especially considering the degree of change proposed. Further consideration of this aspect, as well as the existing context and overall impact on the wider area is required.

The south-east elevation would project 8.1 metres from the rear elevation, surpassing the existing outshot of 83 Gray Street by approximately 3 metres. In respect to the existing context along this boundary, the rear outshot of No. 83 has no windows on its rear elevation, and given the extent of the projection past the rear elevation, there is deemed to be no overshadowing or daylighting impact on this property or its rear curtilage. Despite the conflict with the APG in terms of the length of this projection, given that there would be no harm to the amenity of the neighbouring property, this aspect can be accepted.

Turning to the north-west elevation, with regards to the existing situation and context of 79 Gray Street, the rear extension of that property sits 1.8 metres from the mutual boundary. The neighbouring extension is staggered, with a total projection of approximately 6.5 metres, 5.1 metres of which accounts for the main extension and a bay window projects a further 1.4 metres from the rear of the extension. Due to the nature of its design, the bay window is stepped in and sits approximately 3 metres from the mutual boundary. Based on plans available to the Planning Service, the layout of the neighbouring property is known, and the window situated on the original rear elevation of No. 79 serves a bedroom, with a second window on the south-east elevation of the extension facing the shared boundary, serving a kitchen. The existing extension on the application site projects 4.4 metres along that boundary, which is slightly less than the projection of neighbouring property's extension. However, the proposed extension would increase the projection along the mutual boundary by a further 2.1 metres, to a total of 6.5 metres, therefore exceeding the neighbouring extension's projection by 1.4 metres. Whilst it is accepted that the current situation is not ideal in terms of amenity, especially for No. 79, it is existing and what must be considered is whether the proposal would exacerbate the existing adverse impacts on the amenity of the neighbouring property to a significant degree.

The reduction in height from 3 metres on the boundary as existing, to a proposed height of approximately 2.4 metres, would benefit the neighbouring property in terms of daylight receipt. However, whilst this would slightly improve the amenity of the neighbouring property in terms of daylight receipt, this benefit would be outweighed by the proposed increase in projection along the shared boundary. The minor amendment to this proposal, compared to that refused previously under 231519/DPP, is that the north-west elevation would project in a linear fashion for its full length, and so would not follow the existing kink in the boundary wall. Whilst this is noted, the minor nature of this adjustment is such that it does not alleviate the principal concern relating to the increase in projection, to a total length of 6.5 metres on the mutual boundary, and the overbearing impact and unacceptable tunnelling effect on the rear elevation window of No. 79, which serves a bedroom, all of which is evident in the proposed renders provided by the applicant.

In terms of privacy, the proposal would see the installation of windows and doors on the north-west and north-east elevations, allowing access into, and visibility over, the enclosed rear curtilage. The rear curtilage is bound to the north, east and south by existing boundary walls,

fencing and trees/foliage, ensuring that the proposed windows and doors would not adversely impact upon the privacy of any neighbouring properties. The proposed rooflights, to be situated on the north-west and south-east elevation, would be positioned at such a height that they could not be used as a means to look outward, but instead, as a means for natural light to enter the internal space. As such, there would be no adverse impact in terms of privacy.

Whilst the minor amendment to the proposal since the previously refused application, in terms of the north-west projection, is noted, it does not address the overall concern relating to the impact the proposal would have on the existing bedroom window of 79 Gray Street. The Planning Service outlined, under the previous application, amendments to the proposal which would alleviate these concerns, namely to reduce the projection of the north-west elevation by 1.4 metres so that it would sit in line with the rear elevation of the neighbouring extension. By means of compromise, the outmost section of the proposed extension (the 1.4 metres which projects beyond the neighbouring extension) could be stepped away from the shared boundary, reducing the overbearing impact on the neighbouring bedroom window, whilst still allowing ample internal floorspace. However, what is currently proposed does not address the concerns raised by the Planning Service. Therefore, whilst it is noted that the reduction in height from the existing situation would benefit the neighbouring property in terms of daylight, and clarity on the projection of the north-west elevation has been provided, this is outweighed by the excessive projection of the north-west elevation which would significantly exceed the guideline amount set out in the APG, would exceed that of the neighbouring property's extension, and would exacerbate existing adverse amenity impacts on the neighbouring property.

On review of the supporting statement, it is acknowledged that the design of the proposal is to adapt and future-proof the application dwelling for prolonged use, thus complying with elements of Policy 14 and 16 of NPF4 in term of adaptability and continued use of the dwelling. Reference to Building Standard 3.11 is also noted, which requires sufficient space within the kitchen/living area to safely manoeuvre. Discussions with Building Standards have established that there are, or could be, alternative designs and layouts that would alleviate the amenity issued caused by the projection along the boundary shared with No.79, and which would still allow ample internal manoeuvring space to comply with the Building Regulations requirements. Thus, this matter is not a determining issue with regard to the acceptability of the current proposal.

Reference to Policy 23 (Health and Safety) of NPF4 is also noted within the supporting letter. Policy 23 has a stated policy intent: *"To protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing"* and has limited weight with regard to this proposal. Whilst the supporting statement states the extension is required for the promotion of health and wellbeing, by means of adapting the property for future use, this could be achieved through moving the outermost section (minimum of 1.4 metres) of the north-west projection away from the shared boundary, thus reducing the aforementioned adverse amenity impact on the neighbouring property.

As noted in the 'Relevant Planning History' section above, planning permission was granted for an extension to the rear of neighbouring 79 Gray Street, which would involve the construction of a single storey extension to be located to the south-east (side) of the existing extension. The approval of the neighbouring extension cannot be used as justification to warrant the approval of this application. Whilst it is approved, is not currently being constructed and may never be constructed, therefore, this is not a material consideration.

Whilst this proposal has been amended slightly compared to the previously refused scheme, as detailed throughout this assessment, the overall proposal is almost identical to what was previously submitted. The concerns previously raised relating to the impact on amenity afforded to

neighbouring 79 Gray Street have not been addressed within this application and so, it remains the case that the proposal would have a detrimental impact on the amenity afforded to 79 Gray Street, and the proposal does not comply with Policies 14 (Design, Quality and Place) and 16 (Quality Homes) of NPF4, as well as causing a direct conflict with criteria 2 of Policy H1 (Residential Areas) as well as Policies D1 (Quality Placemaking) and D2 (Amenity) of the ALDP.

Equality Considerations

Section 149 of the Equality Act 2010 requires the planning authority, in the exercise of its functions, to have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons disabilities. Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

Whilst not specifically referred to within this application, the applicant identified in the previous application (231519/DPP), that the proposal could impact on a person or persons with a relevant protected characteristic, disability, and thus it is appropriate and necessary to again consider this matter in terms of the duty under section 149 of the Equality Act 2010. It has been noted that the need for the proposed extension to provide a ground floor bedroom, bathroom and living area to meet the future needs of the applicant. The Planning Service recognise the needs of the applicant, however, it is worth noting that the concern lies with the proposed projection along the north west boundary and the impact this will have on neighbouring 79 Gray Street and not with the extension in itself, or the accommodation contained therein. The applicant has previously demonstrated that amendments can be made which would still provide and address the accommodation needs identified, whilst alleviating the amenity concerns raised by the Planning Service, who consider this to be a minor but important, amendment to render this development acceptable. However, these plans have not been brought forward for consideration. Further to this, the Council's Building Standards team have confirmed that the amended plans previously provided and discussed with the applicant, would still allow ample internal space for manoeuvring and would comply with current standards. Therefore, the Planning Service, having due regard to the relevant protected characteristic, are unable to support the application due to the impact the north west elevation would have on the neighbouring property.

Tackling the Climate and Nature Crises, Climate mitigation and Biodiversity

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals. Policy 2 (Climate Mitigation and Adaptation) of NPF4 requires development proposals to be designed and

sited to minimise lifecycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change.

The proposed householder development would be sufficiently small-scale such that it would not make any material difference to the global climate and nature crises, nor to climate mitigation and adaptation. The proposals are thus acceptable and do not conflict with the aims and requirements of Policies 1 and 2 of NPF4.

DECISION

Refuse

REASON FOR DECISION

The proposed single storey extension, due to its projection on the north-west elevation, would far exceed the criteria outlined in the Council's Householder Development Guide Aberdeen Planning Guidance for the projection of extensions along mutual boundaries in terraced properties. The projection of the extension would result in an overbearing impact and unacceptable tunnelling effect on the neighbouring property at 79 Gray Street, whilst also creating further overshadowing of that property, therefore the works do not comply with the criteria set out in Policy 14 (Design, Quality and Place) and Policy 16 (Quality Homes) of National Planning Framework 4 (NPF4). Due to the significant adverse impact on the amenity of the neighbouring property, the proposal also conflicts with the criteria detailed within Policy H1 (Residential Areas), Policy D1 (Quality Placemaking) and Policy D2 (Amenity) of the Aberdeen Local Development Plan 2023.



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 100676431-001

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

Description of Proposal

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

Demolition of existing rear single storey extensions, proposed new single storey extension to rear of existing dwelling, and minor internal works.

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:	<input type="text" value="Tinto Architecture"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Alyx"/>	Building Name:	<input type="text" value="Mill House"/>
Last Name: *	<input type="text" value="Stickle"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="01224821670"/>	Address 1 (Street): *	<input type="text" value="Grandholm Crescent"/>
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="AB22 8BB"/>
Email Address: *	<input type="text" value="alyx.stickle@tinto.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="Martin"/>	Building Number:	<input type="text" value="81"/>
Last Name: *	<input type="text" value="Livingstone"/>	Address 1 (Street): *	<input type="text" value="Gray Street"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB10 6JD"/>
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:

81 GRAY STREET

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB10 6JD

Please identify/describe the location of the site or sites

Northing

804636

Easting

392634

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)

Previous planning application, refused

Title:

Ms

Other title:

First Name:

Jennifer

Last Name:

Keohane

Correspondence Reference Number:

231519/DPP

Date (dd/mm/yyyy):

29/05/2024

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

Trees

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

Yes No

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

Access and Parking

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

Yes No

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Alyx Stickle

On behalf of: Mr Martin Livingstone

Date: 25/06/2024

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 Alyx Stickle

Declaration Date: 26/06/2024

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Alyx Stickle
Tinto Architecture
Mill House
Grandholm Crescent
Aberdeen
AB22 8BB

on behalf of **Mr Martin Livingstone**

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

Application Reference Number	240798/DPP
Address of Development	81 Gray Street Aberdeen AB10 6JD
Description of Development	Installation of replacement single storey extension to rear
Date of Decision	22 August 2024

DETAILS OF ANY VARIATION MADE TO THE APPLICATION

None.

REASON FOR DECISION

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

The proposed single storey extension, due to its projection on the north-west elevation, would far exceed the criteria outlined in the Council's Householder Development Guide Aberdeen Planning Guidance for the projection of extensions along mutual boundaries in terraced properties. The projection of the extension would result in an overbearing impact and unacceptable tunnelling effect on the neighbouring property at 79 Gray Street, whilst also creating further overshadowing of that property, therefore the works do not comply with the criteria set out in Policy 14 (Design, Quality and Place) and Policy 16 (Quality Homes) of National Planning Framework 4 (NPF4). Due to the significant adverse impact on the amenity of the neighbouring property, the proposal also conflicts with the criteria detailed within Policy H1 (Residential Areas), Policy D1 (Quality Placemaking) and Policy D2 (Amenity) of the Aberdeen Local Development Plan 2023.



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

4285_EX_90_001 A	Location Plan
4285_PL_00_002 A	Proposed Demolitions
4285_PL_90_001 B	Proposed Site and Location Plans
4285_PL_05_001 B	Proposed Sections 1 and 2
4285_PL_05_002 B	Proposed Sections 3 and 4
4285_PL_04_001 B	Proposed Elevations
4285_PL_00_001 B	Proposed Plan and Renders
4285_PL_00_104 A	Diagram with Context
4285_PL_00_003 A	Proposed Plan with Context
4285_PL_00_004 A	Diagrams

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

From: Michael Wilshaw [REDACTED]
Sent: Sunday, June 2, 2024 1:52 PM
To: AMurphy@aberdeencity.gov.uk
Cc: JKeohane@aberdeencity.gov.uk
Subject: 81 Gray St-Planning Approval.

Dear Aoife,

As owner of 79 Gray St, Aberdeen, I am in support of Planning Application 231519/DPP-proposing a single-storey extension to the rear of 81 Gray St, my neighbour.

As shown through various daylighting studies submitted as part of the application, the impact of this extension on my property is minimal, and the lower height of the boundary wall increases the amount of daylight reaching the rear of of my property.

I, therefore, view this proposal as an overall improvement to the area and have no concerns regarding the proposal.

Sir Michael Wilshaw (owner of 79 Gray St) Sent from my iPhone

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26th June 2024

Attn: Jennifer Keohane

4285 - 81 Gray Street Proposals – Planning Application

Dear Jennifer,

In support of our Application for Planning Permission we would like to confirm the impact of the proposal in the context of the existing extensions:

Diagram 1 - East Elevation NEW PROPOSED Submission (in pink) versus existing (green hatch)

This shows the eaves reduced in height in relation to the existing.



Section 1 Diagram

1 : 50

Diagram 2 – NEW PROPOSED SUBMISSION of East Elevation (in pink) versus existing (green hatch)

THE NEW PROPOSED submission has an elevational area of wall to the north boundary of 18.64sqm versus the EXISTING which has an elevational area of 20.36sqm:

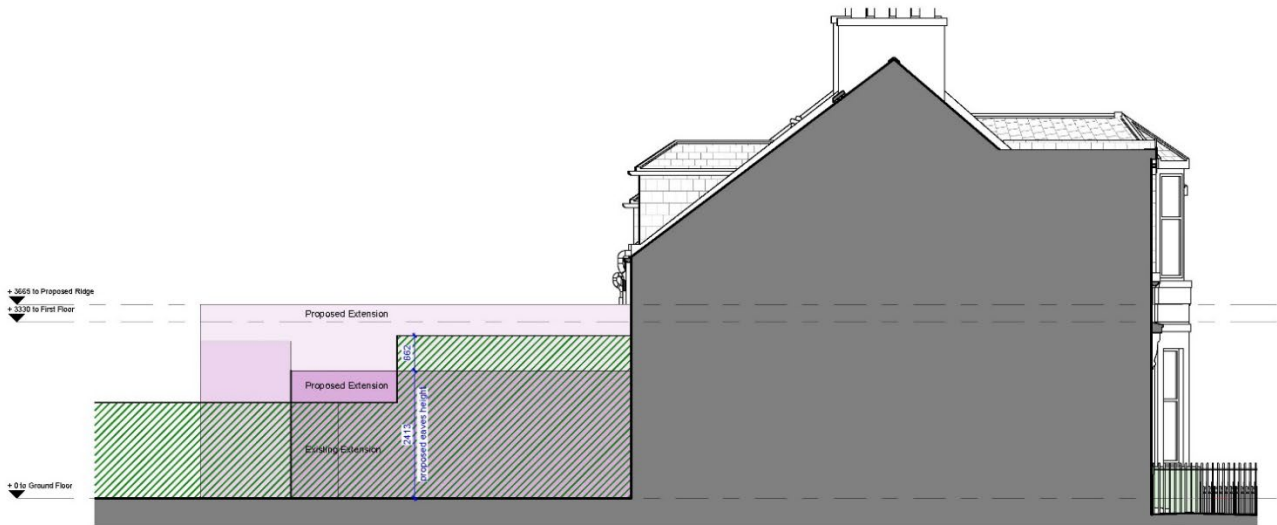


Diagram 3A + 3B - PLAN - NEW PROPOSED Submission (in pink) versus existing extensions (green hatch)

This shows the straight projection and stepping of the plan of the proposed new extension in order to reduce the visual impact of the extension on the property at No. 79 Gray Street.

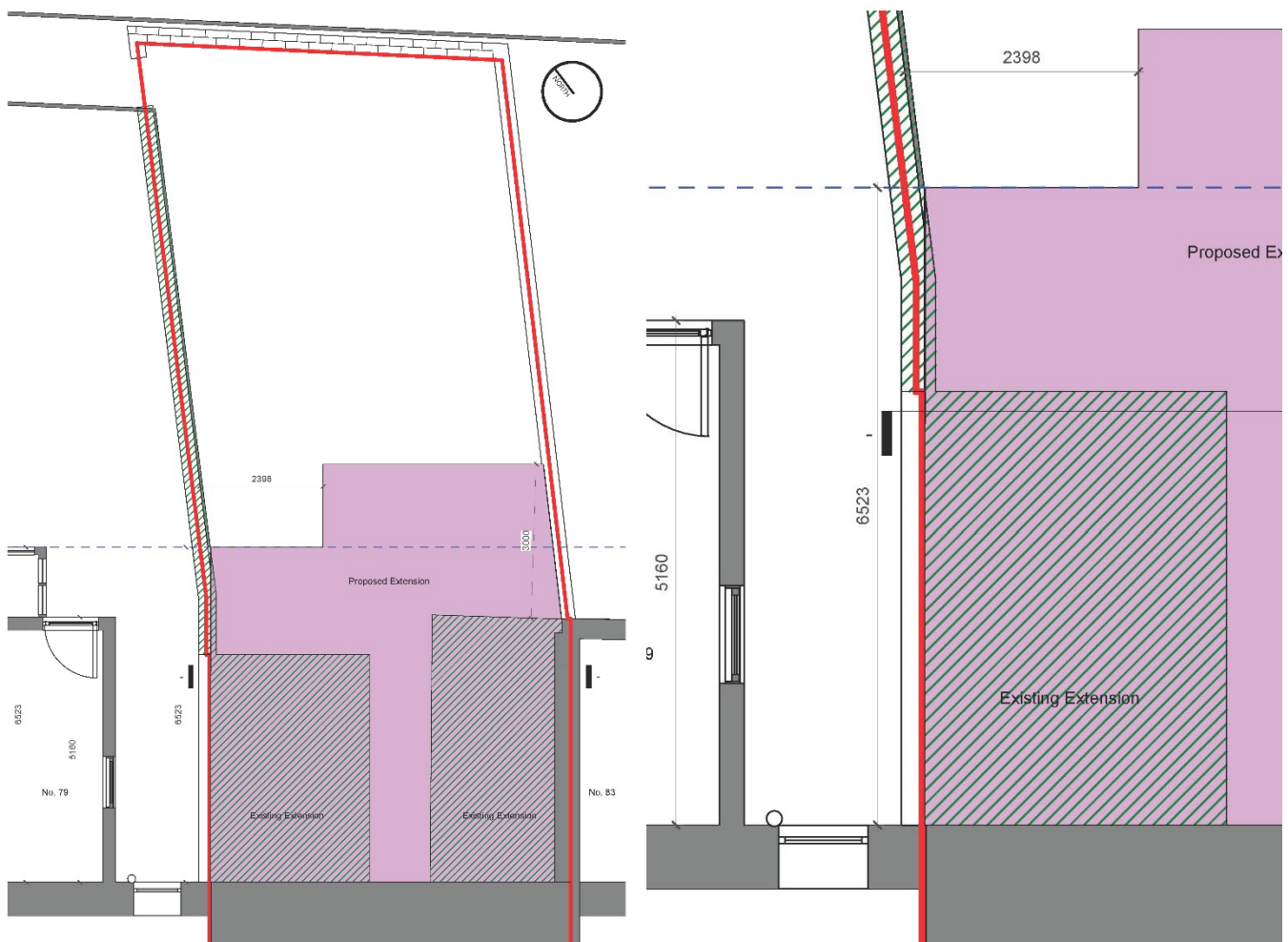


Diagram 3A – Ground Floor Plan

Diagram 3B – Ground Floor Plan - Detail

We would further like to highlight that the proposals meet current Building Standards so need to provide a fully accessible space for our Client who wishes to design for the future.

Standard 3.11 of the Building Regulations Scotland 2023 requires manoeuvring spaces to kitchens and living areas to be provided to this standard. The NEW PROPOSALS ensure that we can meet these requirements and provide a home that is future-proofed and allows our clients to remain in it for longer in their old age.

NPF4

Several policies relate to this application:

Policy 14 states:

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

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.**

Policy 16 states that:

h) Householder development proposals that provide adaptations in response to risks from a changing climate, **or relating to people with health conditions that lead to particular accommodation needs will be supported.**

Policy 23 states that:

Policy Intent: To.....**promote and facilitate development that improves health and wellbeing.**

Further to the submission of this proposal we would commend this application for approval as a result of a carefully considered design taking into consideration all factors and indeed an improvement in the daylighting and the impact of the extension on the neighbouring property at No. 79 Gray Street.

Catriona Tanner

Catriona Tanner
Design Director



tinto.co.uk | +44 (0) 1224 821 670 | Mill House, Grandholm Crescent, Bridge of Don, Aberdeen,
AB22 8BB



THE ROYAL INCORPORATION OF ARCHITECTS IN SCOTLAND
CHARTERED PRACTICE

arb Architects
Registration
Board



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Application 240798/DPP

Development Plan

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

- 1. Tackling the climate and nature crises
- 2. Climate mitigation and adaptation
- 14. Design, quality and place
- 16. Quality Homes

Aberdeen Local Development Plan 2023

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

- H1 Residential Areas
- D1 Quality Placemaking
- D2 Amenity

Aberdeen Planning Guidance (APG)

- Householder Development Guide

The Equality Act 2010

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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 100685658-001

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:

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

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<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="Martin"/>	Building Number:	<input type="text" value="81"/>
Last Name: *	<input type="text" value="Livingstone"/>	Address 1 (Street): *	<input type="text" value="Gray Street"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB10 6JD"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="marianne@berryhilllandandplanning.co.uk"/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="81 GRAY STREET"/>
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="AB10 6JD"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="804636"/>	Easting	<input type="text" value="392634"/>
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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 Single Storey Extension to Rear of 81 Gray Street, Aberdeen AB10 6JD

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 Grounds of Review Statement

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

Yes No

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

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

Decision Notice Planning Application Drawings Officers Report of Handling Letter from neighbour

Application Details

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

24/0798/DPP

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

26/06/2024

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

22/08/2024

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

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

Please select a further procedure *

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

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

A site visit is recommended in order for the members of the LRB to consider the full context of the site, the surrounding area and the neighbouring properties.

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)

It would be helpful if the site visit was accompanied to allow the rear access to be negotiated.

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 Marianne Evans

Declaration Date: 08/10/2024

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GROUNDS FOR REVIEW STATEMENT

ON BEHALF OF MR MARTIN LIVINGSTONE

**Installation of replacement single storey extension to rear of 81 Gray Street
Aberdeen, AB10 6JD**

Application Reference: 240798/DPP

October 2024

LIST OF CONTENTS

Executive Summary
Introduction
The Site, Proposals and Planning History
Assessment of the Planning Application
Conclusions and Recommendations
Documents

EXECUTIVE SUMMARY

Planning application reference 240798/DPP for the Installation of a replacement single storey extension to the rear of 81 Gray Street was refused by Aberdeen City Council on 22 August 2024. The applicant is seeking a review of that decision.

Planning Officers, in their report of handling, agree that the proposals comply with development plan policy for the majority of criteria. The area of disagreement relates to the impact the proposal will have on No79 Gray Street and Planning Officers perception that the proposed extension will be overbearing and create a tunnelling effect. Our request for a review is to consider this element in further detail as we believe their concerns have been overstated and cannot be justified. It is our submission, that the amenity of No79 Gray Street will not be compromised. Indeed daylighting to the property is increased as a result of the lower roof height to this proposed extension than the existing one. In addition, the neighbour at No79 Gray Street is supportive of the proposals and does not share the concerns of the Planning Officers. Additionally, it is material that the owners of No79 Gray Street recently secured planning consent for a new extension which removes the gap between their existing extension and No81 Gray Street and therefore any perception of tunnelling and overbearing will be removed in its entirety.

1. INTRODUCTION

1.1 This statement has been prepared on behalf of Mr Martin Livingstone (the applicant) in support of the request for a review of the decision to refuse planning application reference 240798/DPP for the Installation of a Replacement Single Storey Extension to the rear of 81 Gray Street, Aberdeen, AB10 6JD.

1.2 The planning application was lodged on 26 June 2024. The decision notice (Document 1) was issued on 22 August 2024 and provided the reason for the refusal as being:

“The proposed single storey extension, due to its projection on the north-west elevation, would far exceed the criteria outline in the Council’s Householder Development Guide Aberdeen Planning Guidance for the projection of extensions along mutual boundaries in terraced properties. The projection of the extension would result in an overbearing impact and unacceptable tunnelling effect on the neighbouring property at 79 Gray Street, whilst also creating further overshadowing of that property, therefore the works do not comply with the criteria set out in Policy 14 (Design, Quality and Place) and Policy 16 (Quality Homes) of National Planning Framework 4 (NPF4). Due to the significant adverse impact on the amenity of the neighbouring property, the proposal also conflicts with the criteria detailed within Policy H1 (Residential Areas), Policy D1 (Quality Placemaking) and Policy D2 (Amenity) of the Aberdeen Local Development Plan 2023.”

1.3 The purpose of this statement is to set out the applicant’s reasons for seeking a view and to demonstrate that planning permission should in fact be granted for the proposed development as the impact of the proposals on No79 Gray Street which is the key reason for refusal is overstated and cannot be justified.

1.4 It is requested that Member of the Local Review Body visit the site as part of their consideration of the planning application in order to see the existing context of the site and its surroundings.

2. THE SITE, PROPOSALS AND PLANNING HISTORY

2.1 The site is located to the south west of Aberdeen on Gray Street. The street itself is of traditional character with 2-storey granite terraces on the west side of the street and 1½ storey granite terraces on the east side. The application site, no 81, is located on the east side. The site forms part of a terrace from no 71 to no 85. Opposite the house is Broomhill Primary School. To the rear of no81 is the garden of no162 Broomhill Road.

- 2.2 The plot is formed by a 1½ storey dwelling house with a front garden to Gray Street and path to the front door. The rear of the house has two single storey extensions. The existing extension to the north of the site currently comprises a bedroom and extends 4.4 m from the rear façade of the original house. It has a flat roof. The extension to the south includes the kitchen and extends to 5.4 m from the existing façade. The roof is a single pitched roof sloping from the south to the north. The remainder of the rear garden is laid to lawn and patio. There is also a small shed located in the south east corner of the site.
- 2.3 Properties in Gray Street, like many to the west of Aberdeen, have typically been extended to the rear and there are a range of extensions as shown in the aerial image below. These typically range in size, style and age.

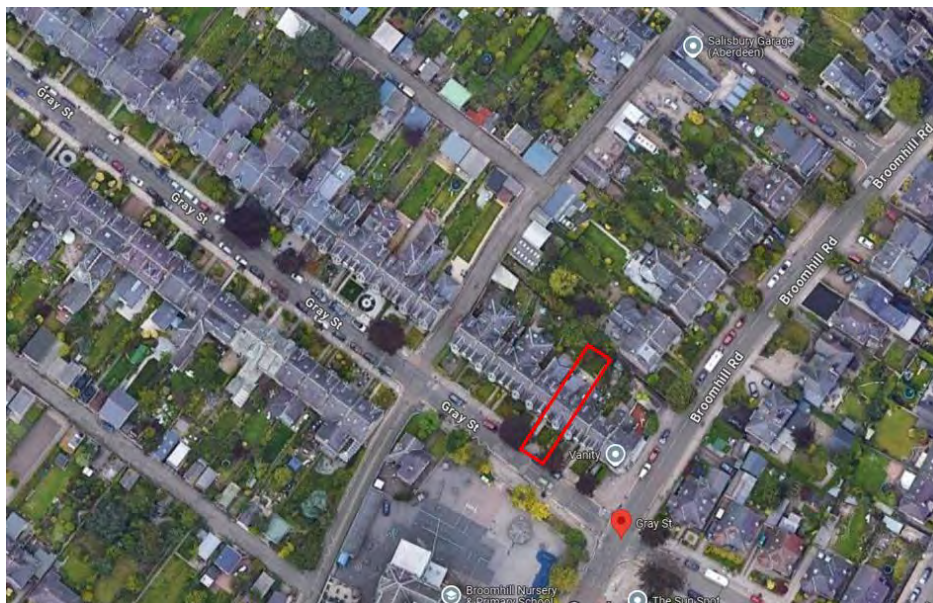


Figure 1: Aerial image of Gray Street and surrounding area. Site shown in red outline. Image courtesy of Google

- 2.4 The proposal is to remove the majority of the existing extension walls as shown on drawing 4285_PL_00_002 (Document 2) and shown below. An extract is shown below:



Figure 2: Image showing proposed demolitions to rear (east elevation). All demolitions shown in red.

2.5 The existing extension will then be replaced with a single one storey extension in order to consolidate the internal space and provide a bigger open plan kitchen/dining space that meets the requirements of modern living. The proposed extension is stepped on the north east boundary and longer on the south boundary. It spans the width of the existing house except for the "step-in" referred to above. The north east part of the extension will extend 2.1m beyond the existing bedroom extension. The southern element will extend 3m beyond the existing kitchen extension. The image below shows the proposed extension in the context of the removed extensions. The image on the left shows the existing extension (red dashes) and the image on the right show the existing extension in green hatch and the proposed extension in pink. The proposed extension is 0.6m lower than the existing one on the northern boundary.

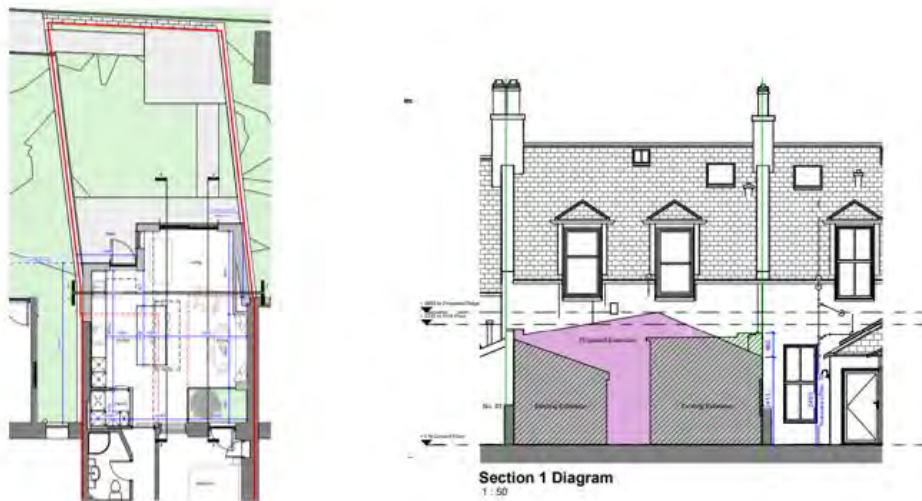


Figure 3: Image showing proposed extension in context of existing extension (red dash) (refer to drawing no 4285_PL_004 for detail)

2.6 The image below shows the proposed roof plan in the context of the surrounding properties. Its scale reflects existing extensions within the vicinity of the site.



Figure 4: Image showing proposed extension in context of the surrounding area.

2.7 For completeness, the images below show the existing and proposed rear (east) elevations:



Figure 5: Existing and proposed East Elevations.

2.8 The planning history of the site is relevant to this proposal. Application reference 231519/DPP for the Installation of a Replacement of a Single Storey Extension to the Rear of 81 Gray Street was lodged by the applicant in December 2023. This application was refused on 29 May 2024. The refusal notice for this earlier planning application had a similar reason for refusal expressing concern on the impact on 79 Gray Street but it incorrectly referred to the proposed extension following the line of the wall, and kinking northward. Whilst the drawings referred to in the decision notice were the most up to date ones, the references to the extension following the line of the wall in fact relate to superseded drawings. For this reason, it was considered appropriate to lodge a fresh planning application in order to ensure there was no ambiguity and to confirm all matters had been addressed appropriately. The revised application also reduced the height of the roof of the extension and reduced the wall area abutting No79 in order to address officer's concerns. It was also hoped that there could be meaningful dialogue with officers on the application. However, this current application was refused without any engagement with the applicant or their agent.

3. DEVELOPMENT PLAN AND MATERIAL CONSIDERATIONS

3.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires that when determining planning applications regard is to be had to the development plan unless material considerations indicate otherwise. The policies of the development plan relevant to this planning application are listed on page 3 under the headings "National Planning Framework 4" (NPF4) and "Aberdeen Local Development Plan 2023" (ALDP) of the Report of Handling and we agree that the

policies listed are the appropriate ones to take account of when determining this planning application.

- 3.2 There are a number of material considerations to be taken account of when determining this planning application. One of these is the Aberdeen Planning Guidance (APG) which is also referred to in the Report of Handling and the reason for refusal. The APG has been adopted as non-statutory planning advice. The Aberdeen City Council website confirms the "suite of documents sit alongside the Aberdeen Local Development Plan 2023 and provide more detailed information on its policies and sites. They will be used as material considerations in the determination of planning applications." We agree that the APG can be considered to be a material consideration in the determination of planning applications. It is important however that the appropriate weight is attached to the APG as it is advice and particularly in the case of householder applications cannot be applicable to all situations and circumstances.
- 3.3 Other material considerations that apply to the determination of this application are the existing townscape and existing extensions to the dwelling and also Planning Consent reference 240739/DPP for the Erection of a Single Storey extension to the rear of no79 Gray Street. These will be discussed further below.

4. ASSESSMENT OF THE PLANNING APPLICATION

- 4.1 The application requires to be assessed against the development plan and other material considerations as per s25 of the Town and Country Planning (Scotland) Act 1997 (as amended). This is what the planning officer has done in the Report of Handling (Document 3). It is therefore not helpful to reiterate the various policies. For this reason, this section of our justification for a review considers the application of policy by the Planning Officer and identifies where we disagree with the Officer's conclusions. We note and agree with much of the assessment of the planning application under the "evaluation" section of the "Report of Handling."
- 4.2 *Overdevelopment and Loss of Open Space*
- 4.2.1 In terms of Policy H1 of the ALDP, we agree with officers that the proposal does not constitute overdevelopment as, as set out on page 4 of the Report of Handling under the heading "Overdevelopment and Loss of Open Space", the proposal does not double the original footprint of the dwelling and does not result in more than 50% of the rear curtilage being developed as guided by the APG. It also does not remove open space as the development is fully within a private garden.
- 4.3 *Impact on Character and Amenity of the Surrounding Area*
- 4.3.1 We note and agree with many of the conclusions reached by officers under the above heading which assesses the proposals in terms of Policy 14 and Policy 16(g) of NPF4 and Policy D1 (Quality Placemaking) of the ALDP. We agree with the Officer's

conclusions that the design and materials are acceptable and compatible with the existing dwelling.

- 4.3.2 In terms of the assessment of scale, we welcome and agree that when taking the existing extension and neighbouring extension to the south there will be no impact on privacy, daylighting or overshadowing on 83 Gray Street.
- 4.3.3 We do not agree with Planning Officer's conclusions however in respect of the impact of the proposed extension on No 79 Gray Street, to the north of the site. The architects took time and care working with the applicant to ensure that their requirements were met without compromising their neighbour's amenity. They have worked to reduce the height of the extension along the northern boundary from 3m to 2.4m to ensure maximum light is offered to the neighbouring property. Officers refer to the increased projection of the extension along the northern boundary as being their main concern. However, we believe their concerns in respect of No79 have been overstated and cannot be justified. It is suggested by Officers that the additional length of building will create an overbearing and tunnelling effect. The images below show space between the extension at No79 and No81 both prior (left) to development and post development (right). Indeed, as the proposed extension is lower in height than the existing building there is material benefit to the daylight to No 79 Gray Street.

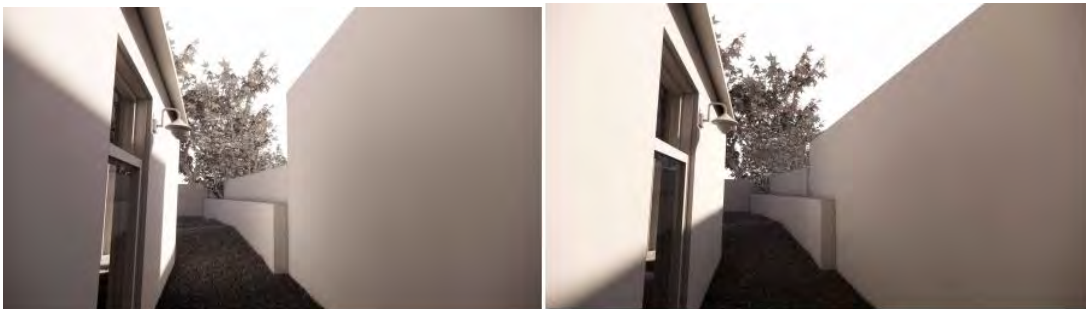


Figure 6: Existing (left) and proposed (right) daylighting at no79 Gray Street

- 4.3.5 Planning Officers at paragraph 2, page 6 of the Report of Handling suggested that although the daylight is improved from the current situation, they consider the north west elevation to be "excessive" and will have an adverse impact on the neighbouring property. However, as they have concluded elsewhere there is no impact on daylighting or amenity it is not known what is being referred to. Additionally, the scale of the extension is in keeping with the scale of those on properties in the vicinity of the site and is therefore not considered to be excessive.
- 4.3.6 The applicant's neighbour submitted a letter of support to the previous application (Document 4). Unfortunately, officers received this after they had determined the application and therefore it was not considered. It is however material as the neighbours were satisfied that their daylight would not be affected. Furthermore, it

is a material consideration that the owners of No79 Gray Street have secured planning permission to extend their existing rear extension (Ref 240739/DPP - granted 12 August 2024) to include the area between their south gable and the wall at No81 Gray Street. This means there will be no space and no windows on this southern elevation and therefore all suggestions of tunnelling and loss of daylight are removed. Planning Officers have disregarded this as a material consideration on the basis of it not yet being constructed/it may not be constructed. The neighbour has gone to the effort and expense to secure a planning application and planning consent was only granted a matter of weeks ago. We understand however, that works are due to commence in October/November 2024. As a result of the proposed extension, the owner of No79 has clearly demonstrated that light from the south is not a priority for them by removing all windows in this location.

5. CONCLUSIONS AND RECOMMENDATIONS

- 5.1 It is our opinion that the proposed extension at 81 Gray Street complies with development plan policy. It is of a scale appropriate to its surroundings, it does not constitute overdevelopment and does not impact on the privacy or amenity of surrounding properties. It is therefore respectfully requested that planning permission is granted for this application.

DOCUMENTS

Document 1 - Decision Notice



DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Alyx Stickle
Tinto Architecture
Mill House
Grandholm Crescent
Aberdeen
AB22 8BB

on behalf of **Mr Martin Livingstone**

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

Application Reference Number	240798/DPP
Address of Development	81 Gray Street Aberdeen AB10 6JD
Description of Development	Installation of replacement single storey extension to rear
Date of Decision	22 August 2024

DETAILS OF ANY VARIATION MADE TO THE APPLICATION

None.

REASON FOR DECISION

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

The proposed single storey extension, due to its projection on the north-west elevation, would far exceed the criteria outlined in the Council's Householder Development Guide Aberdeen Planning Guidance for the projection of extensions along mutual boundaries in terraced properties. The projection of the extension would result in an overbearing impact and unacceptable tunnelling effect on the neighbouring property at 79 Gray Street, whilst also creating further overshadowing of that property, therefore the works do not comply with the criteria set out in Policy 14 (Design, Quality and Place) and Policy 16 (Quality Homes) of National Planning Framework 4 (NPF4). Due to the significant adverse impact on the amenity of the neighbouring property, the proposal also conflicts with the criteria detailed within Policy H1 (Residential Areas), Policy D1 (Quality Placemaking) and Policy D2 (Amenity) of the Aberdeen Local Development Plan 2023.



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

4285_EX_90_001 A	Location Plan
4285_PL_00_002 A	Proposed Demolitions
4285_PL_90_001 B	Proposed Site and Location Plans
4285_PL_05_001 B	Proposed Sections 1 and 2
4285_PL_05_002 B	Proposed Sections 3 and 4
4285_PL_04_001 B	Proposed Elevations
4285_PL_00_001 B	Proposed Plan and Renders
4285_PL_00_104 A	Diagram with Context
4285_PL_00_003 A	Proposed Plan with Context
4285_PL_00_004 A	Diagrams

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 –

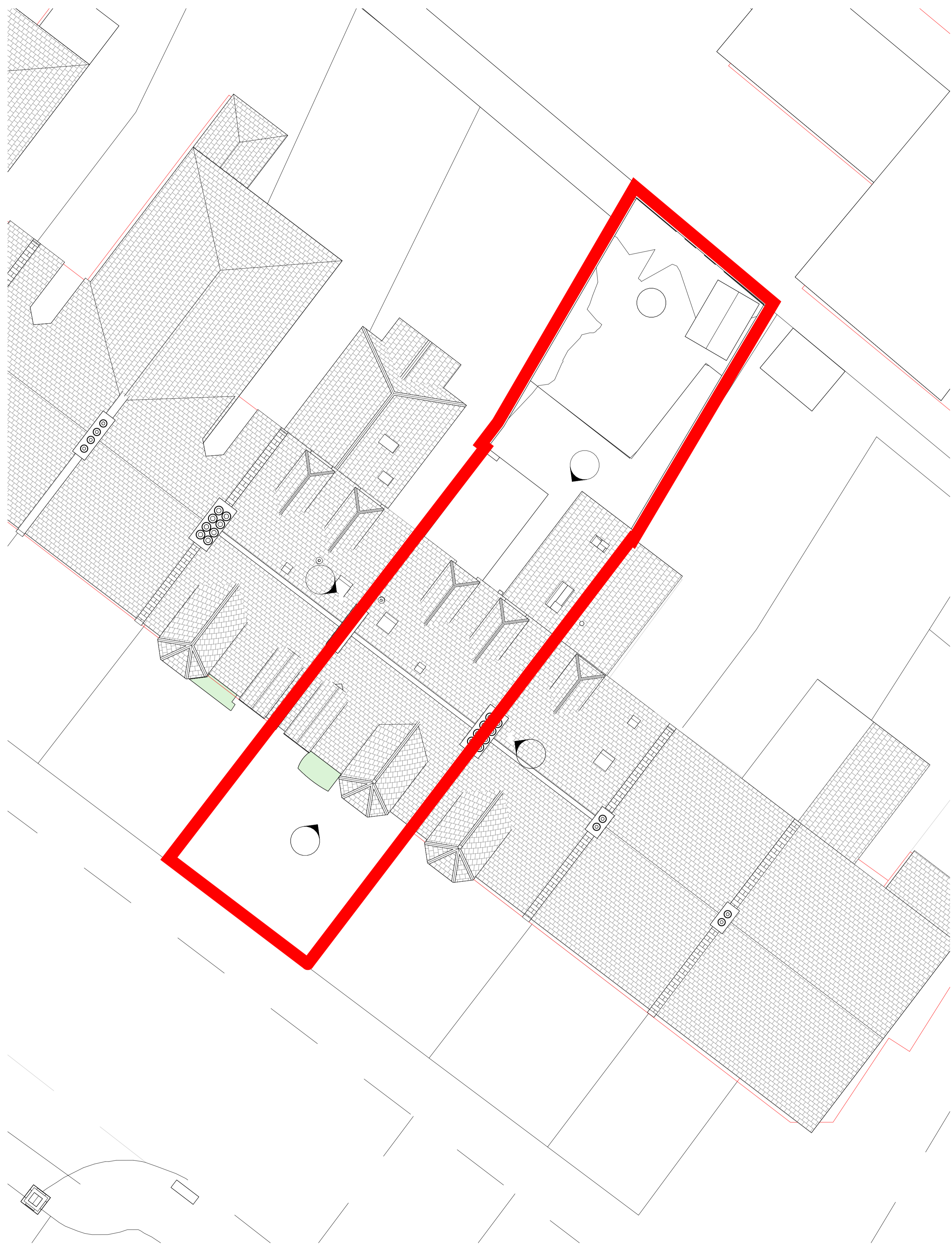
- a) to refuse planning permission;
- b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
- c) to grant planning permission or any approval, consent or agreement subject to conditions,

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/>.

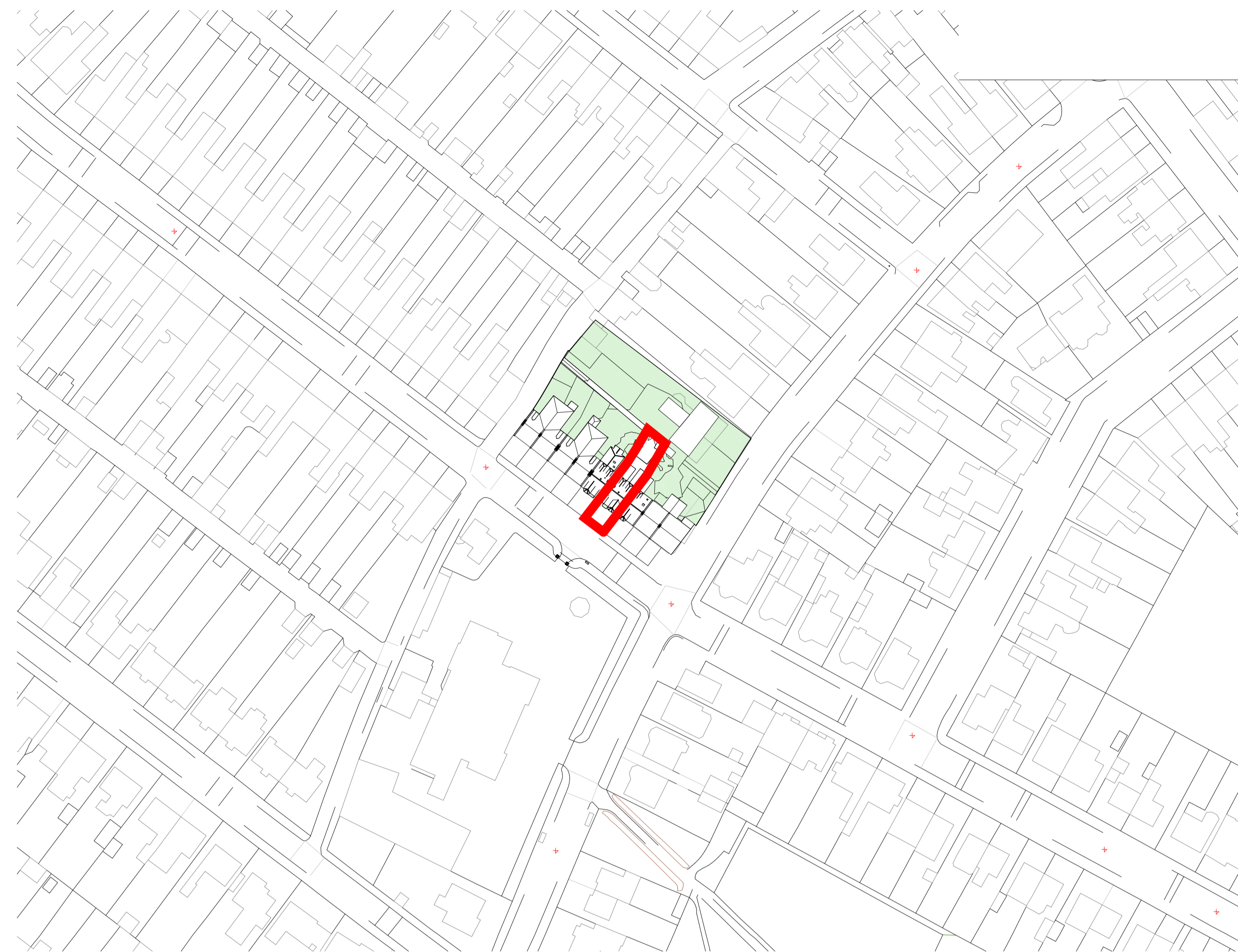
SERVICE OF PURCHASE NOTICE

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.

Document 2 - Planning application drawings



Existing Site



Location

Rev	Description	By	Date
A	Planning Submission	AS	25.06.24



Client: Mr & Mrs Livingstone
Project: 81 Gray Street
 Aberdeen, AB10 6JD

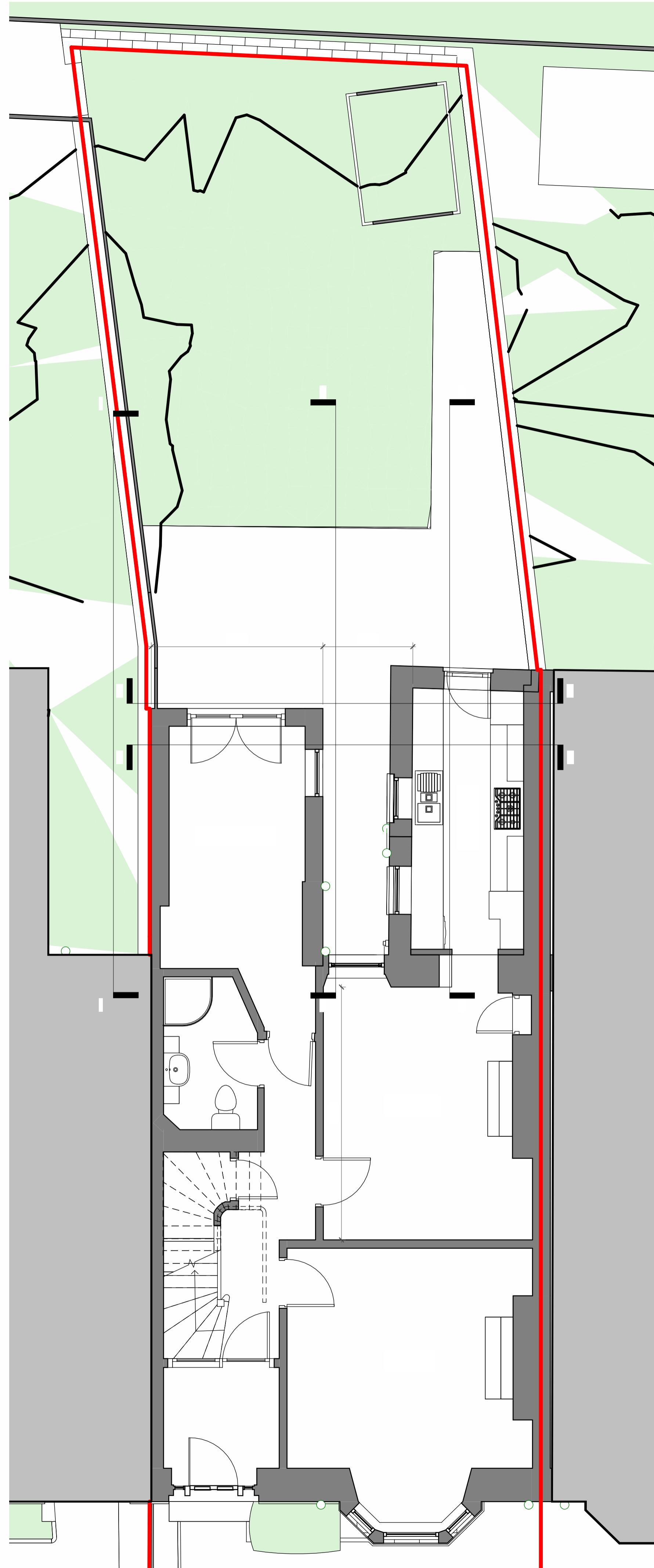
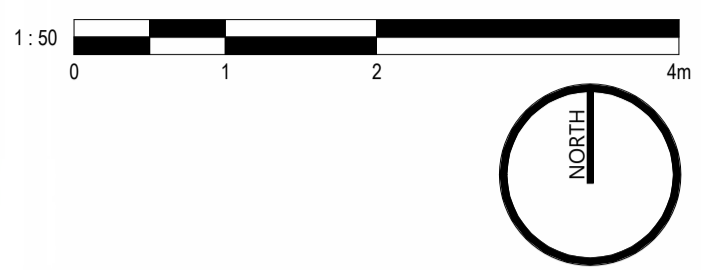
Title: Existing Site and Location Plans

Sheet No: 4285_EX_90_001 **Date:** 25.06.24

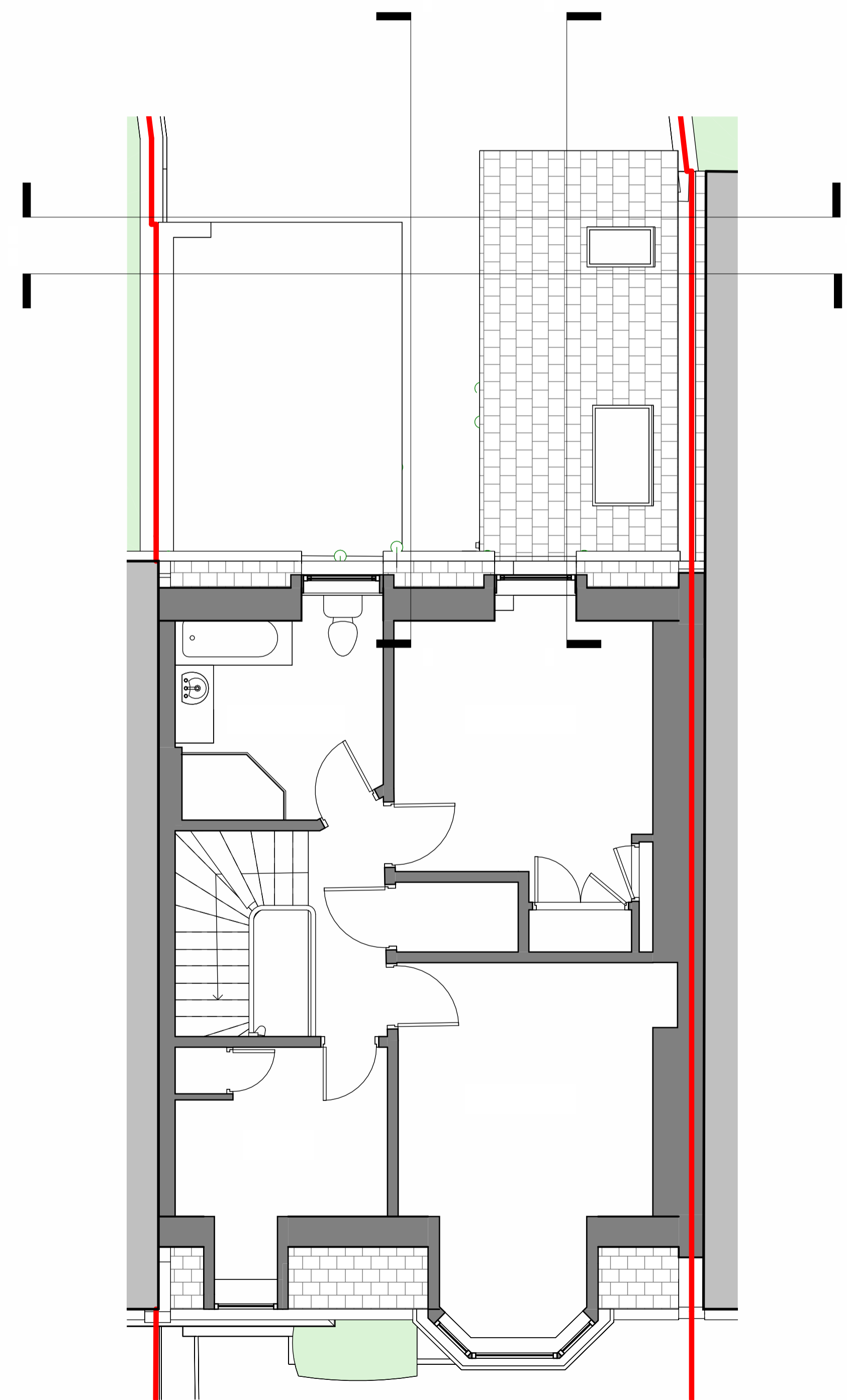
Drawn by: AS **Checked by:** CT **Scale:** As indicated

tinto.co.uk
 Millhouse
 Grandholm Crescent
 Bridge of Don
 Aberdeen, AB22 8BB
 +44 (0) 1224 821 670
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 Model\4285_TIN_ZZ_XX_MD1_81GS_Planning_25.06.24.rvt

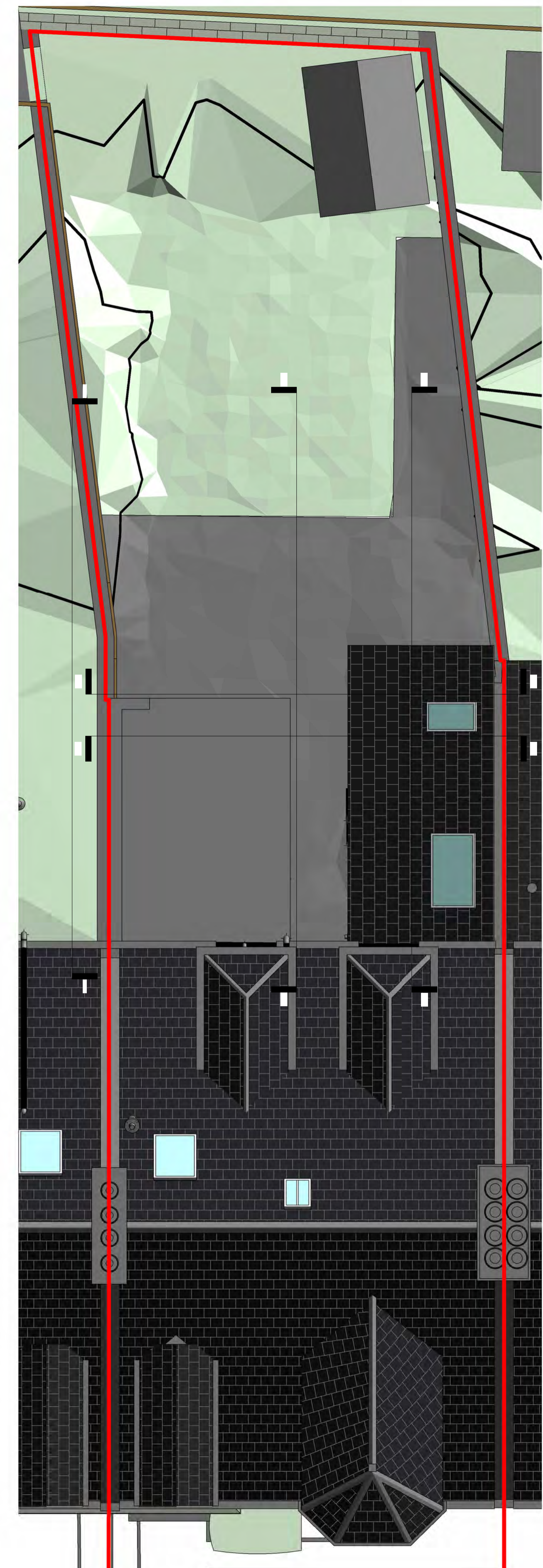
General Notes:



Existing Ground Floor



Existing First Floor



Existing Roof Plan

Rev	Description	By	Date
A	Planning Submission	AS	25.06.24



Client: Mr & Mrs Livingstone
Project: 81 Gray Street
 Aberdeen, AB10 6JD

Title: Existing Floor Plans

Sheet No: 4285_EX_00_001 **Date:** 25.06.24

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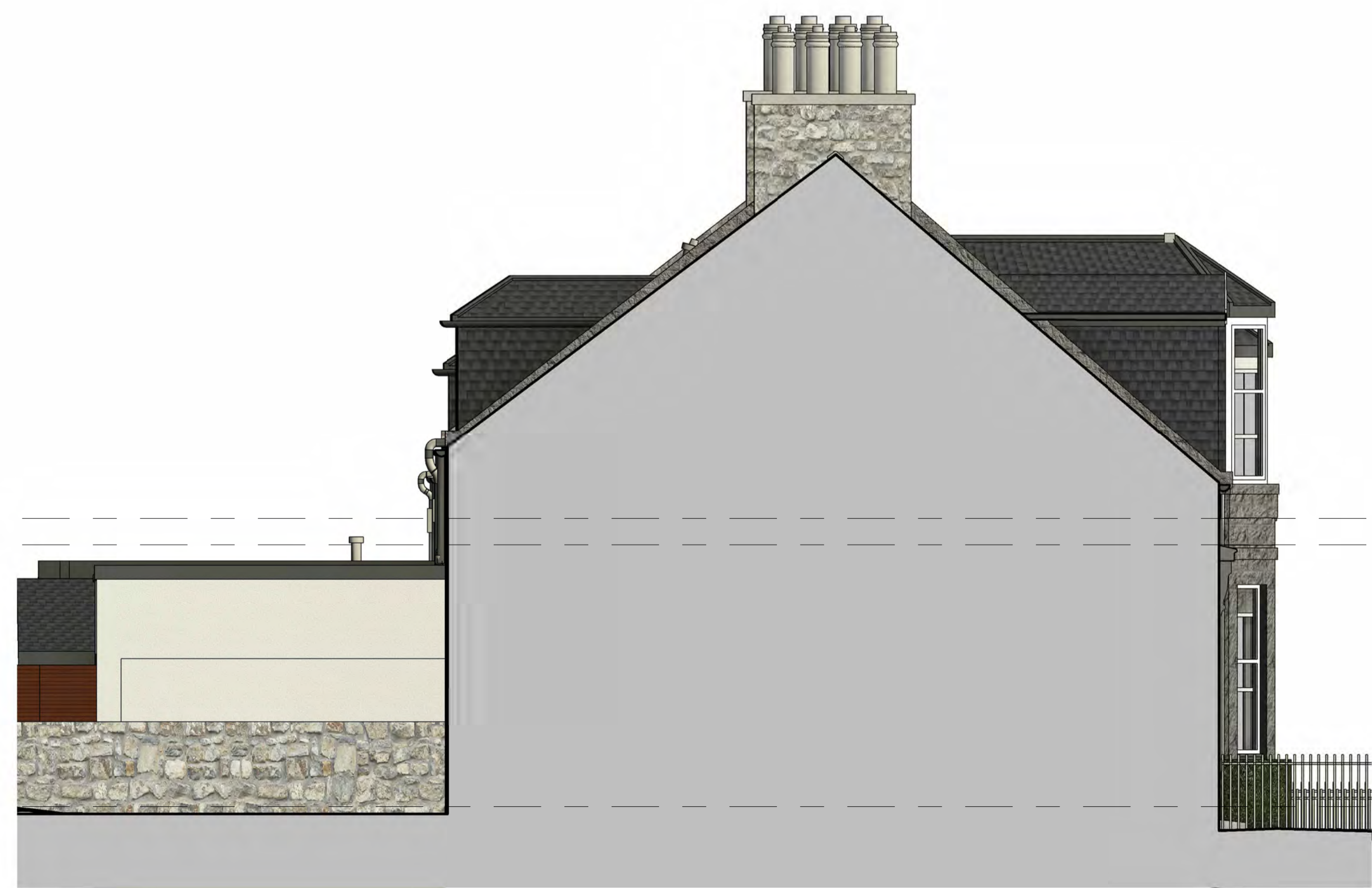
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 Bridge of Don Aberdeen, AB22 8BB
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Existing South Elevation



Existing West Elevation



Existing North Elevation



Existing East Elevation

Rev	Description	By	Date
A	Planning Submission	AS	25.06.24



Client: Mr & Mrs Livingstone
Project: 81 Gray Street
 Aberdeen, AB10 6JD

Title: Existing Elevations

Sheet No: 4285_EX_04_001 **Date:** 25.06.24

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Existing Section 1



Existing Section 2

Rev	Description	By	Date
A	Planning Submission	AS	25.06.24



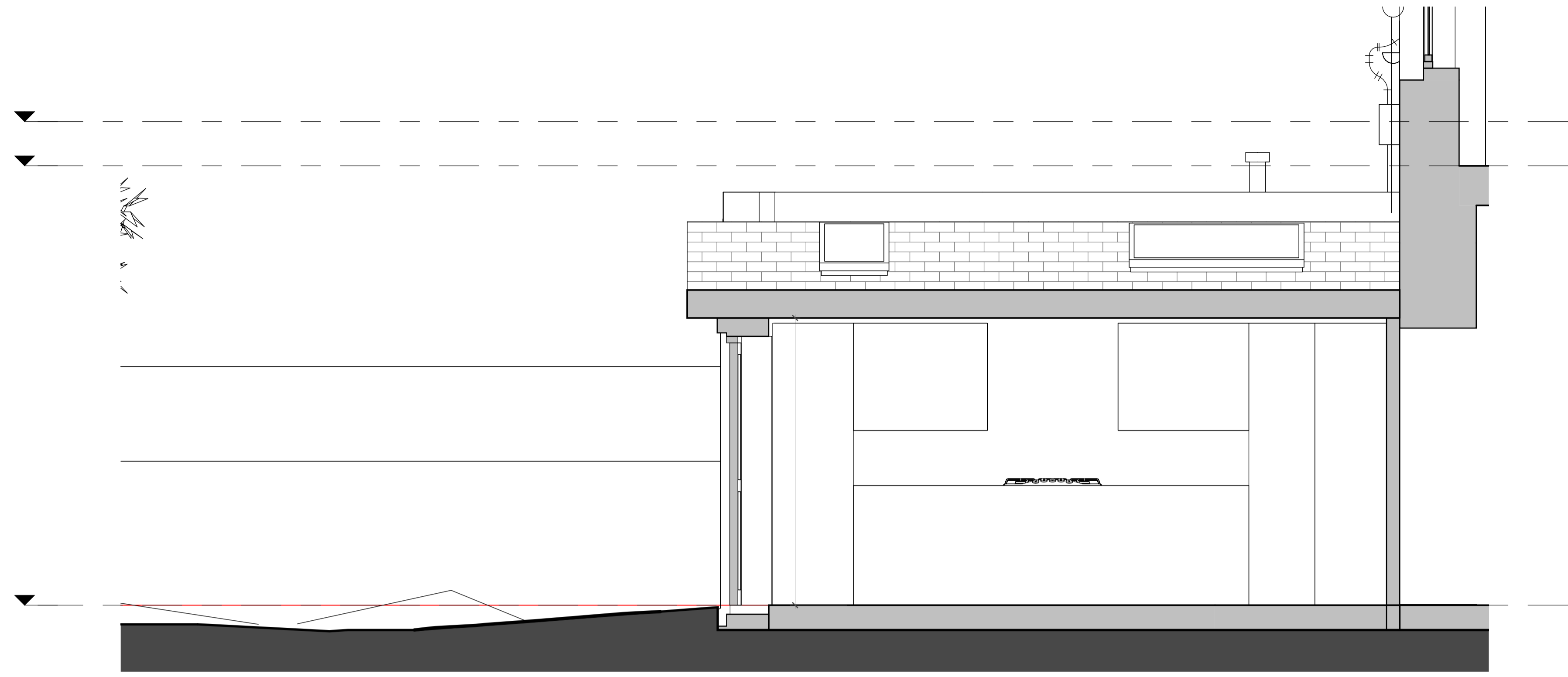
Client: Mr & Mrs Livingstone
Project: 81 Gray Street
 Aberdeen, AB10 6JD

Title: Existing Sections 1 & 2

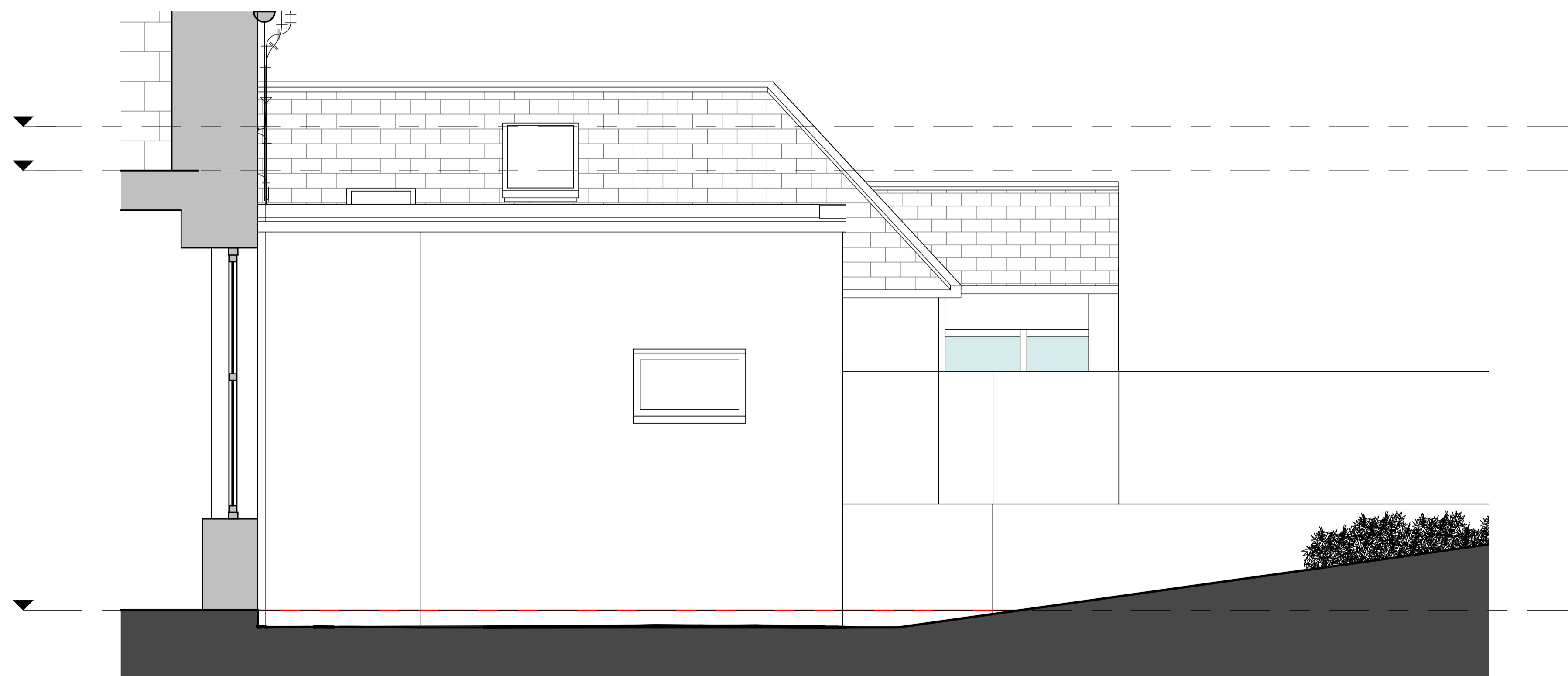
Sheet No: 4285_EX_05_001 **Date:** 25.06.24

Drawn by: AS **Checked by:** CT **Scale:** 1 : 25

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Existing Section 3



Existing Section 4

Rev	Description	By	Date
A	Planning Submission	AS	25.06.24



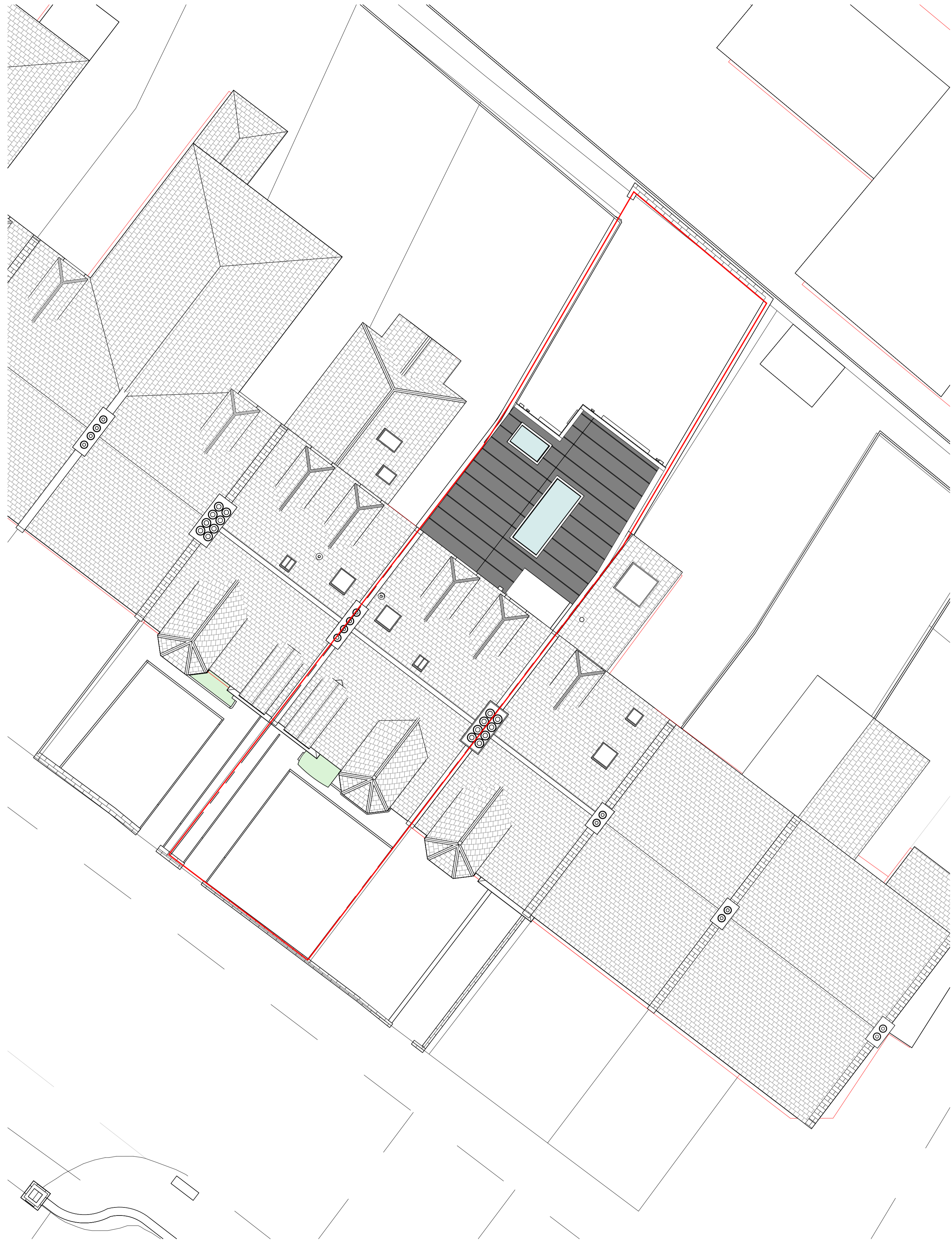
Client: Mr & Mrs Livingstone
Project: 81 Gray Street
 Aberdeen, AB10 6JD

Title: Existing Sections 3 & 4

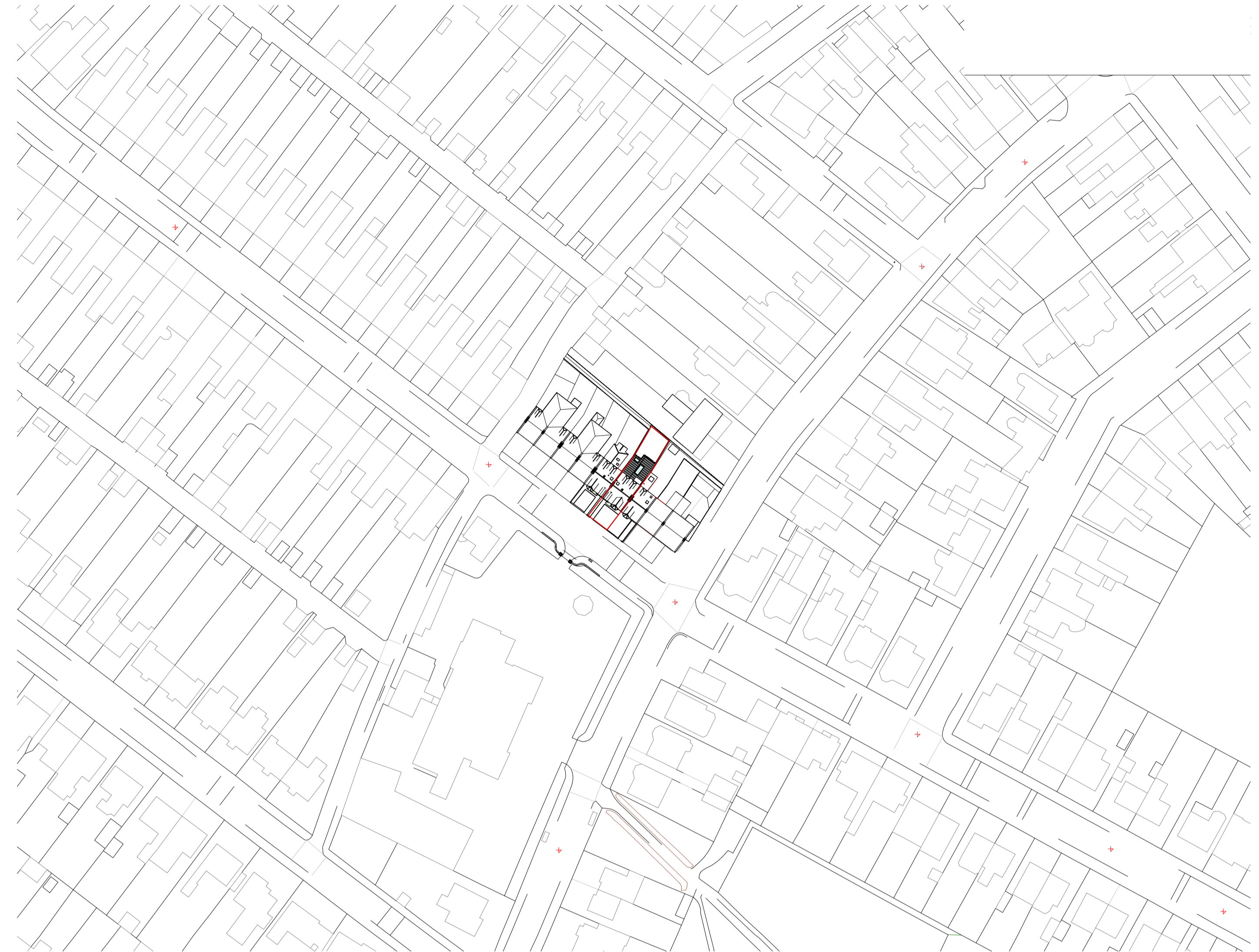
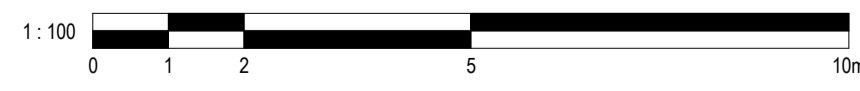
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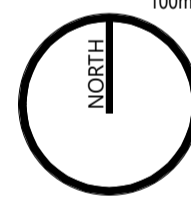
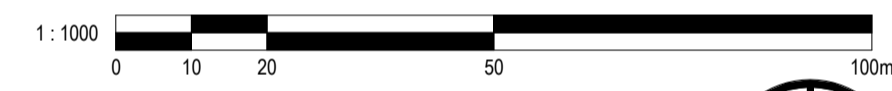
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Proposed Site



Location



Rev	Description	By	Date
B	Site boundary lineweight reduced.	AS	19.07.24
A	Planning Submission	AS	25.06.24



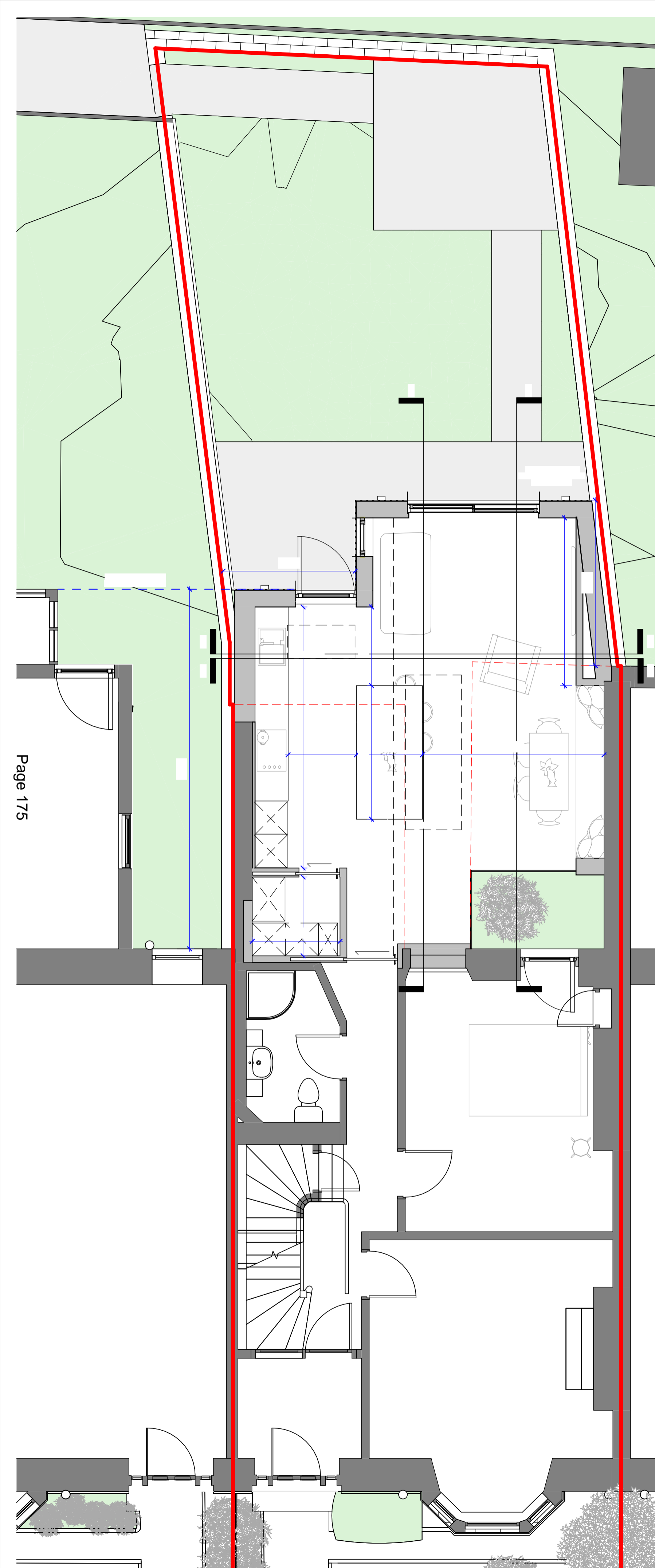
Client: Mr & Mrs Livingstone
Project: 81 Gray Street
 Aberdeen, AB10 6JD

Title: Proposed Site and Location Plans

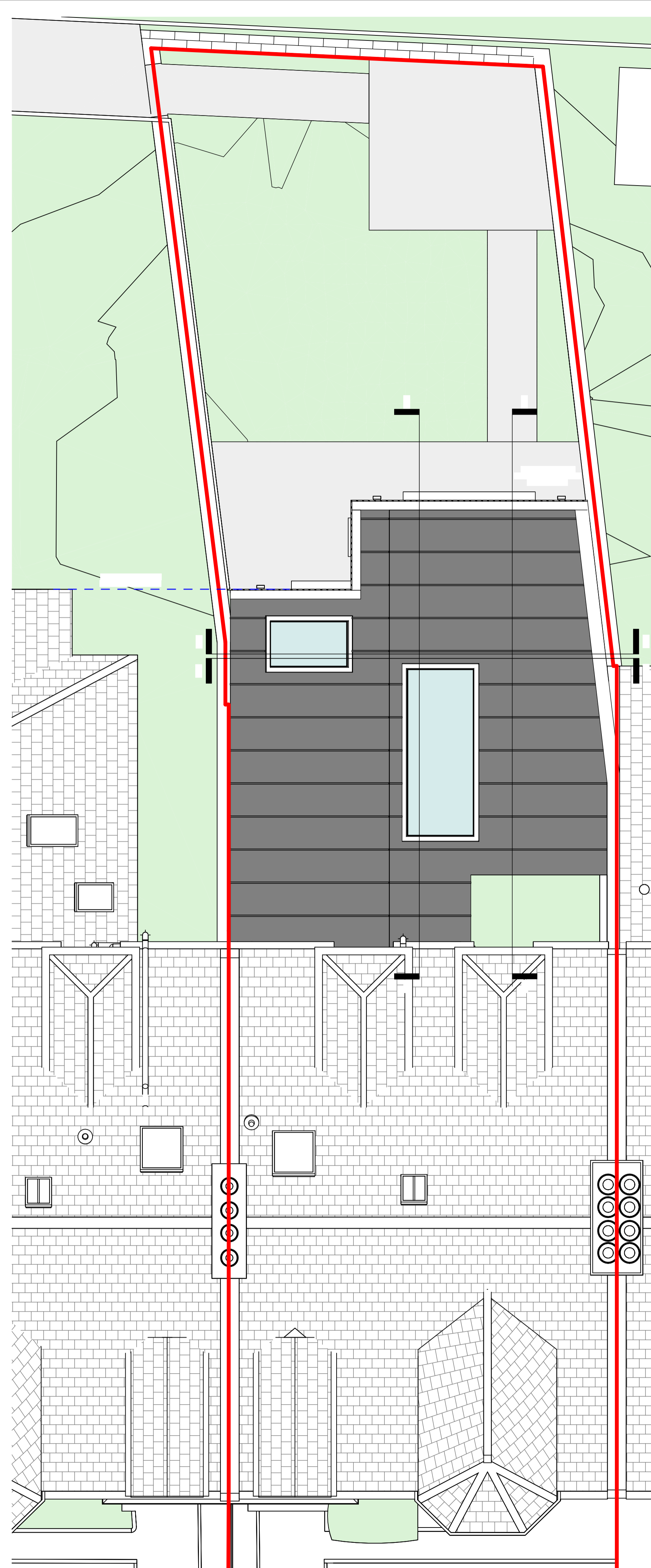
Sheet No: 4285_PL_90_001 **Date:** 29/11/23

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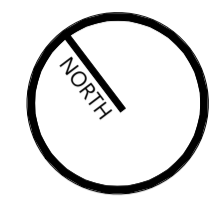
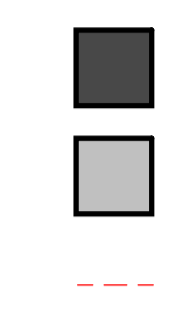
Proposed Ground Floor Plan



Proposed Roof Plan



General Notes:



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Rev	Description	By	Date
B	Parapet capping amended.	AS	19.07.24
A	Planning Submission	AS	25.06.24



Client: Mr & Mrs Livingstone
Project: 81 Gray Street
 Aberdeen, AB10 6JD

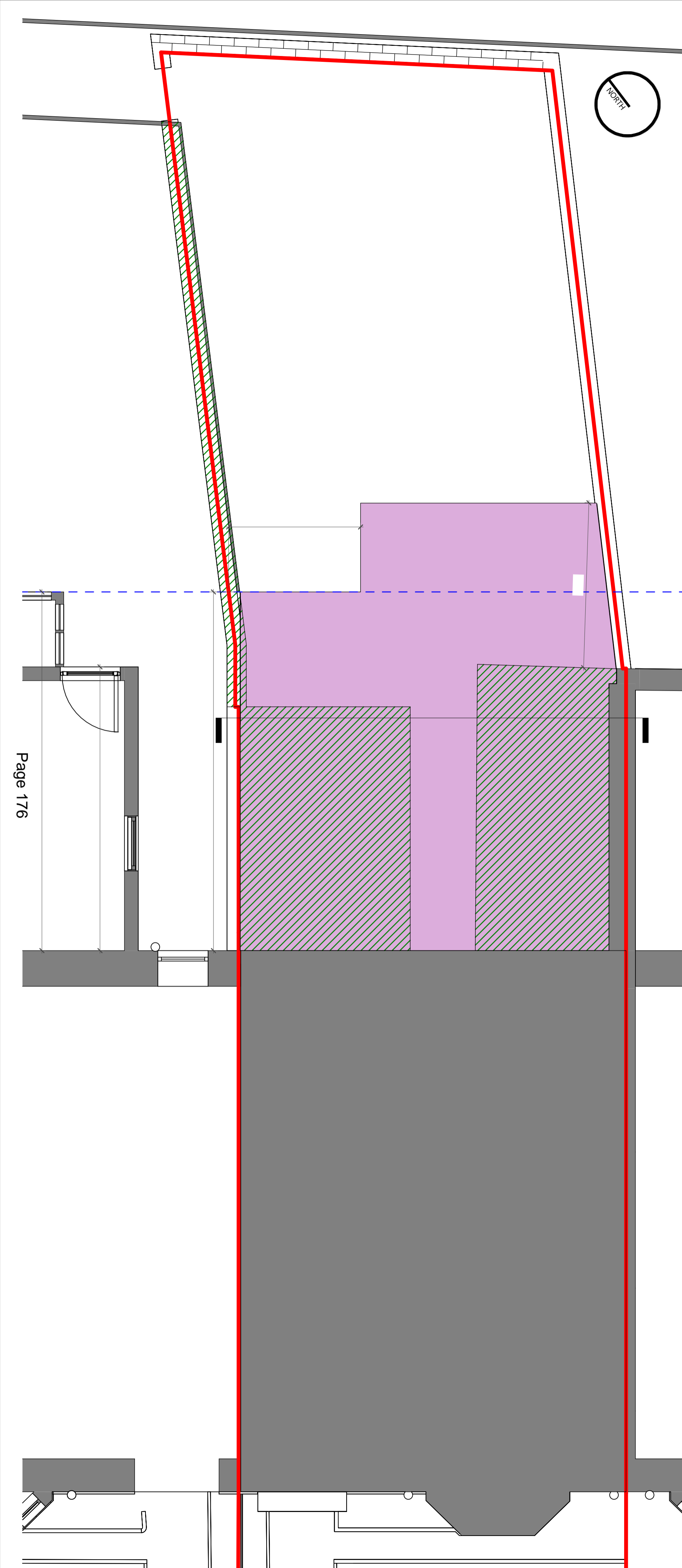
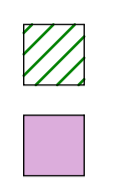
Title: Proposed Plan & Renders

Sheet No: 4285_PL_00_001 **Date:** 25.06.24

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General Notes:

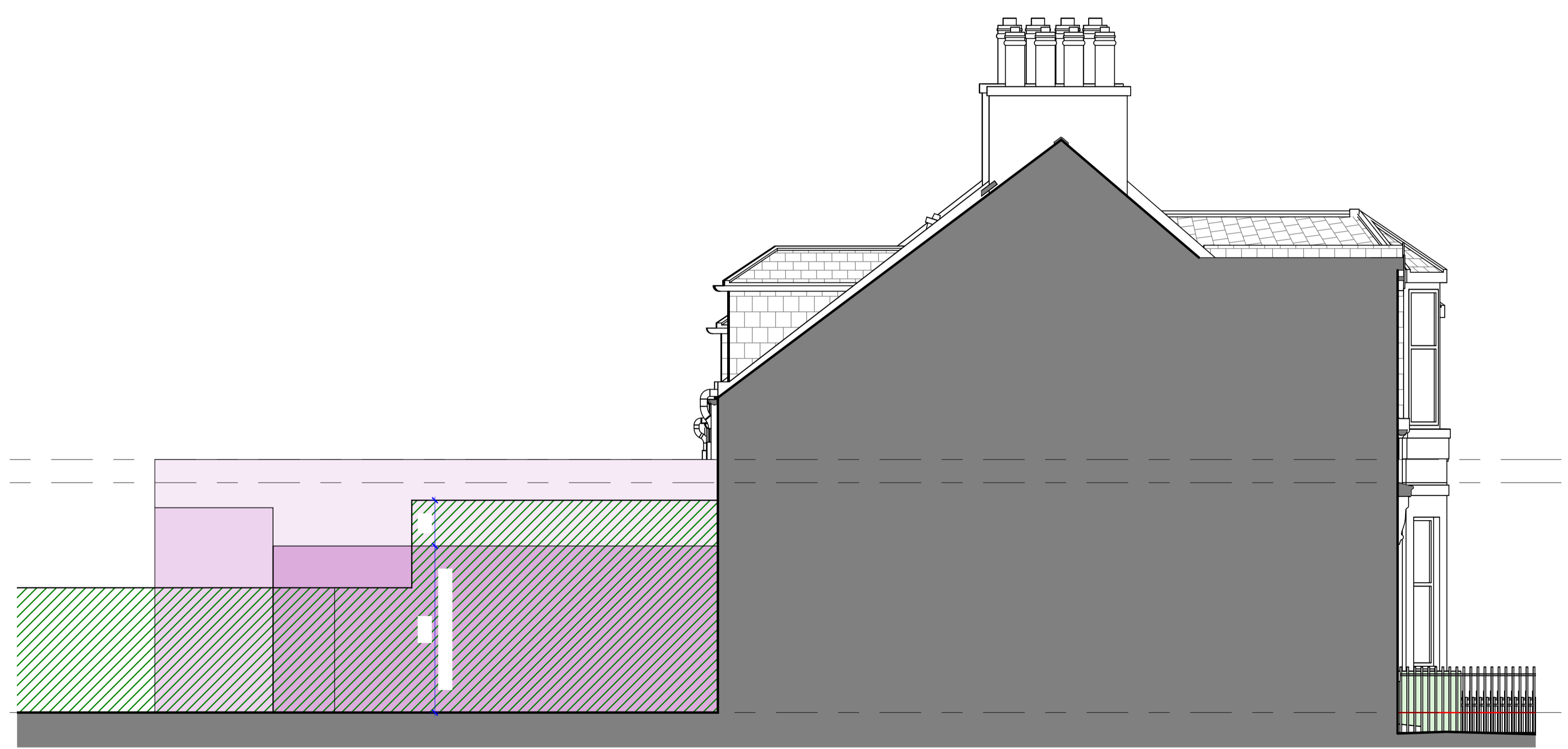


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Ground Floor Diagram



Section 1 Diagram



North Elevation Diagram

Rev	Description	By	Date
A	Planning Submission	AS	25.06.24



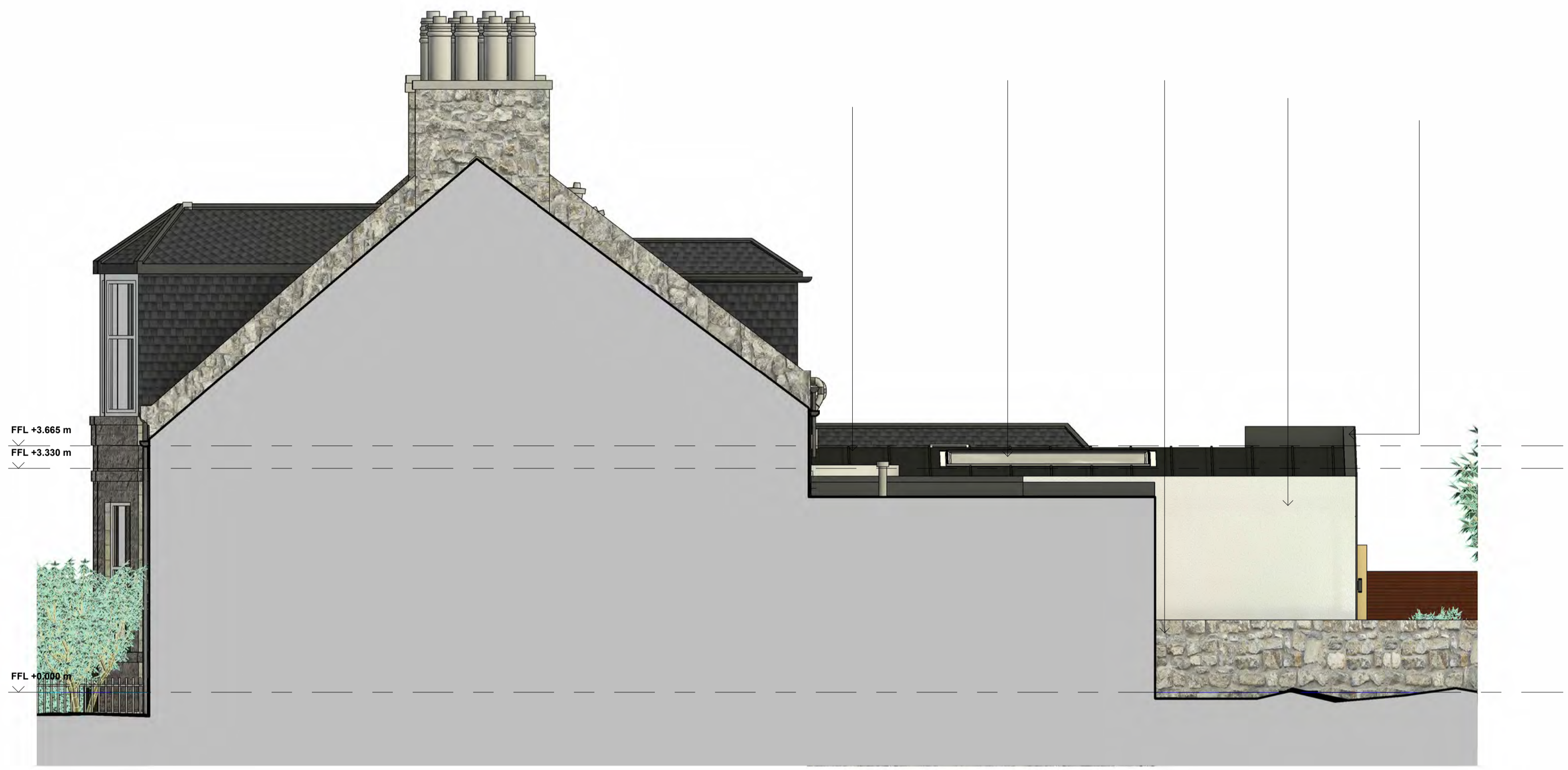
Client: Mr & Mrs Livingstone
Project: 81 Gray Street
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Title: Diagrams

Sheet No: 4285_PL_00_004 **Date:** 25.06.24

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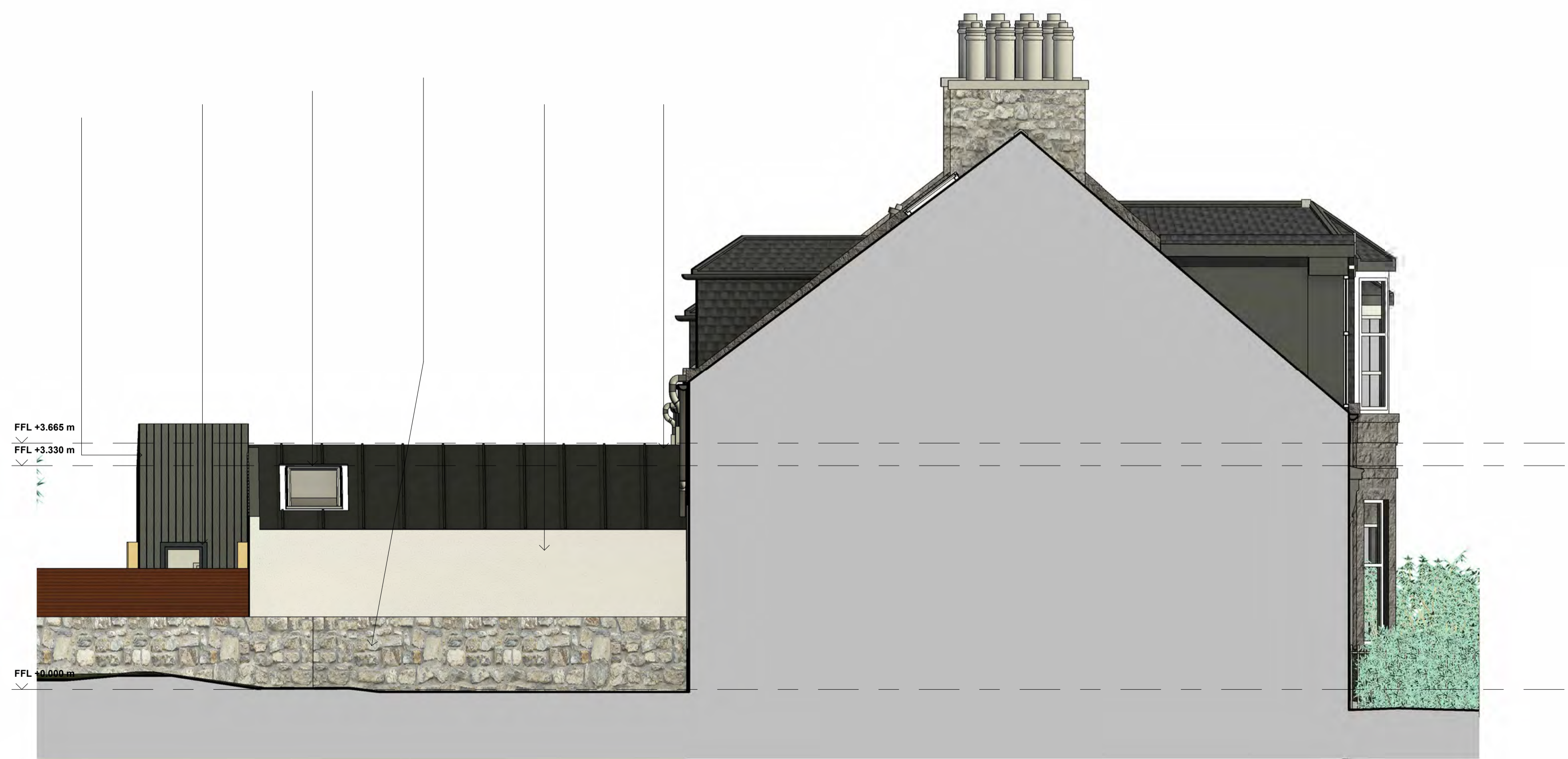
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Proposed South Elevation



Proposed West Elevation



Proposed North Elevation



Proposed East Elevation

Rev	Description	By	Date
B	Parapet capping amended.	AS	19.07.24
A	Planning Submission	AS	25.06.24

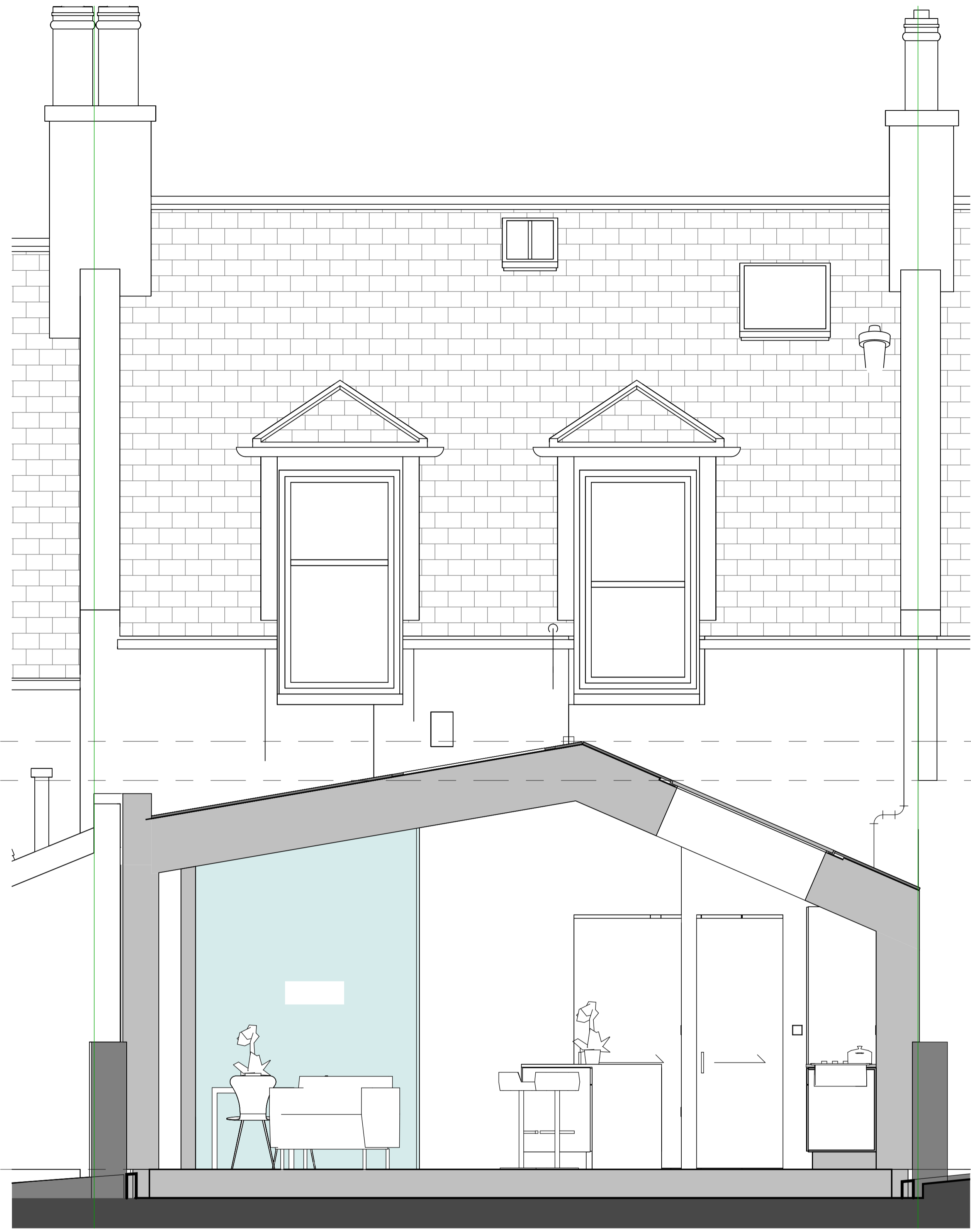


Client: Mr & Mrs Livingstone
Project: 81 Gray Street
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Title: Proposed Elevations

Sheet No: 4285_PL_04_001 **Date:** 25.06.24
Drawn by: AS **Checked by:** CT **Scale:** 1:50

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Proposed Section 1



Proposed Section 2

Rev	Description	By	Date
B	Parapet capping amended.	AS	19.07.24
A	Planning Submission	AS	25.06.24



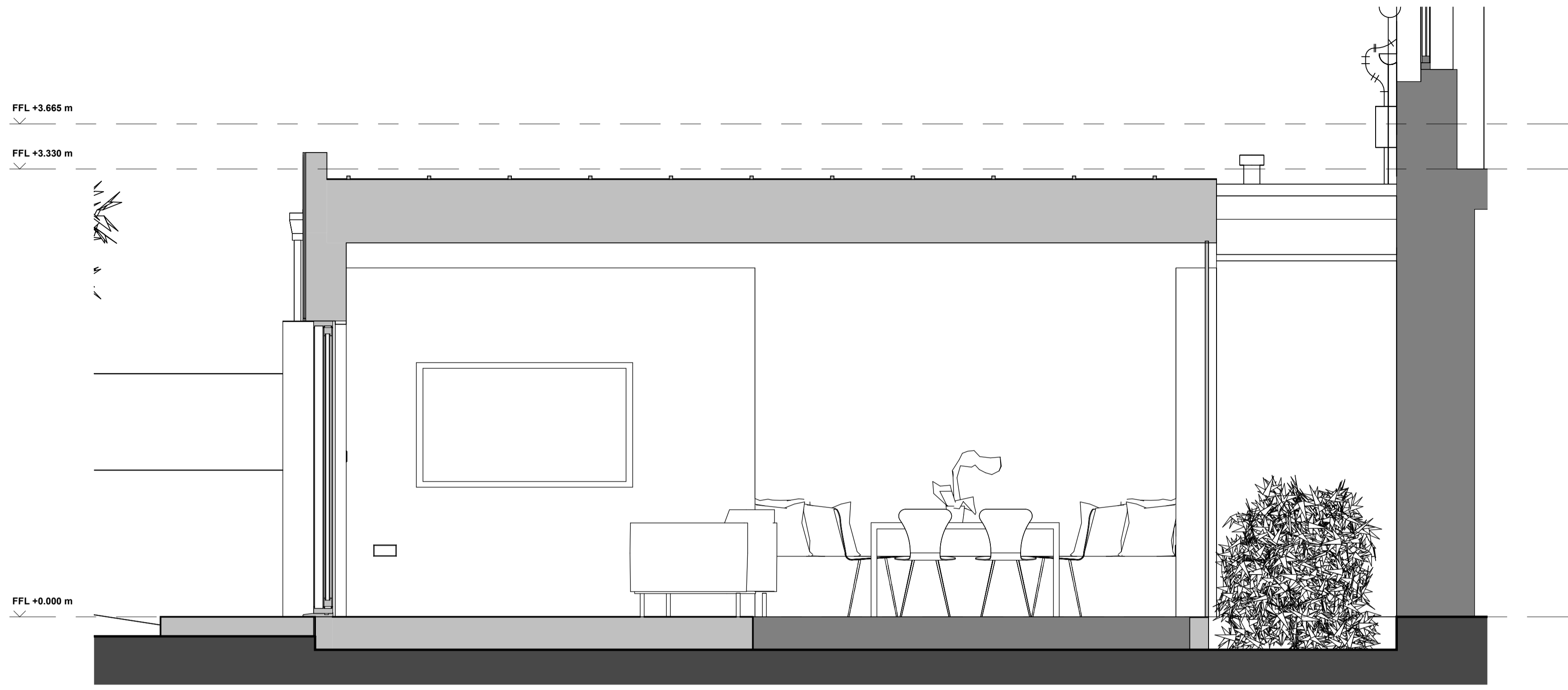
Client: Mr & Mrs Livingstone
Project: 81 Gray Street
 Aberdeen, AB10 6JD

Title: Proposed Sections 1 & 2

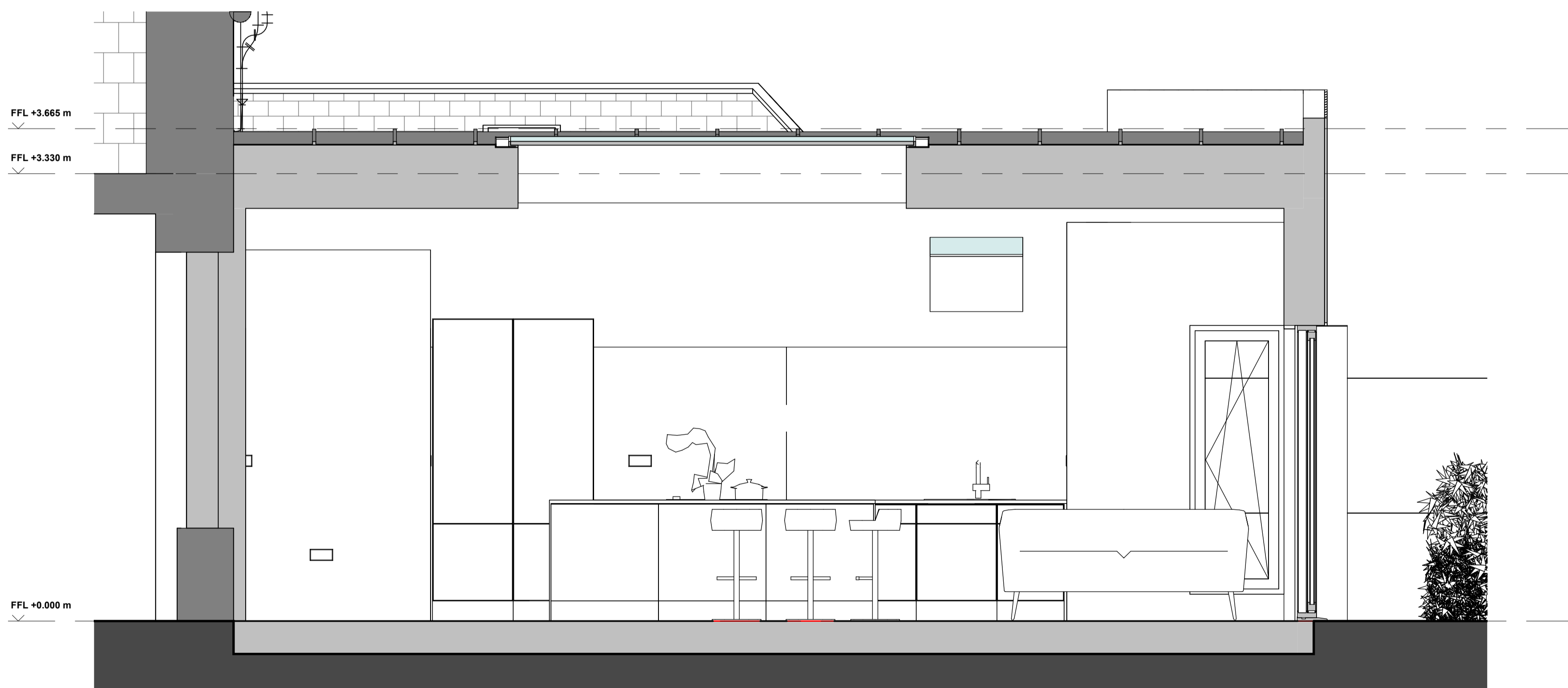
Sheet No: 4285_PL_05_001 **Date:** 25.06.24

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Proposed Section 3



Proposed Section 4

Rev	Description	By	Date
B	Parapet capping amended.	AS	19.07.24
A	Planning Submission	AS	25.06.24



Client: Mr & Mrs Livingstone
Project: 81 Gray Street
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Title: Proposed Sections 3 & 4

Sheet No: 4285_PL_05_002 **Date:** 25.06.24

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Document 3 - Officers Report of Handling



Strategic Place Planning

Site Address:	
Application Description:	
Application Ref:	
Application Type:	
Application Date:	
Applicant:	
Ward:	
Community Council:	

DECISION

APPLICATION BACKGROUND

Site Description

Relevant Planning History

APPLICATION DESCRIPTION

Description of Proposal

Amendments

Supporting Documents

CONSULTATIONS

Ashley and Broomhill Community Council

REPRESENTATIONS

MATERIAL CONSIDERATIONS

Legislative Requirements

Development Plan

Aberdeen Planning Guidance

Other National Policy and Guidance

EVALUATION

Background

Principle of Development

Equality Considerations

DECISION

REASON FOR DECISION

Document 4 - Letter of Support

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

From: Michael Wilshaw [REDACTED]
Sent: Sunday, June 2, 2024 1:52 PM
To: AMurphy@aberdeencity.gov.uk
Cc: JKeohane@aberdeencity.gov.uk
Subject: 81 Gray St-Planning Approval.


Dear Aoife,

As owner of 79 Gray St, Aberdeen, I am in support of Planning Application 231519/DPP-proposing a single-storey extension to the rear of 81 Gray St, my neighbour.

As shown through various daylighting studies submitted as part of the application, the impact of this extension on my property is minimal, and the lower height of the boundary wall increases the amount of daylight reaching the rear of of my property.

I, therefore, view this proposal as an overall improvement to the area and have no concerns regarding the proposal.

Sir Michael Wilshaw (owner of 79 Gray St) Sent from my iPhone

 <p>ABERDEEN 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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Site Address:	Land Adjacent To Oldfold Farmhouse, Milltimber, Aberdeen AB13 0HQ
Application Description:	Erection of two-storey detached dwelling house with integral garage and associated works
Application Ref:	240463/DPP
Application Type:	Detailed Planning Permission
Application Date:	12 April 2024
Applicant:	Mr Euan Davidson
Ward:	Lower Deeside
Community Council:	Cults, Bieldside and Milltimber

DECISION

Refuse.

APPLICATION BACKGROUND

Site Description

The application relates to a grassed paddock adjacent to Oldfold Farmhouse, East Drive, Milltimber.

The site extends to 0.13 hectares and is enclosed to the south-west by woodland and the Tor-Na-Dee Care Home. To the north-west is a narrow tree belt beyond which are two-storey dwellinghouses forming part of the recent Oldfold housing development. To the north-east is Oldfold Farmhouse, a 1½ storey vernacular dwelling which is separated from the site by a timber fence. To the south-east is the private driveway providing access to Oldfold Farmhouse, which is accessed from East Drive, which in turn leads to North Deeside Road around 300 metres to the south, and to the south-west a plantation of mature trees is adjacent to and bounds the site

Relevant Planning History

220746/MSC, Approval of matters specified in conditions 2 (tree survey and protection), 3 (surface water drainage) and 4 (waste-water connection) in relation to 220261/PPP for the erection of a detached dwelling house

Matters Specified in Conditions Approved Unconditionally 19th August 2022.

220261/PPP, Erection of two-storey detached dwelling house and associated works
Planning Permission in Principle Approved Conditionally 21st April 2022.

150260, Approval of Matters Specified in 130378 in relation to residential development of 58 houses (Condition 1-Phasing, 4-New Junction, 9-Drainage, 10-Archaeology, 11-Contamination, 14-Trees, 15-CEMP, 16-SWMP, 17-Layout and Design, 18-Landscaping, 20-Travel Pack)
Matters Specified in Conditions Approved Conditionally 6th August 2015.

130378, Development including residential comprising approx. 550 house units, commercial, primary school, associated ancillary uses and infrastructure improvements including road junction formation on A93

Planning Permission in Principle Approved Conditionally 24th February 2015.

APPLICATION DESCRIPTION

Description of Proposal

It is proposed to erect a dwellinghouse with a built footprint of approximately 211 square metres and rising to a ridge height of approximately 8.3 m. The house would be built approximately 2 m from the north-eastern boundary shared with Oldford Farmhouse with the majority of outdoor amenity space located around the south and west of the house. The proposal would consist of two forms adjoining lengthways north-west to south-east in plan view: the first a gabled 2-storey form finished in granite blocks and white silicone render on the ground floor and vertical timber cladding and dark grey metal corrugate on the first floor. The roof would be clad likewise in dark grey metal corrugate. The second form would be single-storey flat-roof clad in white silicone render and accommodating at its southern end a double garage projecting forward of the main house. An air source heat pump would be installed against its south-eastern wall.

An asphalt driveway including turning circle would be laid in the south-east of the site leading up to the garage and to the front door of the house set on the west elevation under an overhang of the first floor. The proposal for waste management is that domestic bins would be kept by the driveway entrance and walked up for via the driveway and path to Murtle Den Crescent to sit alongside the existing waste collection point for Oldford Farmhouse approximately 80 m away.

A vertical timber panel fence approximately 1.7 m high would be erected along the eastern boundaries. Along the western boundaries, where there is an existing stone wall, this would be retained and made good in places where it has fallen into disrepair.

Foul water drainage would be connected to the mains and surface water drainage would be managed via a soakaway in the south-east 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=SBTNOJBZM4K00>

- Design Statement
- Tree Survey Report
- Supporting Evidence
- Soakaway Drainage Calculations
- Response to Feedback Letter
- Response to Comments

CONSULTATIONS

Aberdeen City Council (ACC) - Contaminated Land Team – No objection, advising that the potential for land contamination issues at the site is insufficient to justify attachment of conditions. The Planning Authority however should be notified immediately if ground contamination is discovered during development and the extent and nature of the contamination investigated with a suitable scheme for the mitigation of any risks agreed and implemented to the satisfaction of the Planning Authority.

ACC - Environmental Health – No objection, advising that construction be conducted in accordance with BS8228 – 1:2009+A1:2014 and best practice contained in BRE Guide (2003) Control of dust from construction and demolition activities. Has advised hours of construction to protect neighbouring residential amenity.

ACC - Roads Development Management Team – No objection, advising that the level of parking and garage internal dimensions are acceptable.

ACC - Waste and Recycling – No objection, and is satisfied with the proposals for waste management and has advised the services the house would be provided with and the relevant costs charged to the developer.

Scottish Water – No objection, advising that a Pre-Development Enquiry form should be submitted to Scottish Water to ascertain capacity at Invercarnie Water Treatment Works which would supply water to the development.

Cults, Bieldside and Milltimber Community Council – No comment received.

REPRESENTATIONS

One representation objecting to the application has been received, which is concerned with dust and noise during construction and how these will be minimised.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Development Plan

National Planning Framework 4 (NPF4)

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 6 (Forestry, Woodland and Trees)

- Policy 7 (Historic Assets and Places)
- Policy 11 (Energy)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 15 (Local Living and 20 Minute Neighbourhoods)
- Policy 16 (Quality Homes)
- Policy 19 (Heating and Cooling)
- Policy 22 (Flood Risk and Water Management)

Aberdeen Local Development Plan 2023 (ALDP)

- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D5 (Landscape Design)
- Policy D6 (Our Historic Environment)
- Policy LR1 (Land Release Policy)
- Policy LR2 (Delivery of Mixed Use Communities)
- Policy NE4 (Our Water Environment)
- Policy NE5 (Trees and Woodland)
- Policy R6 (Low and Zero Carbon Buildings, and Water Efficiency)
- Policy R7 (Renewable and Low Carbon Energy Developments)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy WB2 (Air Quality)
- Policy WB3 (Noise)

Aberdeen Planning Guidance

- Noise
- Air Quality
- Amenity and Space Standards
- Materials
- Transport and Accessibility
- Flooding, Drainage and Water Quality
- Trees and Woodlands
- Resources for New Development
- Waste Management Requirements for New Developments

Masterplans

- Oldfold Development Framework and Masterplan

Other National Policy and Guidance

- Developing with Nature guidance
- Historic Environment Policy for Scotland

EVALUATION

Principle of Development

On this site the two main considerations for determining the principle of development are zoning and planning history.

The site is within an area zoned as part of Opportunity Site 48 (Oldfold), which is allocated for 550 homes and 5 hectares of employment land. Policy 16 (Quality Homes) of National Planning Framework 4 (NPF4) supports development proposals for new homes on land that is allocated for housing in the local development plan. As a small-scale development on an allocated site, Policies LR1 (Land Release) and LR2 (Delivery of Mixed-Use Communities) of the Aberdeen Local Development Plan 2023 apply. The principle of a single dwellinghouse on this site would not conflict with the spatial strategy of the allocation and as such the application accords with ALDP Policies LR1 (Land Release) and LR2 (Delivery of Mixed-Use Communities) and NPF4 Policy 16 (Quality Homes)

Furthermore, there is extant planning permission in principle for the erection of a dwellinghouse on the site (see Relevant Planning History above) which is due to expire in April 2025. Therefore, the principle of a dwellinghouse on site is acceptable.

Climate, Nature and Place

The following policies of NPF4 and ALDP set out underlying principles for the creation of good quality places and the role of planning to address the climate and nature crises. These policies and principles will be applied throughout the foregoing evaluation.

NPF4 Policy 1 (Tackling the Climate and Nature Crises) requires that the climate and nature crises are given significant weight when considering all development proposals. It is supported by NPF4 Policy 2 (Climate Mitigation and Adaptation), which requires development proposals to be sited and designed to minimise lifecycle greenhouse gas emissions and adapt to climate change risks; and NPF4 Policy 3 (Biodiversity), which requires local developments to include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. This guidance includes Developing with Nature guidance, published by NatureScot.

NPF4 Policy 14 (Design, Quality and Place) sets out six qualities of successful places which all developments should be consistent with: to be healthy, pleasant, connected, distinctive, sustainable, and adaptable. ALDP Policy D1 (Quality Placemaking) sets out similar qualities that do not conflict with those of NPF4 Policy 14 (Design, Quality and Place).

Design and Amenity

Design

The main features within and immediately outwith the site which are pertinent to the assessment of the application's design are:

1. the screen of oak trees to the north of the site, within the boundary wall;
2. the woodland outwith the site to the south-west;
3. the neighbouring Oldfold Farmhouse to the north-east;
4. the historic stone boundary walls along the north- and south-western boundaries.

The trees are considered in greater detail under 'Trees and Biodiversity' below. The historic boundary wall to the north-west is part of the boundary for Oldfold Development Framework and Masterplan, wherein the site's historic stone walls are acknowledged as positive historic features which should be preserved. Oldfold Farmhouse is a traditionally built cottage dating to the second half of the 19th century and stands as a vestige of the original stading. It thus makes an important contribution to the place character of the surrounding area. Its historic value has been acknowledged in the determination of previous planning applications (in particular 150260, see Relevant Planning History above) whereby it was surveyed and recorded for the Historic Environment Record (HER). As such both the farmhouse and stone walls are considered to meet the criteria for non-designated historic environment assets. NPF4 Policy 7 (Historic Assets and Places) seeks for such assets and their settings to be protected and preserved in situ wherever feasible. Impact on Oldfold Farmhouse is considered in further detail below.

The proposed dwellinghouse would be oriented with its front door, most windows to habitable rooms, and garage door oriented towards the south-west boundary, with access taken from the south-east. The dwellinghouse would be placed close to the north-east boundary with Oldfold Farmhouse, with garden ground primarily to the south-west and north-west, and hardstanding and a small front garden area to the south-east. The stated intentions for this choice of layout primarily concern the woodland to the south-west (see Trees and Biodiversity below) but it raises issues related to place and design which are set out in further detail below, in the way they relate to materials and built form.

The proposed dwellinghouse's use of materials is for the most part acceptable. Its use of timber panels, granite blocks and standing seam metal in the wall finish would be used in places to a specification where they would contribute to the dwellinghouse's distinctiveness, in accordance with the guidelines for wood, granite and metal contained in Aberdeen Planning Guidance: Materials. (APG Materials).

The main 2-storey form of the dwellinghouse would deploy these materials with clear distinction of material and form. The first-floor overhangs on the south-west and south-east corners would introduce interesting variations in form and pleasant areas of shelter.

However, the proposed single-storey element would be plainer and simpler in form and materials, with a flat roof and walls finished entirely in white silicone render. It is acknowledged that render is a popular and widespread choice for contemporary finishing materials. APG Materials makes clear that its use still requires careful technical and design considerations and offers a range of colour choices and finishes appropriate in Aberdeen, and in the proximity of granite, with a preference against white and off-white renders, which often weather poorly in Aberdeen's climate. In this case, white render would be implemented particularly across the north-east elevation close to the neighbouring boundary with Oldfold Farmhouse. This location would be likely darker and damper and would be less successful for maintenance and appearance in the long-term.

The rendered form of the single-story element would have the most prominent impact on arrival to the dwellinghouse from the south-east, where the form would come forward of the main dwellinghouse. The single-storey element would be approximately 5 m from the Oldfold Farmhouse building and approximately 7 m forward of its building line. When compared to the finer grain detailing of the 2-storey form's southern elevations (such as a mix of materials and window arrangement), the southern appearance of the single-storey form would be stark: its main visual elements restricted to a blank white rendered wall forward of the entrance, air source heat pump (ASHP), and double garage door. This combination of form, materials and prominent plant machinery so forward of the building line of Oldfold Farmhouse would be visually incongruent and have a harmful impact both on impression of the house on arrival but also the house's visual impact

on the wider area, in particular its relationship with Oldfold Farmhouse, the setting of which would be diminished by the stark appearance of the white single-storey form in close proximity. The permission in principle (220261/PPP) included an indicative layout which, though of limited materiality on account of its being indicative, does demonstrate a building footprint which, by aligning to the principal building line of Oldfold Farmhouse, would not have the same detrimental visual impact. As such the permission in principle provides a reference point for a layout, of size and position relative to Oldfold Farmhouse, of detailed development which may be acceptable on the site.

In their statements submitted for the application, the agent has asserted that no significant harm is caused in this regard on account of the wider setting of Oldfold Farmhouse being surrounded by the Oldfold housing development (approved under application 130378), which is furthermore characterised by widespread use of white rendered walls. However, this is not comparable to the development that is proposed. While Oldfold Farmhouse now lies in the relatively new context of a major housing development, it retains a sense of independent identity and separation which positively reinforces its historic character. The nearest dwellinghouses from the surrounding development are between 20 and 30 m away from Oldfold Farmhouse, and its raised position and tree screening mean that the surrounding development is rarely visually obtrusive when viewing the house. The surrounding houses are typically detailed on all sides and present a mixture of white and off-white renders. Neighbouring development to the south-west as proposed would inevitably have an impact on this place characteristic, and as such there is a greater onus on the design and layout of such development to ensure that the impact is not harmful. As described above, the proposal to place a stark and visually incongruent physical form in close proximity to and in advance of Oldfold Farmhouse would have a detrimental impact on both houses and the wider area. As such, the application is considered to be contrary to NPF4 Policy 7(o), as the development would fail to protect the historic farmhouse's historic setting. Likewise, it would be contrary to ALDP Policy D6 (Our Historic Environment) which requires appropriate development to protect the setting of Aberdeen's historic environment. This is notwithstanding the application proposals to repair and retain the historic stone walls.

Visualisations submitted by the applicant's agent to inform an appraisal of the single-storey form's impact indicate soft landscape planting along the south-eastern boundary as screening. No such soft landscaping exists nor has been formally proposed, and would in any case not be the appropriate means to address the dominant impact of the single-storey form, as such vegetation does not constitute permanent screening or design solution.

Amenity

As well as the requirements for high quality amenity in NPF4 Policy 14 (Design, Quality and Place) and ALDP Policy D1 (Quality Placemaking), ALDP Policy D2 (Amenity) requires residential developments to afford occupiers and neighbours adequate levels of privacy, daylight, sunlight, noise, air quality, and immediate outlook, make the most of any opportunities offered by the site to optimise views and sunlight through appropriate siting, layout, and orientation, adhere to minimum standards for internal floor space and private external amenity space, and ensure minimal shading of external private and public spaces.

There are windows on the north-east and north-west elevations which face directly or indirectly onto the neighbouring property at Oldfold Farmhouse. On the first floor, those on the north-east would be small windows providing light to bathrooms and as such would not overlook nor prejudice the amenity and privacy of Oldfold Farmhouse. The first-floor windows on the north-west elevation would directly face onto the property's own northern curtilage and would not overlook the neighbouring property to any extent that was unacceptable for a suburban context. On the ground

floor, windows would be largely screened by the proposed 1.7 m timber fence and would not impinge on privacy. In terms of design, the timber fence would be typical for a residential specification and appropriate for the area.

Aberdeen Planning Guidance: Amenity and Space Standards ('APG Amenity and Space Standards') sets 100 sqm as the minimum internal floor area for a 4-bedroom dwelling. The proposed dwellinghouse would have an internal floor area of approximately 276 square metres, which therefore meets this quantity requirement.

The form of the dwelling proposed to the south-west of Oldfold Farmhouse would have a degree of impact on daylight and sunlight receipt to the neighbouring garden ground, as demonstrated by the shadow visualisations submitted by the applicant's agent. However, the impact is not considered significant as the proposal would stand at a sufficient distance and height from Oldfold Farmhouse that it would not fail any of the basic tests in APG Amenity and Space Standards as a guideline. The visualisations indicate that impact would primarily be felt towards sunset when shadows from any kind of development would stretch some length across the site and its neighbour.

Issues regarding daylight, sunlight, shading and layout/orientation on this site are heavily informed by the nearby trees as a significant constraint and are considered in further detail under Trees and Biodiversity below. Noise and air quality has been raised in a representation and is considered under Representation: Air Quality and Noise.

Trees and Biodiversity

Context

Mature woodland of Norway maple and elm lies south-west of the site beyond the site boundary and a line of three mature oaks lie within the site's north-western boundary, partially screening it from Milltimber Gardens beyond. A tree survey report identifies all but one trees for retention and the felling of a dead elm. The tree survey report determines that the rest of the trees except two oaks are of low value relative to higher categories and that two of the oaks are of moderate quality. Nevertheless, no trees on site are proposed for removal as part of the application, as there are no arboricultural reasons for their removal. Taken together, the trees forming the woodland make a significant contribution to the landscape character and biodiversity of the wider area.

NPF4 Policy 6 (Forestry, Woodland and Trees) seeks to protect and expand woodlands and trees, and will not support development proposals where they result in adverse impacts on native woodlands and individual trees of high biodiversity value. ALDP Policy NE5 (Trees and Woodland) requires buildings and infrastructure to be sited to allow adequate space for a tree's natural development, taking into account the predicted mature height, canopy spread and future rooting environment. Root protection areas should be established and protection secured in line with Aberdeen Planning Guidance: Trees and Woodland ('APG Trees and Woodland')

APG Trees and Woodland further specifies adequate space as generally outwith any tree's *zone of influence* (ZOI), which is usually considered to be the distance from the bottom of the tree equal to its mature height. Therefore, a tree that is 10 m high has a ZOI extending 10 m across the ground from the base of its trunk. The purpose of the ZOI is to manage the relationship between trees and buildings and the conflicts which can arise. This includes the potential of trees to harm residential amenity through overshadowing. By considering the ZOI when developing land, potential conflicts from the presence of trees can be minimised and their future safeguarded, in order to comply with NPF4 Policy 6 (Forestry, Woodland and Trees) and ALDP Policy NE5 (Trees and Woodland).

All trees identified in the submitted tree survey are mature and between 13 and 18 metres in height. Given their location within the site or proximity immediately outwith it, their ZOIs as consolidated cover most of the site, such that any meaningful development of the site would to some extent be encroached upon by the trees' ZOIs.

Planning history is a material consideration and the ZOI has previously been addressed when determining the planning consents granted in 2022. An excerpt from the report for 220746/MSD:

'In terms of the zone of influence (ZOI) of the trees to the west, the house would sit within their ZOI. However as discussed at planning permission in principle stage, whilst it is desirable for buildings and garden ground to sit outwith the ZOI, it is not always possible if a site is to be developed. In this case the large garden ground and orientation of the trees relative to the house and track of the sun would result in large areas of the garden receiving direct sunlight throughout the day. The trees to the west would only cast a shadow over part of the site in the evening, so the pressure to have trees removed or pruned in this regard is likely to be minimal. In relation to tree matters the application is considered acceptable.'

The tree protection plan approved under 220746/MSD indicates a 'developable area', which the applicant's agent maintains that the proposed house is entirely within. However, it does not follow that any development within this area would not be harmful to trees or amenity, which is dependent on the specifics of layout and design. The pressure to have trees removed or pruned is dependent on a design and layout of development which is appropriate and minimises this pressure.

Notwithstanding planning history, the planning policy context has changed since the consents for the site granted in 2022. A new statutory development plan in the form of NPF4 and the ALDP 2023 has been adopted. In particular ALDP Policy NE5 (Trees and Woodland) establishes a more explicit principle not found in the previous ALDP 2017 that: 'Buildings and infrastructure should be sited to allow adequate space for a tree's natural development, taking into account the predicted mature height, canopy spread and future rooting environment.' Likewise, NPF4 Policy 1 (Tackling the Climate and Nature Crises) has been introduced, which requires significant weight to be given to the nature crises when considering development.

It is also noted that the design and layout of the proposed dwellinghouse is substantially different from the indicative layout at permission in principle stage, which would have informed assessment of the trees' potential impact.

Bearing these considerations in mind along with the planning history and established principle of a house on the site, it is therefore accepted that:

- a) The development of a dwellinghouse on site, including garden ground, would necessarily be partially within ZOIs;
- b) Development of a dwellinghouse on the site can be accepted, subject to balancing specific details of layout and arrangement against the inevitable inclusion within the ZOIs;
- c) The present policy context of the application site introduces an enhanced requirement to protect trees within and in proximity to the site.

Proposal

The dwellinghouse would be situated close to the north-eastern boundary of the site, such that the single-storey element and approximately half of the 2-storey element would be outwith the ZOI. The south-eastern corner, functioning as a front garden, and part of the rear eastern curtilage, would also be outwith the ZOIs. The main areas within the ZOIs and impacted by them would be the garden

areas formed to the south- and north-west as well as the south-western half of the house, where the majority of the property's habitable rooms are located, namely three of the four bedrooms, living/dining room/kitchen and snug/lounge. As a result of the proposed layout, these rooms would be overshadowed by the woodland throughout much of the year, as indicated by submitted sunlight visualisations. This would be detrimental to their amenity and contrary to the basic standard of residential amenity established by APG Amenity and Space Standards.

It is acknowledged from the submitted supporting statements, in particular the Design Statement and Response to Feedback Letter that the effect of the trees on the site has been considered during the proposal's design phase. According to the applicant's agent, as set out in the submitted supporting documents, the main considerations can be summarised as:

1. locating the house as far to the north-east of the site as possible to minimise overshadowing;
2. directing the majority of windows serving habitable rooms towards the woodland, according to the applicant's desire as future occupant;
3. making use of the trees for shading to contribute towards the house's passive heating and cooling.

The rationale for point 1 is acknowledged, but as discussed in Design and Amenity above, the resulting proposal is designed and laid out in a way that has harmful consequences on the place setting of Oldfold Farmhouse and on the amenity of the proposed dwellinghouse itself, whereby the majority of the habitable rooms would be subject to overshadowing for much of the year. Minimisation of overshadowing is not exclusively a question of minimising the extent of footprint that is overshadowed or within the ZOI. Through the layout of habitable rooms, windows, and garden ground it is considered for example possible that a proposed footprint more within the ZOIs could in fact minimise overshadowing more effectively.

When considering the applicant's stated intention in point 2 and their attraction towards the woodland to the south-west of the site, it should be reiterated that the statutory purpose of planning under the Town and Country Planning (Scotland) Act 1997 is to 'manage the development and use of land in the long term public interest.' The applicant's stated intention as the dwellinghouse's prospective first occupant cannot be guaranteed to persist in subsequent occupants' future intentions. The objective conditions of the site and proposal are that the trees would overshadow the house's primary habitable rooms through much of the year and this would impact on the amenity for future occupants. This could then introduce pressure to remove or cut back the trees, which are outwith the site and ownership, for reasons that were not strictly arboricultural and contrary to ALDP Policy NE5 (Trees and Woodland), where development should not result in the loss of or damage to trees and woodlands.

No further supporting information or calculations have been submitted which elaborate the trees' proposed role in the dwellinghouse's passive temperature management. As such point 3 cannot be further assessed. It does however appear to contradict the considerations of point 1, especially as the submitted sunlight/shadow visualisations show that the trees will not cast shadow on the house at the times when passive cooling will be needed most, i.e. close to midday at the height of summer.

Overall therefore, as a result of the form and layout of the proposal, the application is considered contrary to NPF4 Policy 6 (Forestry, Woodland and Trees) and ALDP Policy NE5 (Trees and Woodland) due to the potential harm it poses to the woodland along the south-western boundary. Whilst built development within that woodland's ZOI would be almost inevitable, the particular layout and arrangement that has been proposed would cause undue pressure on those trees to their detriment.

NPF4 Policy 3 (Biodiversity) requires local developments to include appropriate measures which conserve, restore and enhance biodiversity, in accordance with national and local guidance. As a baseline, the present site is an entirely grassed paddock. The proposal would plant a grass lawn around the immediate vicinity of the dwellinghouse and plant the rest of the site in wildflower meadow, which is supported by Natural Environment Policy as a measure that would contribute towards biodiversity enhancement. Notwithstanding, the potential harm to trees outlined above would compromise development's conservation or enhancement of biodiversity, and its accordance with NPF4 Policy 3 (Biodiversity) is considered weak.

Access and Connectivity

As per Annex D of NPF4, connected developments should be well connected to multiple active and public transport routes and modes. Pedestrian experience should be designed for, including providing suitable vehicular parking and management of waste storage and collection. In accordance with the quality of connectedness, NPF4 Policy 13 (Sustainable Transport) supports development where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel hierarchies. NPF4 Policy 15 (Local Living and 20 Minute Neighbourhoods) seeks for development to contribute to local living including 20 minute neighbourhoods where relevant.

ALDP Policy T2 (Sustainable Transport) generally accords with these requirements and ALDP Policy T3 (Parking) elaborates how vehicle parking requirements should be determined for developments, supported by Aberdeen Planning Guidance: Transport and Accessibility ('T&A')

The site is located within an existing suburb. Although Milltimber has no shops or facilities at present, commercial space is proposed as part of the Oldfold development, adjacent to the new school which is within walking distance of the site. Bus stops are located on North Deeside Road, around 430 m to the west bound stop and 365 m to the east bound stop, which accords with the principle in ALDP Policy T2 (Sustainable Transport) that such facilities should be approximately 400 m from development.

Vehicular access would be from East Drive, an adopted road which connects the eastern access to Tor-Na-Dee Care Home to North Deeside Road. Approximately the final 53 m from this eastern access to the site boundary is unadopted. Three external parking spaces and a double garage would provide up to five spaces for motor vehicle parking as well as secure cycle parking facilities. According to the Parking Standards set out in T&A, this would be in excess of the three spaces required as a maximum. There would not be any significant reduction in hardstanding achieved by adhering to this maximum and as such the application is considered to accord with ALDP Policy T3 (Parking). As such, it further accords with NPF4 Policies 13 (Sustainable Transport) and 15 (Local Living and 20 Minute Neighbourhoods) and ALDP Policy T2 (Transport and Sustainability).

Water

NPF4 Policy 22 (Flood Risk and Water Management) requires development to not increase the risk of surface water flooding and to manage surface water sustainably, with a presumption against surface water connection to the public sewer. Development proposals should connect to the public water mains supply. Development that is connected to the public water mains will be supported. ALDP Policy NE4 (Our Water Environment) is in alignment with NPF4 Policy 22 (Flood Risk and Water Management), further requiring developments to connect to the public sewer for foul water.

The applicant has indicated that a connection will be made to the public sewer to deal with foul water discharge. It is also proposed to connect to the existing public water supply. Scottish Water has confirmed there is capacity for both a foul discharge and a connection to the water supply.

The site is not within area identified as at risk from flooding on the SEPA Flood Maps and does not form part of a functional flood plain. The proposed surface water soakaway arrangement is supported by a drainage statement and meets the requirements of NPF4 Policy 22 (Our Water Environment) and ALDP Policy NE4 (Flood Risk and Water Management).

Energy

In order to contribute towards the development's lifetime energy requirements, an air source heat pump (ASHP) is proposed against the south-eastern elevation of the dwellinghouse's adjoining garage, approximately 4.5 m from the neighbouring boundary with Oldford Farmhouse. Solar panels are proposed across the south-western roof plane. These proposals contribute towards the application's accordance with ALDP Policy R6 (Low and Zero Carbon Buildings, and Water Efficiency).

NPF4 Policy 11 (Energy) supports small scale renewable energy generation technology and requires various impacts of these technologies to be addressed in the project design. This includes impact on residential amenity, significant visual impact, and noise. When considering these impacts, significant weight is to be placed on the contribution made towards targets for renewable energy generation and greenhouse gas emissions. These requirements are generally aligned with ALDP Policy R7 (Renewable and Low Carbon Energy Developments).

The proposed solar panels would be of a scale and layout that they would not have a significant impact on visual appearance, the setting of the residential area, or residential amenity.

Subject to complying with MCS standards, the ASHP would be at sufficient distance from neighbouring properties that it would not have a significant impact on amenity with regards to noise and residential amenity.

With reference to the design issues raised above, the ASHP's visual impact would be stark against a blank white rendered wall on the south-eastern elevation facing towards the driveway entrance. Notwithstanding this harmful impact, contrary to NPF4 Policy 14 (Design, Quality and Place) and ALDP Policy D1 (Quality Placemaking), when assessing strictly the ASHP and solar panels against the energy policies described above, the impact of these installations would not be so significant as to outweigh their contributions to sustainable energy generation, in accordance with NPF4 Policy 11 (Energy) and ALDP Policies R6 (Low and Zero Carbon Buildings, and Water Efficiency) and R7 (Renewable and Low Carbon Energy Developments).

NPF4 Policy 19 (Heating and Cooling) supports development where buildings to be occupied by people are designed to promote sustainable temperature management such as through prioritising natural or passive solutions such as siting, orientation and materials. As discussed regarding trees above, the applicant's agent asserts that layout, orientation and trees have been considered towards prioritising passive temperature management for the dwellinghouse. Further information and/or calculations on how this would be achieved has not been provided and there is insufficient information for the Planning Service to determine whether the application receives any support from NPF4 Policy 19 (Heating and Cooling).

Representation: Air Quality and Noise

One representation has been received objecting to the application and raising concerns about dust and noise during the construction of the development. It is accepted that construction of an approved development can result in a temporary period of disturbance and this is not in itself a material consideration. However, it can be material where the nature and context of the development is such that construction may have an excessive impact on amenity. ALDP Policies WB2 (Air Quality) and WB3 (Noise) are supported by Aberdeen Planning Guidance documents on Air Quality and Noise which set out how potential impacts during construction are managed.

The proposal for the erection of a single dwellinghouse is of a scale and character that it does not meet the threshold for further air quality assessment under the guidelines. Likewise, Aberdeen Planning Guidance: Noise acknowledges that higher levels of noise can be expected and accepted during the construction of development for a temporary period. ACC's Environmental Health team does not object to the application subject to construction proceeding in accordance with BS8228 – 1:2009+A1:2014 and best practice contained in BRE Guide (2003) Control of dust from construction and demolition activities.

Noise over and above acceptable levels is controlled through mechanisms outwith the planning system, such as the Control of Pollution Act 1974 and British Standard BS 5228:1997 Noise and Vibration Control on Construction and Open Sites.

As such, the proposal does not present significant issues of noise and air quality and accords with ALDP Policies WB2 (Air Quality) and WB3 (Noise).

Summary

Due to the site's planning history, a dwellinghouse on this site is acceptable in principle. The provision of services such as access, water, and drainage are considered acceptable. Important policies when considering whether the application complies with the statutory development plan include NPF4 Policy 1 (Tackling the Climate and Nature Crises) and Policy 14 (Design, Quality and Place). NPF4 Policy 1 (Tackling the Climate and Nature Crises) requires significant weight to be given to the climate and nature crises, supported by NPF4 Policies 2 (Climate Mitigation and Adaptation) and 3 (Biodiversity). While the application accords with NPF4 Policy 2 (Climate Mitigation and Adaptation) and proposes a degree of biodiversity enhancement on site, the proposed housing layout would put a number of trees under pressure, weakening any accordance with NPF4 Policy 3 (Biodiversity) and causing harm to trees of significant landscape value, contrary to NPF4 Policy 6 (Forestry, Woodland and Trees) and ALDP Policy NE5 (Trees and Woodland)

The spatial relationship between the trees and proposed house would result in detriment to the amenity of occupants of the house as a result of overshadowing, and as such the application does not comply with ALDP Policy D2 (Amenity) nor the requirement to be pleasant under NPF4 Policy 14 (Design, Quality and Place) and ALDP Policy D1 (Design, Quality and Place). Furthermore, the proposed house's design and layout, especially that of the single-storey garage in close proximity to Oldfold Farmhouse and forward of its building line, would have a harmful impact on the historic character of Oldfold Farmhouse and the wider landscape setting of the development, contrary to the requirements of NPF4 Policies 7 (Historic Assets and Places) and 14 (Design, Quality and Place) and ALDP Policies D1 (Quality Placemaking), D5 (Landscape Design) and D6 (Historic Environment).

The applicant's agent has been advised of these issues and revision to the proposal sought. However, following submission and consideration of additional supporting statements, the issues

are considered to remain and the applicant's agent has confirmed they do not wish to revise the proposal.

DECISION

Refuse.

REASON FOR DECISION

The proposed development would by virtue of its design and layout have a harmful impact in the following ways:

1. It would visually intrude upon the existing Oldfold Farmhouse, to the detriment of its historic character and that of the wider setting of the area;
2. by erecting a dwellinghouse where the majority of habitable rooms were excessively overshadowed by neighbouring woodland, it would provide inadequate amenity to the residential development and;
3. thereby place undue pressure on woodland, in particular to the south-west of the site.

On account of points 1 and 2, the development would fail to be distinctive and pleasant and would be contrary to Policy 7 (Historic Assets and Places) and Policy 14 (Design, Quality and Place) of National Planning Framework 4 (NPF4) and Policy D1 (Quality Placemaking), Policy D5 (Landscape Design) and Policy D6 (Our Historic Environment) of the Aberdeen Local development Plan 2023 (ALDP). It would further be contrary to ALDP Policy D2 (Amenity), by failing to fully promote and provide adequate residential amenity for the proposed development. On account of point 3, it would be contrary to NPF4 Policy 6 (Forestry, Woodland and Trees) and ALDP Policy NE5 (Trees and Woodland).



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 100667287-001

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)

Erection of a detached 2 storey dwelling house and garage and associated works | Land adjacent To Oldfold Farmhouse, Milltimber, Aberdeen, AB13 0HQ

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:	<input type="text" value="Fiddes Architects"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Eoghain"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Fiddes"/>	Building Number:	<input type="text" value="2"/>
Telephone Number: *	<input type="text" value="01330823332"/>	Address 1 (Street): *	<input type="text" value="Scott Skinner Square"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Banchory"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="AB31 5SE"/>
Email Address: *	<input type="text" value="eoghain@fiddesarchitects.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="Euan"/>	Building Number:	<input type="text" value="31"/>
Last Name: *	<input type="text" value="Davidson"/>	Address 1 (Street): *	<input type="text" value="Holburn Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB10 6EY"/>
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:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Land adjacent to Oldfold Farmhouse, Milltimber, Aberdeen, AB13 0HQ

Northing

802124

Easting

386451

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

1300.00

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)

Paddock and temporary construction access road to neighbouring Oldfold residential development

Access and Parking

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

Yes No

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

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * ≤ Yes T No</p> <p>If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.</p>
<p>How many vehicle parking spaces (garaging and open parking) currently exist on the application Site? 0</p> <p>How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? * 3</p> <p>Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).</p>
<p>Water Supply and Drainage Arrangements</p> <p>Will your proposal require new or altered water supply or drainage arrangements? * T Yes ≤ No</p>
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p>T Yes – connecting to public drainage network</p> <p>≤ No – proposing to make private drainage arrangements</p> <p>≤ Not Applicable – only arrangements for water supply required</p>
<p>Do your proposals make provision for sustainable drainage of surface water?? * T Yes ≤ No</p> <p>(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>T Yes</p> <p>≤ No, using a private water supply</p> <p>≤ No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>
<p>Assessment of Flood Risk</p> <p>Is the site within an area of known risk of flooding? * ≤ Yes T No ≤ Don't Know</p> <p>If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * ≤ Yes T No ≤ Don't Know</p>
<p>Trees</p> <p>Are there any trees on or adjacent to the application site? * T Yes ≤ No</p> <p>If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.</p>
<p>Waste Storage and Collection</p> <p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * T Yes ≤ No</p>

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

Location of bin storage has been highlighted on plans. Waste collection will be by means of collection at end of drive.

Residential Units Including Conversion

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

Yes No

How many units do you propose in total? *

1

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

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

Schedule 3 Development

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

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Eoghain Fiddes

On behalf of: Mr Euan Davidson

Date: 04/04/2024

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

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

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

Provide copies of the following documents if applicable:

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

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr Eoghain Fiddes

Declaration Date: 12/04/2024

Payment Details

Pay Direct

Created: 12/04/2024 09:53

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Eoghain Fiddes
Fiddes Architects
2 Scott Skinner Square
Banchory
AB31 5SE

on behalf of **Mr Euan Davidson**

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

Application Reference Number	240463/DPP
Address of Development	Land Adjacent To Oldfold Farmhouse Milltimber Aberdeen AB13 0HQ
Description of Development	Erection of two-storey detached dwelling house with integral garage and associated works
Date of Decision	25 September 2024

DETAILS OF ANY VARIATION MADE TO THE APPLICATION

None.

REASON FOR DECISION

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

The proposed development would by virtue of its design and layout have a harmful impact in the following ways:

1. It would visually intrude upon the existing Oldfold Farmhouse, to the detriment of its historic character and that of the wider setting of the area;
2. by erecting a dwellinghouse where the majority of habitable rooms were excessively overshadowed by neighbouring woodland, it would provide inadequate amenity to the residential development and;
3. thereby place undue pressure on woodland, in particular to the south-west of the site.

On account of points 1 and 2, the development would fail to be distinctive and pleasant and would be contrary to Policy 7 (Historic Assets and Places) and Policy 14 (Design, Quality and Place) of National Planning Framework 4 (NPF4) and Policy D1 (Quality Placemaking), Policy D5 (Landscape Design) and Policy D6 (Our Historic Environment) of the Aberdeen Local development Plan 2023 (ALDP). It would further be contrary to ALDP Policy D2 (Amenity), by failing to fully promote and provide adequate residential amenity for the proposed development. On account of point 3, it would be contrary to NPF4 Policy 6 (Forestry, Woodland and Trees) and ALDP Policy NE5 (Trees and Woodland).



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

A101 149035/2000 REV A	Location Plan Other Drawing or Plan Design Statement Other Supporting Statement 3D Visualisation
A120 A112 B A111 REV A A201 B	Other Drawing or Plan Site Layout (Other) Multiple Floor Plans (Proposed) Multiple Elevations (Proposed)

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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Aberdeen City Council – Development Management Team Consultation Request

Case Officer: Esmond Sage	To: ACC - Environmental Health
E-mail: ESage@aberdeencity.gov.uk	Date Sent: 30 May 2024
Tel.: 01224 053904	Respond by: 20 June 2024

Application Type: Detailed Planning Permission
Application Address: Land Adjacent To Oldfold Farmhouse Milltimber Aberdeen AB130HQ
Proposal Description: Erection of two-storey detached dwelling house with integral garage and associated works
Application Reference: 240463/DPP
Consultation Reference: DC/ACC/SEAQSPBZ03X00

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).	X
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

This Service notes the above development proposal and would comment as follows:

Construction Noise

This Service would recommend adherence to the guidance contained within: BS8228 - 1:2009+A1:2014 Code of practice for noise and vibration control on construction sites and open sites - Part 1 Noise and Part 2: Vibration.

In addition, to protect the amenity of existing nearby residential properties, development works (including site/ground preparation, demolition, and construction) causing noise beyond the site boundary should not occur outside the following hours:

- Monday to Friday 0700 hours to 1900 hours
- Saturday 0800 hours to 1300 hours

Dust Management

This Service would recommend that all practicable measures are taken to minimise/suppress dust. Best practice guidance can be found in the BRE Guide (2003) *Control of dust from construction and demolition activities*.

Responding Officer: Neil Stirling

Date: 19/06/24

Email: nstirling@aberdeencity.gov.uk

Aberdeen City Council – Development Management Team Consultation Request

Case Officer: Esmond Sage	To: ACC - Contaminated Land Team
E-mail: ESage@aberdeencity.gov.uk	Date Sent: 7 May 2024
Tel.: 01224 053904	Respond by: 28 May 2024

Application Type: Detailed Planning Permission
Application Address: Land Adjacent To Oldfold Farmhouse Milltimber Aberdeen AB130HQ
Proposal Description: Erection of two-storey detached dwelling house with integral garage and associated works
Application Reference: 240463/DPP
Consultation Reference: DC/ACC/SD4GN5BZ03X00

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).	X
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

This Service does not believe the potential for land contamination issues at the site is sufficient to justify the attachment of conditions. However, should any ground contamination be discovered during development, the Planning Authority should be notified immediately. The extent and nature of the contamination should be investigated and a suitable scheme for the mitigation of any risks arising from the contamination should be agreed and implemented to the satisfaction of the Planning Authority.

Responding Officer: Neil Stirling

Date: 21/05/24

Email: nstirling@aberdeencity.gov.uk

Consultee Comments for Planning Application 240463/DPP

Application Summary

Application Number: 240463/DPP

Address: Land Adjacent To Oldfold Farmhouse Milltimber Aberdeen AB13 0HQ

Proposal: Erection of two-storey detached dwelling house with integral garage and associated works

Case Officer: Esmond Sage

Consultee Details

Name: Scott Lynch

Address: Marischal College, Gallowgate, Aberdeen AB10 1YS

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

Comments

I note that this application is for the Erection of two-storey detached dwelling house with integral garage and associated works. The site is located in the outer city, outwith any controlled parking zone.

The property consists of 4 bedrooms and, as such, has a requirement of at least 3 parking spaces. The proposals show a double garage which exceeds the minimum required dimensions, as well as a sizeable driveway. There are no Roads concerns over the level of parking proposed.

Can more information be provided regarding refuse storage and collection and what is intended in this regard?

This should be classed as a holding objection pending the aforementioned information being submitted.

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Consultee Comments for Planning Application 240463/DPP

Application Summary

Application Number: 240463/DPP

Address: Land Adjacent To Oldfold Farmhouse Milltimber Aberdeen AB13 0HQ

Proposal: Erection of two-storey detached dwelling house with integral garage and associated works

Case Officer: Esmond Sage

Consultee Details

Name: Scott Lynch

Address: Marischal College, Gallowgate, Aberdeen AB10 1YS

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

Comments

The only outstanding RDM issue was regarding waste storage / collection.

The applicant has provided a response which has been deemed acceptable by the Waste Management team and, as such, there are no outstanding Roads concerns.

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Tuesday, 14 May 2024



Local Planner
Strategic Pace Planning
Aberdeen City Council
Aberdeen
AB10 1AB

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

Land Adjacent To Oldfold Farmhouse, Milltimber, Aberdeen, AB13 0HQ
Planning Ref: 240463/DPP
Our Ref: DSCAS-0109700-DZD
Proposal: Erection of two-storey detached dwelling house with integral garage and associated works.

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ This proposed development will be fed from Invercarnie Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via [our Customer Portal](#) or contact Development Operations.

Waste Water Capacity Assessment

- ▶ There is currently sufficient capacity for a foul only connection in the Nigg PFI Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ Trade Effluent Discharge from Non-Domestic Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 5kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Ruth Kerr.

Development Services Analyst

PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Aberdeen City Council – Development Management Team Consultation Request

Case Officer: Esmond Sage	To: ACC - Waste And Recycling
E-mail: ESage@aberdeencity.gov.uk	Date Sent: 7 May 2024
Tel.: 01224 053904	Respond by: 28 May 2024
Application Type: Detailed Planning Permission	
Application Address: Land Adjacent To Oldfold Farmhouse Milltimber Aberdeen AB13 0HQ	
Proposal Description: Erection of two-storey detached dwelling house with integral garage and associated works	
Application Reference: 240463/DPP	
Consultation Reference: DC/ACC/SD4GA0BZ03X04	

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).	N

COMMENTS

Waste Services response regarding application **240463 Land Adjacent To Oldfold Farmhouse Milltimber**

As I understand, the development will consist of erection of two-storey detached dwelling house with integral garage and associated works

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

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

The **house** will be provided with:

- 1 x 180 litre wheeled bin for general waste
- 1 x 240 litre co-mingled recycling bin for recycling
- 1 x 240litre wheeled bin for food and garden waste (kitchen caddy, bioliners and associated information will be provided as well)

The following costs will be charged to the developer:

- Each 180l or 240l bin cost £41.00 each
- Caddy & Liners FOC
- Delivery fee for any order of less than 10 bins £35.00

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

Specific concerns:

- Planning application doesn't propose details of where the respective bins will be stored. Plans for storage area need to be provided as well as the path to the uplift location.

General points:

- All the waste containers must be presented the kerbside only on the collection day and must be removed from the kerbside as soon as possible. No containers should be permanently stored on the kerbside.
- No excess should be stored out with the containment provided. Information for extra waste uplift is available to residents at either www.aberdeencity.gov.uk/wasteaware or by phoning 03000 200 292.
- Further information can be found in the Aberdeen Planning Guidance available at: [Aberdeen Planning Guidance](#)

Developers must contact Aberdeen City Council a minimum of ONE month before properties will be occupied. Bins MUST be on site prior to residents moving into properties. A Purchase Order should be raised with Aberdeen City Council using the above details and we will provide further guidance for purchasing the bins.

Responding Officer: J Talaga

Date: 8th of May 2024

Email: wasteplanning@aberdeencity.gov.uk

Aberdeen City Council – Development Management Team Consultation Request

Case Officer: Esmond Sage	To: ACC - Waste And Recycling
E-mail: ESage@aberdeencity.gov.uk	Date Sent: 7 May 2024
Tel.: 01224 053904	Respond by: 28 May 2024
Application Type: Detailed Planning Permission	
Application Address: Land Adjacent To Oldfold Farmhouse Milltimber Aberdeen AB13 0HQ	
Proposal Description: Erection of two-storey detached dwelling house with integral garage and associated works	
Application Reference: 240463/DPP	
Consultation Reference: DC/ACC/SD4GA0BZ03X04	

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.	Y
Would recommend the following comments are taken into consideration in the determination of the application.	Y
Object to the application (please specify reasons below).	

COMMENTS

Waste Services response regarding application **240463 Land Adjacent To Oldfold Farmhouse Milltimber**

As I understand, the development will consist of erection of two-storey detached dwelling house with integral garage and associated works

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

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

The **house** will be provided with:

- 1 x 180 litre wheeled bin for general waste
- 1 x 240 litre co-mingled recycling bin for recycling
- 1 x 240litre wheeled bin for food and garden waste (kitchen caddy, bioliners and associated information will be provided as well)

The following costs will be charged to the developer:

- Each 180l or 240l bin cost £41.00 each
- Caddy & Liners FOC
- Delivery fee for any order of less than 10 bins £35.00

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

Specific concerns:

- Bins must be presented on Murtle Den Crescent for collection.

General points:

- All the waste containers must be presented the kerbside only on the collection day and must be removed from the kerbside as soon as possible. No containers should be permanently stored on the kerbside.
- No excess should be stored out with the containment provided. Information for extra waste uplift is available to residents at either www.aberdeencity.gov.uk/wasteaware or by phoning 03000 200 292.
- Further information can be found in the Aberdeen Planning Guidance available at: [Aberdeen Planning Guidance](#)

Developers must contact Aberdeen City Council a minimum of ONE month before properties will be occupied. Bins MUST be on site prior to residents moving into properties. A Purchase Order should be raised with Aberdeen City Council using the above details and we will provide further guidance for purchasing the bins.

Responding Officer: J Talaga

Date: 2nd of August 2024

Email: wasteplanning@aberdeencity.gov.uk

Comments for Planning Application 240463/DPP

Application Summary

Application Number: 240463/DPP

Address: Land Adjacent To Oldfold Farmhouse Milltimber Aberdeen AB13 0HQ

Proposal: Erection of two-storey detached dwelling house with integral garage and associated works

Case Officer: Esmond Sage

Customer Details

Name: Mr Rohana Wickramasinghe

Address: 18 Murtle Den Crescent Milltimber Aberdeen AB13 0GY

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:my house (18 Murtle Den Crescent) backs onto the drive way leading the new build property. How are you planning to minimise dust & noise during the build.

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Application 240463/DPP

Development Plan

National Planning Framework 4

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

- 1. Tackling the climate and nature crises
- 2. Climate mitigation and adaptation
- 3. Biodiversity
- 6. Forestry, woodland and trees
- 7. Historic assets and places
- 11. Energy
- 12. Zero waste
- 13. Sustainable transport
- 14. Design, quality and place
- 15. Local living and 20 minute neighbourhoods
- 19. Heating and Cooling
- 221. Flooding

Aberdeen Local Development Plan 2023

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

Policy D1 (Quality Placemaking)

Policy D2 (Amenity)

Policy D5 (Landscape Design)

Policy D6 (Our Historic Environment)

Policy LR1 (Land Release Policy)

Policy LR2 (Delivery of Mixed Use Communities)

Policy NE4 (Our Water Environment)

Policy NE5 (Trees and Woodland)

Policy R6 (Low and Zero Carbon Buildings, and Water Efficiency)

Policy R7 (Renewable and Low Carbon Energy Developments)

Policy T2 (Sustainable Transport)

Policy T3 (Parking)

Policy WB2 (Air Quality)

Policy WB3 (Noise)

Aberdeen Planning Guidance

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

Noise

Air Quality

Amenity and Space Standards

Materials

Transport and Accessibility

Flooding, Drainage and Water Quality

Trees and Woodlands

Resources for New Development

Waste Management Requirements for New Developments

Other National Policy and Guidance

Managing Change in the Historic Environment: Setting

[Managing Change in the Historic Environment: Setting | HES | History](#)

[Historic Environment Policy for Scotland \(HEPS\)](#)

[Historic Environment Policy for Scotland | Historic Environment Scotland](#)

Other Material Considerations

Oldfold Development Framework and Masterplan

Developing with Nature 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 100667287-007

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="Fiddes Architects"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Eoghain"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Fiddes"/>	Building Number:	<input type="text" value="2"/>
Telephone Number: *	<input type="text" value="01330823332"/>	Address 1 (Street): *	<input type="text" value="Scott Skinner Square"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Banchory"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="AB31 5SE"/>
Email Address: *	<input type="text" value="eoghain@fiddesarchitects.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="Euan"/>	Building Number:	<input type="text" value="31"/>
Last Name: *	<input type="text" value="Davidson"/>	Address 1 (Street): *	<input type="text" value="Holburn Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB10 6EY"/>
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="Land adjacent to Oldfold Farmhouse, Milltimber, Aberdeen, AB13 0HQ"/>

Northing	<input type="text" value="802124"/>	Easting	<input type="text" value="386451"/>
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Description of Proposal

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

Erection of two-storey detached dwelling house with integral garage and associated works.

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.

Having considered the proposed development against the terms of both the development plan and other material considerations as required under the terms of the Town and Country Planning (Scotland) Act 1997 (as amended) we have demonstrated in the attached Appeal Statement and are very firmly of the opinion that the review request should be upheld, and planning permission granted for the proposal.

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

Yes No

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

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

1. Appeal Statement 2. Planning Application Documents Relating to Planning Application 240463/DPP 3. Decision Notice dated 24th September 2024 Relating to Planning Application 240463/DPP 4. Delegated Report Relating to Planning Application 240463/DPP 5. National Planning Framework 4 6. Aberdeen Local Development Plan 2023 7. Aberdeen Planning Guidance 2023: Materials 8. Historic Building Recording Report AOC 22800 9. Report of Handling Relating to Planning Application 220746/MS

Application Details

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

240463/DPP

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

12/04/2024

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

24/09/2024

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 Eoghain Fiddes

Declaration Date: 16/10/2024

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APPEAL STATEMENT

240463/DPP – Erection of two-storey detached dwelling house with integral garage and associated works.

Land Adjacent to Oldfold Farmhouse, Milltimber, Aberdeen, AB13 0HQ



Prepared by Fiddes Architects on behalf of Mr
Euan Davidson & Amanda Maturana.

Executive Summary

- The application site, which measures 0.138ha, is located in an enclosed plot to the west of and adjoining Oldfold Farmhouse which lies approximately 8km to the west of Aberdeen. It is accessed by an adopted road off the northern side of North Deeside Road. The access is shared with Oldfold Farmhouse and Tor-Na-Dee Care Home, albeit the care home access is not the primary access to the home. The application site historically formed part of Oldfold Farm when the farm occupied a great swathe of land to the north & west before the Hydropathic Establishment, later the Tor-Na-Dee Hospital, were established and later more the Oldfold Village housing development. The site is within an area zoned as part of Opportunity Site 48 (Oldfold), which is allocated for 550 homes and 5 hectares of employment land and holds an extant planning permission in principle for the erection of a dwelling house on the site.
- Our clients acquired the plot in 2023 shortly after the birth of their second child with the sole desire to build their family home in line with their wish to be closer to nature and in a well-connected yet noncity area to raise their young family and reside for many years to come in a dwelling designed to adapt to their changing needs both spatially and practically. The application site has been lying vacant since our clients acquired the property in 2023 and is not presently used for agricultural purposes and was previously used as a track for construction traffic during the implementation of the Oldfold Village development.
- It is proposed to erect a single dwellinghouse with a built footprint of approximately 211m² positioned approximately 2m from the north-eastern boundary shared with Oldfold Farmhouse with the majority of outdoor amenity space located around the south, west and north of the house. The proposal consists of two forms adjoining lengthways north-west to south-east. A gabled 2-storey form finished in local granite stonework and white silicone render on the ground floor with vertical timber cladding and dark grey metal corrugate on the first-floor walls and roof. The second form is a single-storey flat-roof clad in white silicone render and accommodating at its southern end an attached double garage.
An asphalt driveway including turning circle is to be laid in the south-east of the site leading up to the garage and to the front door of the house set on the south-west elevation under an overhang of the first floor. Along the western boundaries, where there is an existing stone wall, this would be retained and made good in places where it has fallen into disrepair. Foul water drainage would be connected to the mains and surface water drainage would be managed via a soakaway in the south-east of the site.
- The reasons for the refusal of the application and a summary of our responses to those reasons for refusal are noted below:
01. 'It would visually intrude upon the existing Oldfold Farmhouse, to the detriment of its historic character and that of the wider setting of the area;

On account of points 1 and 2, the development would fail to be distinctive and pleasant and would be contrary to Policy 7 (Historic Assets and Places) ... of National Planning Framework 4 (NPF4) ... and Policy D6 (Our Historic Environment) of the Aberdeen Local development Plan 2023 (ALDP).'

Response - The farmhouse is neither listed nor registered on any historic record and as such we strongly feel the Council has placed a very surprising level of historic significance on Oldfold Farmhouse. The proposal makes no move to remove or demolish any buildings that have been previously deemed suitable for recording by Historic Environment Scotland. The neighbouring Oldfold Farmhouse is noted as a contemporary farmhouse on the site, the original historic farm buildings on the site of Oldfold Farm were permitted to be demolished as part of the application 150260 by Aberdeen City Council. It is now unfeasible to view the farmhouse without a prominent back drop of a pastiche mass housing development which has completely overwhelmed the setting of the farmhouse from all viewpoints publicly accessible, the only views the low-level single storey garage will block are when viewed from within the application boundary. Material changes and/or inclusion of windows on the south garage wall were offered, however, advice received during application discussions were that they would be inconsequential to the application. There is no mention of a 'preference against white and off-white renders' in APG Materials document under the heading Render. With the above in mind the Planning Officer decision to give such substantial weight to the historical significance is over precious, the proposed dwelling does not contravene Policy 7 (NPF4) and Policy D6 (ALDP), instead the proposal offers a distinctive and modern dwelling combining traditional and modern forms detailed to reflect the vernacular with a focus on robustness and longevity.

02. 'by erecting a dwellinghouse where the majority of habitable rooms were excessively overshadowed by neighbouring woodland, it would provide inadequate amenity to the residential development and;

On account of points 1 and 2, the development would fail to be distinctive and pleasant and would be contrary to ... Policy 14 (Design, Quality and Place) of National Planning Framework 4 (NPF4) and Policy D1 (Quality Placemaking), Policy D5 (Landscape Design) ... of the Aberdeen Local development Plan 2023 (ALDP). It would further be contrary to ALDP Policy D2 (Amenity), by failing to fully promote and provide adequate residential amenity for the proposed development.'

Response – Fiddes Architects are an award-winning design led Architecture practice in Aberdeenshire with a proven track record in delivering high quality modern architecture, to state the proposed dwelling is neither distinctive nor pleasant is a purely subjective statement and one which we strongly feel the planning officer is not fully qualified to make. The design is a direct response to the intimate nature of the site and the applicants wants and needs from the dwelling with its position on the site. The landscape design has been intentionally simplified as a cost exercise and to permit the applicant time to live on site before making key decisions on planting and habitat creation, there was plenty of time during the application process in which the Planning Officer was provided opportunity to request a more detailed landscape plan, however, due to the time allowed to pass by the Planning Officer between correspondence it was never raised as an issue in discussions and would gladly have been resolved with a revised site plan submitted. The size of the application site is 1381m², the house occupies 211m², to suggest that within the remaining 1,170m² and all rooms of the house the occupant will be unable to find adequate residential amenity throughout the year is both laughable and wrong. Only 15% of the site is occupied, by the dwelling, 43% (590m²) of the site is covered by the garden ground to the north and a further 42% (543m²) of the site is made up of garden and driveway to the south. The dwelling is a 236m², spacious 4-bedroom house with a separate snug, study & utility room with an additional 38m² of garage space attached. To call into question the amenity of the dwelling and the

pleasantness of the outlooks and spaces is unmerited and illogical. Information available from Scottish Forestry directly links access and proximity to woodland as beneficial to health and a key amenity. Something our client wanted to embrace as a fundamental part of the design.

03. thereby place undue pressure on woodland, in particular to the south-west of the site.

On account of point 3, it would be contrary to NPF4 Policy 6 (Forestry, Woodland and Trees) and ALDP Policy NE5 (Trees and Woodland).

Response – An unduly pedantic interpretation and enforcing of the relevant policies have been implied by refusing the proposed development on a site which received planning permission in principle in March 2022. No healthy trees are proposed to be felled as a result of this application and the dwelling design is located out with the root protection zones and within the developable area on the site, therefore, the woodland trees can be considered protected. The trees in question are neither in a conservation area or covered by a Tree Protection Order (TPO), a point which would be very easily rectified by placing a protection order upon the trees or including a condition in the planning permission to safeguard against their removal at a later date without the Council's knowledge/approval. The site has a live approval in principle for development under previous policy, if any concern regarding the proximity of the trees to the development were of such issue, then they would have been raised during the planning permission in principle approval. However, the fact that the planning officer deemed the development acceptable, that the ZOIs were unavoidable and should not restrict development and that the trees only partially restricted the site's access to sunlight meant that the trees would be under minimal pressure.

- We are firmly and unequivocally of the opinion that our client's application for the erection of a single dwelling house proposed should not have been refused planning permission.

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List of Documents

Appendix 1 – Planning Appeal Forms

Appendix 2 – Planning Application Documents Relating to Planning Application 240463/DPP

Appendix 3 – Decision Notice dated 24th September 2024 Relating to Planning Application 240463/DPP

Appendix 4 – Delegated Report Relating to Planning Application 240463/DPP

Appendix 5 – National Planning Framework 4 (NPF4)

Appendix 6 – Aberdeen Local Development Plan 2023 (ALDP)

Appendix 7 – Aberdeen Planning Guidance 2023: Materials

Appendix 8 – Oldfold Farm, Milltimber, Aberdeen: Historic Building Recording Report AOC 22800
19th November, 2014

Appendix 9 – Report of Handling Relating to Planning Application 220746/MSD dated 14th June 2022

1. Introduction

1.1 This statement has been prepared by Fiddes Architects, Chartered Architects (Aberdeenshire) on behalf of our clients, Mr Euan Davidson & Miss Amanda Maturana. We dispute, on behalf of our clients, Aberdeen City Council's reasons for refusing the above-mentioned application, which had sought planning permission, under the terms of Planning Application Reference Number 240463/DPP, for the formation of a two-storey detached dwelling at land adjacent to Oldfold Farmhouse, Milltimber, Aberdeen, AB13 OHQ. Under the terms of Section 47 of the Town and Country Planning (Scotland) Act 1997 (as amended) we wish to appeal the Council's decision on our client's behalf.

1.2 A copy of the planning application submitted to and refused by the Council (240463/DPP) is attached as Appendix 2 and a copy of the Decision Notice as Appendix 3.

2. Site Location & Description

2.1 The application site, which measures 0.138ha, is located in an enclosed plot to the west of and adjoining Oldfold Farmhouse which lies approximately 8km to the west of Aberdeen. It is accessed by an adopted road off the northern side of North Deeside Road. The access is shared with Oldfold Farmhouse and Tor-Na-Dee Care Home, albeit the care home access is not the primary access to the home due to the positioning of bollards at the junction preventing regular vehicle access. The application site takes in views to the south over the Dee Valley with the topography sloping downhill in a southerly direction.

2.2 The application site historically formed part of Oldfold Farm when the farm occupied a great swathe of land to the north & west before the Hydropathic Establishment, later the Tor-Na-Dee Hospital, was established and later more the Oldfold Village housing development. The site is within an area zoned as part of Opportunity Site 48 (Oldfold), which is allocated for 550 homes and 5 hectares of employment land and holds an extant planning permission in principle for the erection of a dwelling house on the site.

2.3 The application site has been lying idle since our clients acquired the property in 2023 and is not presently used for agricultural purposes and was previously used as a track for construction traffic during the implementation of the Oldfold Village development.

Planning History

2.4 The following Planning History is of relevance to the current application proposals:

220746/MS, Approval of matters specified in conditions 2 (tree survey and protection), 3 (surface water drainage) and 4 (waste-water connection) in relation to 220261/PPP for the erection of a detached dwelling house Matters Specified in Conditions Approved Unconditionally 19th August 2022.

220261/PPP, Erection of two-storey detached dwelling house and associated works Planning Permission in Principle Approved Conditionally 21st April 2022.

150260, Approval of Matters Specified in 130378 in relation to residential development of 58 houses (Condition 1-Phasing, 4-New Junction, 9-Drainage, 10-Archaeology, 11-Contamination, 14-Trees, 15-

CEMP, 16-SWMP, 17-Layout and Design, 18-Landscaping, 20-Travel Pack) Matters Specified in Conditions Approved Conditionally 6th August 2015.

130378, Development including residential comprising approx. 550 house units, commercial, primary school, associated ancillary uses and infrastructure improvements including road junction formation on A93 Planning Permission in Principle Approved Conditionally 24th February 2015.

3. Description of Proposed Development

3.1 It is proposed to erect a dwellinghouse with a built footprint of approximately 211 square metres and rising to a ridge height of approximately 8.3 m. The house is positioned approximately 2 m from the north-eastern boundary shared with Oldford Farmhouse with the majority of outdoor amenity space located around the south, west and north of the house. The proposal consists of two forms adjoining lengthways north-west to south-east. A gabled 2-storey form finished in local granite stonework and white silicone render on the ground floor with vertical timber cladding and dark grey metal corrugate on the first floor. The roof would be clad likewise in dark grey metal corrugate. The second form is a single-storey flat-roof clad in white silicone render and accommodating at its southern end an attached double garage.

An asphalt driveway including turning circle is to be laid in the south-east of the site leading up to the garage and to the front door of the house set on the south-west elevation under an overhang of the first floor. The proposal for waste management is that domestic bins would be kept by the driveway entrance and walked up for via the driveway and path to Murtle Den Crescent to sit alongside the existing waste collection point for Oldford Farmhouse approximately 80 m away.

A vertical timber panel fence approximately 1.7 m high would be erected along the eastern boundaries. Along the western boundaries, where there is an existing stone wall, this would be retained and made good in places where it has fallen into disrepair.

Foul water drainage would be connected to the mains and surface water drainage would be managed via a soakaway in the south-east of the site.

3.2 It is important to note the following sequence of events and timescales that had been allowed to pass following the submission of the application which is the subject of these appeal proceedings:

12th April 2024 – Application for Detailed Planning Permission submitted and validated.

19th April 2024 – Planning Officer (Mr. Esmond Sage) issued a letter advising of required advertisement fee and to request permission for access for a site visit. Architect (Mr. Eddie Ashcroft) responded on 22nd April 2024 to advise that fee has been paid and advise Mr Sage on how to access the site.

21st May 2024 – Mr Ashcroft (Architect) contacted Mr Sage (Planning Officer) to enquire regarding consultee comments & public comment received and to ensure he was able to access the site. No response was received.

11th June 2024 – Determination Deadline passed with no further contact from Mr Sage (Planning Officer) or any other member of the Aberdeen City Council Planning team.

13th June 2024 – Mr Ashcroft (Architect) contacted Mr Sage (Planning Officer) to advise that revised drawings had been uploaded to the planning portal to take into account the comments received from the ACC - Roads Development Management Team. Enquires were sought into the progress of the application in lieu of the determination deadline passing the previous month when still no correspondence had been received. No response from Mr Sage was received.

24th June 2024 – Mr Ashcroft (Architect) contacted ACC Planning team general enquires email to request and update on the status of the application in lieu of any contact from the Planning Officer who had been uncontactable. Response was received on the 27th June from Garfield Prentice (Planning Team Leader) to advise that only Mr Sage (Planning Officer) would be in a position to respond to queries and that he would take up the matter with Mr Sage on his return from leave.

1st July 2024 - Mr Sage (Planning Officer) contacted Mr Ashcroft (Architect) to advise that feedback will be issued shortly. Feedback was issued on 5th July 2024.

17th July 2024 – Response to feedback submitted via the portal. Subsequent feedback discussed on the 5th August and a further response to feedback submitted to the portal on the 13th of August.

29th August 2024 – Mr Sage (Planning Officer) Advised decision and report would be completed and issued shortly.

10th September 2024 - Mr Ashcroft (Architect) followed up with Mr Sage (Planning Officer) to be advised the decision and report will be issued the following week (w/c 16th September) and advised that the application is being refused under delegated powers. Mr Sage advised that the next Local Review Body meeting was the 30th of September and that it is unlikely the report will be issued in time for any appeal to heard at that meeting.

25th September 2024 – Decision notice issued.

Personal Circumstances

3.3 Our client currently reside in central Aberdeen and purchased the site in 2023 with the desire to build their family home in line with their wish to be closer to nature and in a well-connected yet noncity area to raise their young family. With direct access to early years education in walking distance (Milltimber School within 400m walking distance) and local amenities in neighbouring Bielside and Peterculter this plot provides the perfect opportunity. As keen gardeners with aspirations of cultivating their own fruit and vegetables on the site the scale and orientation of the plot also offers ample room for future development of the garden grounds to become a practical and biodiverse space for years to come.

4. Assessment of Development Proposals

4.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) (hereinafter referred to as 'The Act') states 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 development plan unless material considerations indicate otherwise.'

4.2 In the context of Section 25 referred to above, it is worth referring to the House of Lord's Judgement on the case of the City of Edinburgh Council v the Secretary of State for Scotland 1998 SLT120. It sets out the following approach to deciding an application under the Planning Acts:

- *identify any provisions of the development plan which are relevant to the decision;*
- *interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;*
- *consider whether or not the proposal accords with the development plan;*
- *identify and consider relevant material considerations, for and against the proposal; and*
- *assess whether these considerations warrant a departure from the development plan.*

4.3 The relevant development plan for the area comprises National Planning Framework 4 (NPF4) and the Aberdeen Local Development Plan (ALDP) 2023. Other material considerations relevant to the determination of the application include Consultation Responses, Third-Party Representations and Planning History.

National Planning Framework 4 (NPF4)

4.4 National Planning Framework 4 (NPF4 – Appendix 5) was adopted by Scottish Ministers on 13th February 2023 and contains 33 no. policies against which applications for development proposals now require to be assessed.

In a letter dated 8th February 2023 dealing with the transitional arrangements for NPF4, the Minister for Planning and the Chief Planner of Scotland 18 gave the following advice to decision-makers in relation to the application of NPF4: *‘Section 25 of the 1997 Act requires that decisions are made in accordance with the development plan unless material considerations indicate otherwise.*

Application of planning judgement to the circumstances of an individual situation remains essential to all decision making, informed by principles of proportionality and reasonableness.

(highlighting added)

Within the context described our comments on the policies referred to in the Delegated Report are as outlined below:

Policy 1 – Tackling the Climate and Nature Crisis

4.5 The intent of Policy 1 in NPF4 on ‘Tackling the Climate and Nature Crisis’ is *‘to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.’*

Characteristics of the development proposal supporting the global and nature crises include, inter-alia, the following:

As noted in Paragraph 2.3, the application site last use prior to its current state was as a construction traffic access route and was laid with hardcore to form a solid base for heavy machinery and could therefore be considered brownfield.

Given the proximity of the site to Aberdeen it is easily accessible by a choice of means of transport including walking and cycling via the Deeside Way. Public Transport Services (bus based) are accessible on the A93 (North Deeside Road) through Aberdeen with train services also available in the city.

The proposed dwelling intends to adopt a fabric first approach to sustainability which involves meeting carbon reduction requirements by increasing thermal performance and minimising air infiltration. The current Building Regulations will ensure the dwelling utilises zero direct emission heating technologies including air source heat pumps & mechanical heat and ventilation recovery in conjunction with photovoltaics in contributing towards the energy requirements, as will the embodiment of low energy LED lighting and facilities for electric vehicle charging.

The proposal to introduce wildflower planting to large areas of the garden will be a great improvement on the biodiversity of a site which is currently covered by grasses with little evidence of

flowering plants or diverse flora to benefit pollinators or local wildlife.

Whilst not detailed in the design proposals explicitly, our clients are also keen to introduce additional planting and landscaping features to facilitate habitat creation to benefit and enhance biodiversity. The development proposed, is, as a consequence of the above considerations, considered to comply with the requirements of Policy 1 in NPF4.

Policy 2 – Climate Mitigation and Adaptation

4.6 The intent of Policy 2 in NPF4 on ‘Climate Mitigation and Adaptation’ is *‘to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.’* The measures outlined, combined with the characteristics of the development site highlighted in response to the terms of Policy 1 above, will contribute to a reduction in emissions thus rendering the proposal compliant with the terms of the policy.

Policy 3 - Biodiversity

4.7 The intent of Policy 3 in NPF4 on ‘Biodiversity’ is *‘to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.’* No trees are to be felled or landscaping features to be removed to facilitate the development of the dwelling houses proposed. Notwithstanding this and as noted in our response to Policies 1 & 2 above, additional landscaping and planting measures proposed will contribute to an overall net biodiversity gain. All landscaped areas will be managed and maintained by our client in the years ahead with a commitment given to the replanting of landscape features which fail. As a consequence of the considerations outlined, the proposal is compliant with the terms of Policy 3.

Policy 6 – Forestry, Woodland and Trees

4.8 The intent of Policy 6 in NPF4 on ‘Forestry, Woodland and Trees’ is *‘to protect and expand forests, woodland and trees.’* As noted previously, no trees within or neighbouring the application site are proposed to be felled or impacted. Notwithstanding this, our clients are proposing to undertake additional landscaping and planting to enhance localised biodiversity credentials. This policy will be discussed further later in the statement in the response to reason for refusal.

Policy 7 – Historic Assets and Places

4.9 The intent of Policy 7 in NPF 4 on ‘Historic Assets and Places’ is *‘to protect and enhance historic assets and places, and to enable positive change as a catalyst for the regeneration of places.’* Boundary walls and the neighbouring Oldfold Farmhouse have been highlighted as positive historic features. The application proposals intend to repair and retain the historic stone walls and ensure they are protected and enhanced. With regards to Oldfold Farmhouse, the dwelling house is not listed or protected in anyway and is noted in the ‘Oldfold Farm, Milltimber, Aberdeen: Historic Building Recording Report’ in application 150260 (Appendix 8) as being a ‘...(contemporary) farmhouse’ which suggests that from a heritage standpoint it is not considered historically significant and was not surveyed or recorded along with the Oldfold Farm steading demolished for that application. Insofar as archaeological considerations are concerned, these can be addressed through the imposition of a condition on any decision to grant permission for the proposal.

Policy 11 – Energy

4.10 The intent of Policy 11 in NPF 4 on ‘Energy’ is *‘to encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low carbon and zero emissions technologies including hydrogen and carbon capture utilisation and storage (CCUS).’* It encourages all Councils to utilise their full potential for electricity and heat generation from renewable, low carbon and zero emission sources. As noted previously in our responses to Policies 1

and 2 of NPF4, it is our client's intention that the proposed dwelling will incorporate low and zero carbon generating technologies in the form of air source heat pumps, mechanical heat and ventilation recovery and photovoltaics rendering it compliant with the terms of Policy 11.

Policy 12 – Zero Waste

4.11 The intent of Policy 12 in NPF4 on 'Zero Waste' is *'to encourage, promote and facilitate development that is consistent with the waste hierarchy.'* Our clients are committed to working in line with the waste hierarchy referred to and will seek to reduce, reuse and/or recycle materials at every opportunity presented, thereby rendering the proposals compliant with the terms of Policy 12.

Policy 13 – Sustainable Transport

4.12 The intent of Policy 13 in NPF4 on 'Sustainable Transport' is *'to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel use and reduce the need to travel unsustainably.'* As noted previously the application site, given its proximity to Peterculter & Bieldside, is accessible via walking and cycling. Bus and train based public transport services are available on the A93 to provide connections to Aberdeen & beyond. The sustainable transport measures described render the proposal compliant with the terms of Policy 13 of NPF4.

Policy 14 – Design, Quality and Place

4.13 The intent of Policy 14 in NPF4 on 'Design, Quality and Place' is *'to encourage, promote and facilitate well designed development that makes successful places by taking a designed-led approach and applying the Place Principle.'* Policy 14 (b) states that:

'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.'*

The scheme as proposed is in compliance with the six identified qualities of successful places for the following reasons:

Healthy – The proposed dwelling will be designed and constructed to be as thermally efficient as possible coupled with MVHR for internal air quality to promote a warm and safe place to live. The large plot also provides ample scope for food growing and access to nature & greenspace in the woodland areas surrounding.

Pleasant – The location on site offers ample protection from the elements with the woodland providing shade & shelter by natural means and also ensures climate resilience by using the woodland for natural solar shading in summer months. As a domestic dwelling situated next to an area of woodland there will be a strong connection with nature and the expanses of garden ground on the north and south of the plot provide ample space for play, and relaxation in sun or shade throughout the day.

Connected – The location of the site off North Deeside Road and proximity to Peterculter and Bielside provide easy opportunity for walking/cycling on the Deeside Way and good public transport connections to Aberdeen & beyond.

Distinctive – The massing is a direct, distinctive response to the site constraints and neighbouring typologies and the historic local vernacular. The 2 distinct forms, two-storey pitched roof & single storey flat roof, are separated materially and are formed to ensure respect is paid to the neighbouring Oldfold Farmhouse while also ensuring the dwelling stands alone in its own identity as an unashamedly modern family home. The materials reflect the surrounding context with a render ground floor with a subtle granite entrance feature and the first floor wrapped in timber cladding and metal corrugate adds a sustainable & modern interpretation of traditional materials. Clipped eaves detailing and the gabled form reinforce the traditional design but with a modern intent sympathetic to the context. The building largely following an indicative building line guided by Oldfold Farmhouse, however, much like many dwellings in the neighbouring Oldfold Village development, the garage is brought forward of the building line, largely due to the restrictions that have been imposed on the site. 19 & 20 Murtle Den Crescent both locally position their garages forward of the building lines they occupy. The plot is set out in the traditional way, similar to many of the local single dwelling plots, large area of garden to the north and south and the dwelling occupying the centre much like properties 140-190 on the North side of North Deeside Road, and very much unlike the neighbouring Oldfold Village development.

Sustainable - The dwelling is designed to current building regulations with ensure a zero direct emissions heating system will be included by means of an Air Source Heat Pump. The dwelling is also intended to have MVHR included to aid in an efficient use of resources in the move to Net Zero. Easy access to local amenities reinforces the notion of a close local community.

Adaptable – The dwelling is designed with future adaption in mind to ensure it remains fit for purpose as a family dwelling for many years to come as the occupants change in number and mobility.

The proposal is, as a consequence of the considerations outlined above, considered to be compliant with the terms of Policy 14.

Policy 15 – Local Living and 20-minute neighbourhoods

4.14 The intent of Policy 15 in NPF4 on ‘Local Living and 20-minute neighbourhoods’ is ‘*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.*’ The measures outlined, combined with the characteristics of the development site highlighted in response to the terms of Policies 13 & 14 above renders the proposal compliant with the terms of the policy.

Policy 16 – Quality Homes

4.15 The intent of Policy 16 in NPF4 on ‘Quality Homes’ is ‘*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.*’ Criterion (a) states that:

‘Development proposals for new homes on land allocated for housing in LDPs will be supported.’

The proposal is considered to comply with the terms of Policy 16 as the site is within an area zoned as part of Opportunity Site 48 (Oldfold), which is allocated for 550 homes and 5 hectares of

employment land and holds an extant planning permission in principle for the erection of a dwelling house on the site.

Policy 19 – Heating and Cooling

4.16 The intent of Policy 19 in NPF4 on ‘Heating and Cooling’ is *‘to encourage, promote, and facilitate development that proposes decarbonized solutions to heat and cooling demand and ensure adaptation to more extreme temperatures.’* It promotes the connection of development proposals to Heat Network Zones where existing, or where planned and requires proposals to be designed and constructed to allow for cost effective connection at a later date. As there are no existing or proposed heat network zones within or in the vicinity of the application site, insofar as we are aware, the terms of Policy 19 are not considered relevant to the application proposals.

Policy 22 – Flood Risk and Water Management

4.17 The intent of Policy 22 in NPF4 on *‘Flood Risk and Water Management’* is *‘to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.’* An examination of SEPA’s Flood Maps has revealed that the application site is not at risk of flooding during the applicable return periods. All surface water from the development proposed will be discharged to soakaways as shown indicatively on the site plan submitted with the application. A connection will be made to the public sewer to deal with foul water discharge. It is also proposed to connect to the existing public water supply. Scottish Water has confirmed there is capacity for both a foul discharge and a connection to the water supply. As a consequence of this, the proposals are compliant with the terms of Policy 22.

4.18 Having assessed the application proposals against the terms of all policies within NPF4 and applying the principles of proportionality and reasonableness advocated by the Planning Minister and Chief Planner in their letter dealing with the transitional arrangements for NPF4 (referred to previously in Paragraph 4.4), the proposals, when ‘viewed in the round’ are compatible and should therefore be supported.

Aberdeen Local Development Plan 2023

4.19 The Aberdeen Local Development Plan (Appendix 6) was adopted by Aberdeen City Council on 19th June 2023. The application site lies within the Opportunity Site 48 – Oldfold under the Land Release Policy.

4.20 Key policies of relevance to the determination of this application include:

- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D5 (Landscape Design)
- Policy D6 (Our Historic Environment)
- Policy LR1 (Land Release Policy)
- Policy LR2 (Delivery of Mixed Use Communities)
- Policy NE4 (Our Water Environment)
- Policy NE5 (Trees and Woodland)
- Policy R6 (Low and Zero Carbon Buildings, and Water Efficiency)
- Policy R7 (Renewable and Low Carbon Energy Developments)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy WB2 (Air Quality)

Policy WB3 (Noise)

Policy D1 (Quality Placemaking)

4.21 The intent of Policy D1 in ALDP on 'Quality Placemaking' is '*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.*' Policy D1 states that;

'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*

A design strategy will be required to be submitted that demonstrates how a development meets these qualities. The design, scope and content will be proportionate to the scale and/or importance of the proposal.'

Fiddes Architects are an award-winning design led Architecture practice in Aberdeenshire with a proven track record in delivering quality architecture underpinned by all proposals being carefully considered in their layout, construction, materiality and appearance. All these principals have been implemented in the proposed dwelling and contribute to ensuring the proposal delivers on Policy D1. The six essential qualities set out in Policy D1 of ALDP correlate with the 6 qualities in Policy 14 of the NPF4 and can be referred to above in paragraph 4.13. The qualities can be aligned as follows; Distinctive – Distinctive; Welcoming/Safe & Pleasant – Healthy/Pleasant; Easy to move around – Connected; Adaptable – Adaptable; Resource efficient – Sustainable. The proposal is, as a consequence of the considerations outlined above, considered to be compliant with the terms of Policy D1.

Policy D2 (Amenity)

4.22 Policy D2 states that;

'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;*

- *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.'*

It is the intention to discuss this policy in more detail later in the report under Response to Reason for Refusal as in this instance the site-specific conditions make mean that this policy is directly linked to Policy NE5.

Policy D5 (Landscape Design)

4.23 The intent of Policy D5 in ALDP on 'Landscape Design' is '*Development proposals will be designed with an effective, functional and attractive landscape framework supported by clear design objectives. The level of detail required will be appropriate to the scale of development.'*

The proposed landscape design has been kept clear and simple for the purposes of this planning application so that decisions on the locations & types of planting can be made once the dwelling has been allowed to bed into the site for a period of time and to ensure that any commitments to planting are realistic and feasible following the completion of the build. The proposed design incorporates areas of wildflower meadow and lawn onto a site which is currently covered with long grasses, therefore, protecting and improving the current biodiversity of the site and ensure the proposal is low maintenance as an initial starting point for the applicant. On the above basis the proposal complies with the intent of Policy D5.

Policy D6 (Our Historic Environment)

4.24 The intent of Policy D6 in ALDP on 'Our Historic Environment' is '*Development must protect, preserve and enhance Aberdeen's historic environment, including its historic fabric. There will be a presumption in favour of the retention and appropriate reuse of historic environment, historic assets, and heritage assets that contribute positively to Aberdeen's character.'* The proposed development protects and preserves Aberdeen's historic environment as the proposal would seek to retain and repair the noted historic stone boundary walls to the west & north. The proposal makes no move to remove or demolish any buildings that have been previously deemed suitable for recording by Historic Environment Scotland. As discussed in paragraph 4.9 in relation to NPF4 Policy 7 the neighbouring Oldfold Farmhouse is a contemporary farmhouse on the site and the original historic farm buildings on the site of Oldfold Farmhouse were demolished as part of application 150260. Oldfold Farmhouse is not listed or noted in any historic records as being noteworthy. On the above basis the proposal complies with the intent of Policy D6.

Policy LR1 (Land Release Policy)

4.25 The intent of Policy LR1 in ALDP on 'Land Release Policy' is '*Housing and employment development on existing allocated sites and housing sites for the period up to 2032 will be approved in principle within areas designated for housing or employment*'. The current proposal is located within the Opportunity Site 48 – Oldfold under the Land Release Policy therefore complying the policies intentions.

Policy NE4 (Our Water Environment)

4.26 The intent of Policy NE4 in ALDP on 'Our Water Environment' is to ensure that places are resilient to current and future flood risk. That water resources are used efficiently and sustainably. And ensure wider use of natural flood risk management benefits people and nature. This policy is strongly aligned with Policy 22 in NPF4 and for the reasons outline in paragraph 4.17 the proposal complies with Policy NE4.

Policy NE5 (Trees and Woodland)

4.27 The intent of Policy NE5 in ALDP on 'Trees & Woodlands' is '*Development should not result in the loss of, or damage to, trees and woodlands... Buildings and infrastructure should be sited to allow adequate space for a tree's natural development, taking into account the predicted mature height, canopy spread and future rooting environment. Where applicable, root protection areas should be established, and protective barriers erected prior to any work commencing*.' As noted previously no trees on the site are to be felled or harmed as a result of this development. An arboriculturists report was prepared for application 220261/PPP and remains relevant to the new application in detailing the developable area. The developable area is produced to show the area of the site suitable for development taking into account movement in the wind, future growth, perceived safety concerns, shade cast by the trees and the existing crown spread. On the above basis the proposal complies with the intent of Policy NE5.

Policy R6 (Low and Zero Carbon Buildings, and Water Efficiency)

4.28 The intent of Policy R6 in ALDP on 'Low and Zero Carbon Buildings, and Water Efficiency' is '*All new buildings will be required to demonstrate that a proportion of the carbon emissions reduction standard set by Scottish Building Standards will be met through the installation and operation of low and zero carbon generating technology. To reduce the pressure on water abstraction from the River Dee, and the pressure on water infrastructure, all new buildings are required to use water saving technologies and techniques*.' The proposed dwelling intends to adopt a fabric first approach to sustainability which involves meeting carbon reduction requirements by increasing thermal performance and minimising air infiltration. The current Building Regulations will ensure the dwelling utilises zero direct emission heating technologies including air source heat pumps & mechanical heat and ventilation recovery in conjunction with photovoltaics in contributing towards the energy requirements, as will the embodiment of low energy LED lighting and facilities for electric vehicle charging. Water efficient fittings will be provided to all WCs and WHBs within a dwelling. Dual flush WC cisterns will have an average flush volume of not more than 4.5 litres, Single flush WC cisterns will have a flush volume of not more than 4.5 litres & Taps serving wash or hand rinse basins will have a flow rate of not more than 6 litres per minute. These requirements are set out in the Scottish Building Regulations to prevent undue consumption of water. On the above basis the proposal complies with the intent of Policy R6.

Policy R7 (Renewable and Low Carbon Energy Developments)

4.29 The intent of Policy R7 in ALDP on 'Renewable and Low Carbon Energy Developments' is '*Renewable and low carbon energy schemes will be encouraged and supported in principle, where*

the technology can operate efficiently, and the environmental and cumulative impacts can be satisfactorily addressed. It promotes the development of proposals for the generation of renewable heat and energy generating technologies on all scales, including energy storage. As discussed elsewhere in this statement the proposal intends to utilise zero direct emission heating technologies including air source heat pumps & mechanical heat and ventilation recovery in conjunction with photovoltaics in contributing towards the energy requirements. There is also adequate space in the proposed garage should the applicant wish to include battery storage in the future. On the above basis the proposal complies with the intent of Policy R7.

Policy T2 (Sustainable Transport)

4.30 The intent of Policy T2 in ALDP on 'Sustainable Transport' is *'Proportionate to the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic generated.'* It promotes development proposals to ensure large developments are accessible by as many means possible and to reduce the reliance on car travel. As the proposal is for a single dwelling on a plot neighbouring a large new housing development, the terms of Policy T2 are not considered relevant to the scale of the application proposal.

Policy T3 (Parking)

4.31 The intent of Policy T3 in ALDP on 'Parking' is *'To ensure any car parking provided as part of development proposals accords with Council standards.'* The proposal provides three external parking spaces and a turning circle within the curtilage of the dwelling along with safe storage for cycles and access to a vehicle car charger as required under the Scottish Building Regulations. The driveway/parking area would not decrease in size if the external parking spaces were removed in favour of the internal garage space. On the above basis the proposal complies with the intent of Policy T3.

Policy WB2 (Air Quality)

4.32 The intent of Policy WB2 in ALDP on 'Air Quality' is *'Development proposals which may have a detrimental impact on air quality will not be permitted unless measures to mitigate the impact of air pollutants are proposed and agreed with the Planning Authority.'* ACC's Environmental Health team does not object to the application subject to construction proceeding in accordance with BS8228 – 1:2009+A1:2014 and best practice contained in BRE Guide (2003) Control of dust from construction and demolition activities. The proposal for the erection of a single dwellinghouse is of a scale and character that it does not meet the threshold for further air quality assessment under the guidelines.

Policy WB3 (Noise)

4.33 The intent of Policy WB3 in ALDP on 'Noise' is *'In cases where significant exposure to noise is likely to arise from development, a Noise Impact Assessment (NIA) will be required as part of a planning application.'* Aberdeen Planning Guidance: Noise acknowledges that higher levels of noise can be expected and accepted during the construction of development for a temporary period. ACC's Environmental Health team does not object to the application subject to guidance contained within: BS8228 - 1:2009+A1:2014 Code of practice for noise and vibration control on construction sites and open sites - Part 1 Noise and Part 2: Vibration. In addition, to protect the amenity of existing nearby residential properties, development works (including site/ground preparation, demolition, and construction) causing noise beyond the site boundary should not occur outside the following hours; Monday to Friday 0700 hours to 1900 hours: Saturday 0800 hours to 1300 hours. Noise over and above acceptable levels is controlled through mechanisms out with the planning system, such as the Control of Pollution Act 1974 and British Standard BS 5228:1997 Noise and Vibration Control on

Construction and Open Sites. On the above basis the proposal complies with the intent of Policy WB3.

Other Material Considerations

4.34 As noted previously, in addition to the development plan, due consideration must also be given to other material considerations when determining a planning application/appeal. Such considerations in this instance include Consultation Responses, Third-Party Representations and Planning History.

Consultation Responses

4.35 According to the Report on the Planning Application (See SLC Document 3) consultation responses were as follows:

Waste & Recycling - No objection in principle and advise that bins must be presented on Murtle Den Crescent for collection.

Roads Development Management Team – No objection - The only outstanding RDM issue was regarding waste storage / collection. The applicant has provided a response which has been deemed acceptable by the Waste Management team and, as such, there are no outstanding Roads concerns.

Scottish Water – No objection - There is sufficient capacity at the Invercarnie Water Treatment Works. There is currently sufficient capacity for a foul only connection in the Nigg PFI Waste Water Treatment works. For reasons of sustainability and to protect their customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into their combined sewer system.

Contaminated Land – No objection - The service does not believe the potential for land contamination issues at the site is sufficient to justify the attachment of conditions. However, should any ground contamination be discovered during development, the Planning Authority should be notified immediately.

Environmental Health – No objection – The service recommends the procedures and guidance noted previously in paragraphs 4.32 & 4.33.

4.36 In summary none of the consultation responses objected to or raised concerns about the granting of planning permission for the application proposals.

Third Party Representations

4.37 A single representation was received raising concerns about dust and noise during construction. ALDP Policies WB2 (Air Quality) and WB3 (Noise) set out how potential impacts during construction are managed and are noted above in paragraphs 4.32 & 4.33.

Planning History

4.38 Whilst planning permission in principle has been granted previously to a former owner of the property under the terms of Planning Permission Reference Numbers 220261/PPP for the erection of a two-storey detached dwelling house and associated works and 220746/MS for the approval of matters specified in conditions of 220261/PPP. Our client did not wish to proceed with site layout or building outline as they considered the layout purely indicative of a dwelling on the site and intended to appoint an Architect to design a bespoke dwelling suitable for their needs and the site.

4.39 Having considered the application proposals against the terms of NPF4, ALDP and all other material considerations as required under Section 25 of the Town and Country Planning (Scotland) Act 1997, we are firmly and unequivocally of the view that the application proposals are compliant and that there are no material considerations existing which would support anything other than the granting of planning permission for the application proposals as applied for.

5. Response to Reasons for Refusal

5.1 The planning application was refused for a total of three reasons. Those reasons and our responses to them are outlined below:

(01) It would visually intrude upon the existing Oldfold Farmhouse, to the detriment of its historic character and that of the wider setting of the area.

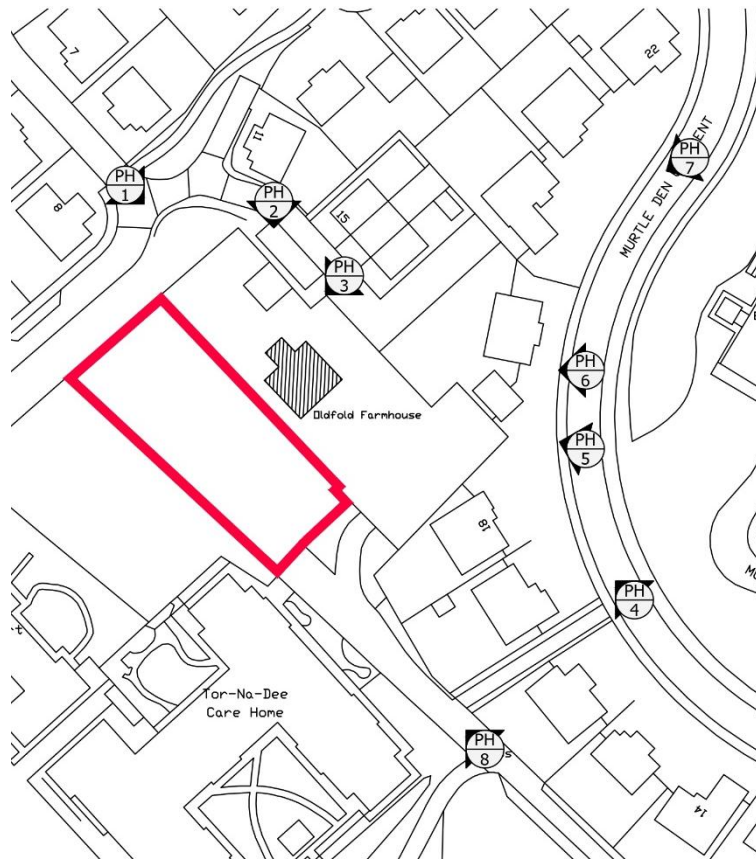
5.2 The Delegated Report issued by Planning on 25th September 2024 (See Appendix 4) provides some elaboration, on the grounds for considering the proposal to be contrary to the terms of Policy 7 (o) in NPF4 & Policy D6 in ALDP.

'Oldfold Farmhouse is a traditionally built cottage dating to the second half of the 19th century and stands as a vestige of the original steading. It thus makes an important contribution to the place character of the surrounding area. Its historic value has been acknowledged in the determination of previous planning applications (in particular 150260, see Relevant Planning History above) whereby it was surveyed and recorded for the Historic Environment Record (HER). As such both the farmhouse and stone walls are considered to meet the criteria for non-designated historic environment assets.'

5.3 As detailed previously, in our response to Policy 7 in NPF4 & Policy D6 in ALDP, the farm house while being of an age older than many of the buildings surrounding it was not included in the Historic Environment Record (HER) during application 150260 (Appendix 8) nor any application since. The report even goes so far as to refer to the farmhouse only twice where the farmhouse is referred to as 'contemporary'. The historic value of Oldfold Farm was wholly placed in the steading buildings which dated from the mid-19th century and were recorded prior to their demolition to make way for the incongruent neighbouring housing development. The farmhouse is neither listed nor registered on any historic record and as such we strongly feel the Council has placed a very surprising level of historic significance on Oldfold Farmhouse.

'While Oldfold Farmhouse now lies in the relatively new context of a major housing development, it retains a sense of independent identity and separation which positively reinforces its historic character. The nearest dwellinghouses from the surrounding development are between 20 and 30 m away from Oldfold Farmhouse, and its raised position and tree screening mean that the surrounding development is rarely visually obtrusive when viewing the house.'

5.4 Having visited the site numerous times and being of the understanding the planner officer handling the application has also visited the site we are at a loss to understand how the Council can be of the opinion that the neighbouring housing development has not already eradicated the historic character of the farmhouse. It is now unfeasible to view the dwelling without a prominent back drop of a pastiche mass housing development. Included below are a selection of site photos showing a number of views of the farmhouse from locations around the development on publicly accessible paths without venturing onto private land or off the adopted road leading up to the development. Photos 4-8 clearly show the extent to which the new development has had a greatly obtrusive effect visually when viewing the house. Photos 1-3 at the north of the farmhouse also demonstrate how screened the house is when viewed from the north and west by means of new boundaries and a harled garage.



Plan indicating photo locations



PH 1



PH 2



PH 3



PH 4



PH 5



PH 6



PH 7



PH 8

'the proposal to place a stark and visually incongruent physical form in close proximity to and in advance of Oldfold Farmhouse would have a detrimental impact on both houses and the wider area. As such, the application is considered to be contrary to NPF4 Policy 7(o), as the development would fail to protect the historic farmhouse's historic setting. Likewise, it would be contrary to ALDP Policy D6 (Our Historic Environment) which requires appropriate development to protect the setting of Aberdeen's historic environment.'

5.5 Reference must here must be made to the above images again and the effect that the neighbouring development has already had on the farmhouse and also to reiterate the fact that the farmhouse has neither been listed or recorded to date. This again reinforces the argument that there is in fact little to no historic setting worthy of protecting due to the development that has already been allowed to progress in the surrounding proximity to the farmhouse. As demonstrated above the surrounding development has already overwhelmed the setting of the farmhouse from all viewpoints publicly accessible. The 'stark and visually incongruent' form of the low-level single storey garage will only block views of the farmhouse when viewed from within the application boundary. As stated in the design submission accompanying the application the choice of a flat roof single storey form along the east boundary is in direct response to the farmhouse to ensure that the volume is as low and unobtrusive as possible. During discussions with the planning officer a material change and/or inclusion of windows on the south garage wall were offered as means to soften any negative impact, however, we were advised that they would be inconsequential to the application which makes the Councils comments regarding material choice all the more surprising when a material change was offered during discussions.



Photo Montage of proposed dwelling located adjacent to farmhouse.

'It is acknowledged that render is a popular and widespread choice for contemporary finishing materials. APG Materials makes clear that its use still requires careful technical and design considerations and offers a range of colour choices and finishes appropriate in Aberdeen, and in the proximity of granite, with a preference against white and off-white renders, which often weather poorly in Aberdeen's climate.'

5.6 Closer inspection of the above-mentioned document APG Materials finds that there is not note mentioning a 'preference against white and off-white renders'. A statement especially all the more confusing considering the material palette of every new build housing development in Aberdeen City. As architects it is our responsibility to ensure all detailing and material specifications are robust and capable of standing the test of time, should the Council have raised these concerns regarding detailing during discussions examples of our construction details would have been happily provide to reassure that their concerns will not be realised on this project.

(02) by erecting a dwellinghouse where the majority of habitable rooms were excessively overshadowed by neighbouring woodland, it would provide inadequate amenity to the residential development and;

5.7 The Delegated Report issued by Planning on 25th September 2024 (See Appendix 4) provides some elaboration, on the grounds for considering the proposal to be contrary to the terms of Policy 17 in NPF4 & Policy D1, D2 and D5 in ALDP.

'Issues regarding daylight, sunlight, shading and layout/orientation on this site are heavily informed by the nearby trees as a significant constraint'

5.8 It appears that the Council have taken the stance that the trees and their resultant *zones of influence* (ZOI) are a hard and fast boundary on the site with little room for a finer level of understanding or appreciation. The main stretch of trees in question in the neighbouring woodland which directly neighbour the site and project the greatest degree of influence on the site occupies a

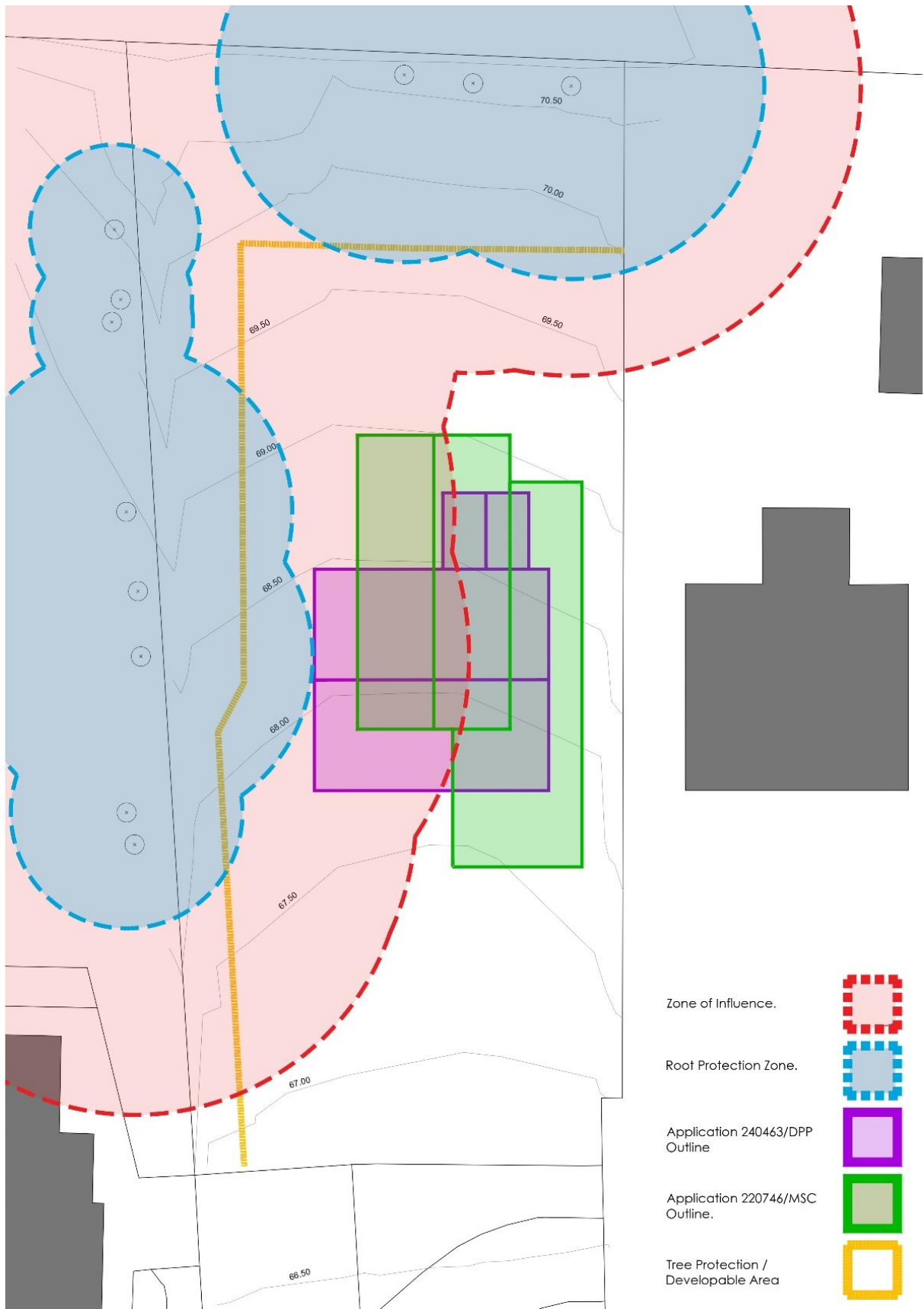
32m stretch over the whole 59m length of the southwest boundary. This leaves the east, southeast, & south of the site all 'exposed' and open to receiving sunlight for 2/3 of the day therefore suggesting that the position of the garden ground within the ZOI restricts the amenity of the development to the extent that the application should be refused is grossly unreasonable. Notwithstanding the fact that the trees in question are deciduous and spend a fair portion of the year when the sun is lowest without foliage thus diminishing their shade casting ability on the site as the winter sun is able to penetrate the woodland to lighten up the living areas on any given day the sun shines.

5.9 Issues regarding policy D5 Landscape Design in ALDP have been discussed previously in paragraph 4.23 which sets out the rationale for the submitted landscape design. Worth noting is also that at any time during the application process a landscaping design could have been requested by the Council for inclusion and it would have gladly been provided. It can be seen in paragraph 3.2 the timescales allowed pass during the application process during which we followed up with the planning officer. On these multiple occasions we were checking whether any additional information was required with the application at no point was a landscape design plan requested. It seems very unreasonable to not request information and then proceed to use the lack of information to persecute the application with and not in keeping with the spirit of aiding development.

'The permission in principle provides a reference point for a layout, of size and position relative to Oldfold Farmhouse, of detailed development which may be acceptable on the site.'

5.10 As stated in the delegated report the layout in the permission in principle is purely indicative and contains no guide on materiality or orientation of internal spaces. The indicative plan demonstrates no consideration to the layout and orientation other than to mirror the plan of Oldfold Farmhouse across the boundary onto the new plot. Shown below is a comparison of the two masses located on the site plan which clearly show both plots leaving similar levels of garden ground clear out with the aforementioned ZOIs.

The proposed dwelling layout demonstrates a greater distance between the proposed development and the root protection zone than that shown on the permission in principle. The desire by the applicant to position the house as on a north south axis and embrace the views to the woodland is a direct response to the character of the site and in appointing a design led architect shows a keen appreciation of distinctive modern design which should be encouraged and applauded.



Site plan comparing dwelling outlines from Application 220746 with that of application 240463 and the impact of the ZOIs and Root protection measures.

5.11 Information on the Scottish Forestry website (<https://www.forestry.gov.scot/forests-people/health-strategy>) notes that being able to view and interact with woodlands can help to reduce stress and mental fatigue along with improve behavioural and emotional development in children. On a more basic level woodlands trees provide shelter from wind and rain, can reduce noise levels and trees and woods can give a reassuring sense of cover and seclusion. The alternative for the applicant, the wish of the Planning Officer, is for the dwelling to be orientated to take in views to the south. Below I have included a photo demonstrating the captivating views to the south on the left-hand side alongside the views to the woodland on the right and the amount of light which is still able to pass through the foliage on a typically dreich Autumnal day.



(03) thereby place undue pressure on woodland, in particular to the south-west of the site.

5.12 The Delegated Report issued by Planning on 25th September 2024 (See Appendix 4) provides some elaboration, on the grounds for considering the proposal to be contrary to the terms of Policy 6 in NPF4 & Policy NE5 in ALDP.

'ALDP Policy NE5 (Trees and Woodland) requires buildings and infrastructure to be sited to allow adequate space for a tree's natural development, taking into account the predicted mature height, canopy spread and future rooting environment. Root protection areas should be established and protection secured in line with Aberdeen Planning Guidance: Trees and Woodland ('APG Trees and Woodland')

5.13 As highlighted previously when considering Policy NE5, no healthy trees are to be felled as a result of this application therefore the woodland trees can be considered protected. It has been noted in the report that the trees are mature therefore the trees can be managed with little future growth in mind. The submitted tree report clearly outlines the root protection zones and highlights a developable area on the site. It is stated in the delegated report that: *'proposed dwellinghouse is substantially different from the indicative layout at permission in principle stage, which would have informed assessment of the trees' potential impact.'* Discussions with Astell Associates, who prepared the Tree Survey Report, noted that the position of the root protection zones and the developable area do not take into account the indicative layout and that if they took into account our submitted layout the developable area would have tucked in a bit in line with the root protection area, therefore, positioning the indicative outside the developable area.

'Bearing these considerations in mind along with the planning history and established principle of a house on the site, it is therefore accepted that:

- a) The development of a dwellinghouse on site, including garden ground, would necessarily be partially within ZOIs;*
- b) Development of a dwellinghouse on the site can be accepted, subject to balancing specific details of layout and arrangement against the inevitable inclusion within the ZOIs;*
- c) The present policy context of the application site introduces an enhanced requirement to protect trees within and in proximity to the site.'*

5.14 The Planning Officer has conceded a few points key points here, firstly that development on the site is accepted and it is a given that a portion of the site is going to be affected by the ZOI. When balancing the orientation against the amount of the site affected by the ZOIs, 912m² of the site is covered by the ZOI, which leaves 469m² of the site unaffected by the ZOIs, precisely 1/3 of the site. The application as submitted provides 331m² out with the ZOI, which when considered against neighbouring development, the gardens provided there are considerably less than 200m², many of which are predominantly north facing, it stands to reason that 331m² is a large area of external amenity space. Secondly, the policy context in place to protect the trees has changed since the permission in principle. This leaves the site in a bit of no man's land between policies, permission in principle was given one year before the new policies came into place and leads me to believe that, as discussed in paragraph 4.4 that:

'Application of planning judgement to the circumstances of an individual situation remains essential to all decision making, informed by principles of proportionality and reasonableness'

In this instance we have a site whereby there is an agreement that development is permitted and acceptable, the site is heavily influenced by a bank of mature trees which under new policy would make the site somewhat undevelopable due to the site coverage, and the site applicant who is seeking to develop the site has aspirations which accord with numerous policy details and intents. It therefore stands to reason that the implementation of Policy NE5 is being imposed on this application disproportionately and without just reason. The applicant has outlined their reasons for the orientation of the dwelling, given zero indication of intent to remove or disrupt the woodland.

5.16 In the Report of Handling accompanying application 220746/MS (See Appendix 9). The planning officer at the time had the below to comment with regards to the trees on the site following receipt of the tree report;

'In terms of the zone of influence (ZOI) of the trees to the west, the house would sit within their ZOI. However as discussed at planning permission in principle stage, whilst it is desirable for buildings and garden ground to sit out with the ZOI, it is not always possible if a site is to be developed. In this case the large garden ground and orientation of the trees relative to the house and track of the sun would result in large areas of the garden receiving direct sunlight throughout the day. The trees to the west would only cast a shadow over part of the site in the evening, so the pressure to have trees removed or pruned in this regard is likely to be minimal. In relation to tree matters the application is considered acceptable.'

The above is far more in keeping with the spirit of Policy NE5 and acknowledges the position of the trees in relation to the site and the fact that the trees would on shadow the site for a portion of the day. The applicant purchased the site with the above statement as a matter of fact in their mind and with zero interest in removing or pruning the woodland which they do not own and with the knowledge that the woodland is deciduous and ever changing throughout the seasons. The woodland does not form the 18m high sun blocking barrier all year round the Planning Officer seems to suggest it does in their interpretation of Policy NE5 and APG Trees and Woodlands.

5.15 The trees in question are neither in a conservation area or covered by a Tree Protection Order (TPO). It is completely within the Councils power to place a protection order upon the trees or to include a condition with in the planning permission to safeguard against their removal at a later date without the Councils knowledge. Discussions with Astell Associates highlights their disagreement with the nature of the ZOIs and the Councils implementation of Policy NE5 as it could be seen to encourage any potential applicants to remove unprotected trees from their curtilage or proximity to ensure a smoother application process. Also worth highlighting is that a very high proportion of dwellings in Aberdeen City would not have been built if ZOIs were such a key consideration with regards to safety and amenity. The proportional and reasonable understanding is that enough people enjoy being in the vicinity of woodland and trees as more often than not the emotional and psychological benefits in peoples understanding far outweighs their concerns regarding a trees ZOI.

5.10 In light of the considerations outlined in this section we do not accept the reasons for the refusal of the application and as such it is respectfully requested that planning permission be granted for the proposal as applied for.

6. Summary and Conclusions

6.1 Having considered the proposed development against the terms of both the development plan and other material considerations as required under the terms of the Town and Country Planning (Scotland) Act 1997 (as amended) we have demonstrated and are very firmly of the opinion that the review request should be upheld, and planning permission granted for the proposal. Our position on this appeal can be summarised as follows:

- The application site, which measures 0.138ha, is located in an enclosed plot to the west of and adjoining Oldfold Farmhouse which lies approximately 8km to the west of Aberdeen. It is accessed by an adopted road off the northern side of North Deeside Road. The access is shared with Oldfold Farmhouse and Tor-Na-Dee Care Home, albeit the care home access is not the primary access to the home. The application site historically formed part of Oldfold Farm when the farm occupied a great swathe of land to the north & west before the Hydropathic Establishment, later the Tor-Na-Dee Hospital, were established and later more the Oldfold Village housing development. The site is within an area zoned as part of Opportunity Site 48 (Oldfold), which is allocated for 550 homes and 5 hectares of employment land and holds an extant planning permission in principle for the erection of a dwelling house on the site.
- Our clients acquired the plot in 2023 shortly after the birth of their second child with the sole desire to build their family home in line with their wish to be closer to nature and in a well-connected yet noncity area to raise their young family and reside for many years to come in a dwelling designed to adapt to their changing needs both spatially and practically. The application site has been lying vacant since our clients acquired the property in 2023 and is not presently used for agricultural purposes and was previously used as a track for construction traffic during the implementation of the Oldfold Village development.
- It is proposed to erect a single dwellinghouse with a built footprint of approximately 211m² positioned approximately 2m from the north-eastern boundary shared with Oldfold

Farmhouse with the majority of outdoor amenity space located around the south, west and north of the house. The proposal consists of two forms adjoining lengthways north-west to south-east. A gabled 2-storey form finished in granite blocks and white silicone render on the ground floor and vertical timber cladding and dark grey metal corrugate on the first-floor walls and roof. The second form is a single-storey flat-roof clad in white silicone render and accommodating at its southern end an attached double garage.

An asphalt driveway including turning circle is to be laid in the south-east of the site leading up to the garage and to the front door of the house set on the south-west elevation under an overhang of the first floor. Along the western boundaries, where there is an existing stone wall, this would be retained and made good in places where it has fallen into disrepair. Foul water drainage would be connected to the mains and surface water drainage would be managed via a soakaway in the south-east of the site.

- The reasons for the refusal of the application and a summary of our responses to those reasons for refusal are noted below:

01. *'It would visually intrude upon the existing Oldfold Farmhouse, to the detriment of its historic character and that of the wider setting of the area;*

On account of points 1 and 2, the development would fail to be distinctive and pleasant and would be contrary to Policy 7 (Historic Assets and Places) ... of National Planning Framework 4 (NPF4) ... and Policy D6 (Our Historic Environment) of the Aberdeen Local development Plan 2023 (ALDP).'

Response - The farmhouse is neither listed nor registered on any historic record and as such we strongly feel the Council has placed a very surprising level of historic significance on Oldfold Farmhouse. The proposal makes no move to remove or demolish any buildings that have been previously deemed suitable for recording by Historic Environment Scotland. The neighbouring Oldfold Farmhouse is noted a contemporary farmhouse on the site, the original historic farm buildings on the site of Oldfold Farm were permitted to be demolished as part of the application 150260 by Aberdeen City Council. It is now unfeasible to view the farmhouse without a prominent back drop of a pastiche mass housing development which has completely overwhelmed the setting of the farmhouse from all viewpoints publicly accessible, the only views the low-level single storey garage will block are when viewed from within the application boundary. Material changes and/or inclusion of windows on the south garage wall were offered, however, advice received during application discussions were that they would be inconsequential to the application. There is no mention of a 'preference against white and off-white renders' in APG Materials (Appendix 7) document under the heading Render. With the above in mind the Planning Officer decision to give such substantial weight to the historical significance is over precious, the proposed dwelling does not contravene Policy 7 (NPF4) and Policy D6 (ALDP), instead the proposal offers a distinctive and modern dwelling combining traditional and modern forms detailed to reflect the vernacular with a focus on robustness and longevity.

02. *'by erecting a dwellinghouse where the majority of habitable rooms were excessively overshadowed by neighbouring woodland, it would provide inadequate amenity to the*

residential development and;

On account of points 1 and 2, the development would fail to be distinctive and pleasant and would be contrary to ... Policy 14 (Design, Quality and Place) of National Planning Framework 4 (NPF4) and Policy D1 (Quality Placemaking), Policy D5 (Landscape Design) ... of the Aberdeen Local development Plan 2023 (ALDP). It would further be contrary to ALDP Policy D2 (Amenity), by failing to fully promote and provide adequate residential amenity for the proposed development.'

Response – Fiddes Architects are an award-winning design led Architecture practice in Aberdeenshire with a proven track record in delivering high quality modern architecture, to state the proposed dwelling is neither distinctive nor pleasant is a purely subjective statement and one which we strongly feel the planning officer is not fully qualified to make. The design is a direct response to the intimate nature of the site and the applicants wants and needs from the dwelling and its position on the site. The landscape design has been intentionally simplified as a cost exercise and to permit the applicant time to live on site before making key decisions on planting and habitat creation, there was plenty of time during the application process in which the Planning Officer was provided opportunity to request a more detailed landscape plan, however, due to the time allowed to pass by the Planning Officer between correspondence it was never raised as an issue in discussions and would gladly have been resolved with a revised design submitted. The size of the application site is 1381m², the house occupies 211m², to suggest that within the remaining 1,170m² and all rooms of the house the occupant will be unable to find adequate residential amenity throughout the year is both laughable and wrong. Only 15% of the site is occupied, by the dwelling, 43% (590m²) of the site is covered by the garden ground to the north and a further 42% (543m²) of the site is made up of garden and driveway to the south. The dwelling is a 236m², spacious 4-bedroom house with a separate snug, study & utility room with an additional 38m² of garage space attached. To call into question the amenity of the dwelling and the pleasantness of the outlooks and spaces is unmerited and illogical. Information available from Scottish Forestry directly links access and proximity to woodland as beneficial to health and a key amenity.

03. thereby place undue pressure on woodland, in particular to the south-west of the site.

On account of point 3, it would be contrary to NPF4 Policy 6 (Forestry, Woodland and Trees) and ALDP Policy NE5 (Trees and Woodland).

Response – An unduly pedantic interpretation and enforcing of the relevant policies have been implied by refusing the proposed development on a site which received planning permission in principle in March 2022. No healthy trees are proposed to be felled as a result of this application and the dwelling design is located out with the root protection zones and within the developable area on the site, therefore, the woodland trees can be considered protected. The trees in question are neither in a conservation area or covered by a Tree Protection Order (TPO), a point which would be very easily rectified by placing a protection order upon the trees or including a condition in the planning permission to safeguard against their removal at a later date without the Councils knowledge/approval. The site has a live approval in principle for development under previous policy, if any concern regarding the proximity of the trees to the development were of such issue, then they would have been

raised during the planning permission in principle approval. However, the fact that the planning officer deemed the development acceptable, that the ZOIs were unavoidable and should not restrict development and that the trees only partially restricted the sites access to sunlight meant that the trees would be under minimal pressure.

- We are firmly and unequivocally of the opinion that our client's application for the erection of a single dwelling house proposed should not have been refused planning permission.

6.2 In view of the considerations outlined it is respectfully suggested that this appeal be upheld, and that planning permission is granted for the proposal as applied for. We reserve the right to respond to any submissions on the appeal from the Appointed Officer, Consultees or Third Parties prior to its determination.

A handwritten signature in black ink, appearing to read 'E Ashcroft', with a long horizontal stroke extending to the right.

Eddie Ashcroft

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14th October 2024