Public Document Pack

To: Councillor McRae, Chairperson (Review One only); and Councillors Clark (Review One only), Copland, Farquhar and Thomson.

Town House,
ABERDEEN 21 April 2025

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, 28 APRIL 2025 at 11.00 am.**

ALAN THOMSON
INTERIM CHIEF OFFICER – GOVERNANCE

Members of the Public can observe the meeting via Microsoft Teams here.

B U S I N E S S

1.1 Procedure Notice (Pages 5 - 10)

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 1 Bayview Road - Change of use to domestic garden ground, replacement and extension of boundary walls, removal of render to expose original granite on dwelling house, installation of flue, wall lights, CCTV and associated external aterations including to existing window/door openings (all retrospective); installation of intercom

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 240711.

2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 11 - 36)

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

2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 39 - 100)

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 11 Invercauld Road - Formation of driveway to front

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 241289.

3.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 101 - 124)

3.3 Planning Policies Referred to in Documents Submitted (Pages 125 - 126)

3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 127 - 138)

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

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

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LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

PROCEDURE NOTE

GENERAL

1. The Local Review Body of Aberdeen City Council (the LRB) must at all times comply with (one) the provisions of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 (the regulations), and (two) Aberdeen City Council's Standing Orders.

2. Local members are not permitted to sit on cases that fall within their ward.

3. In dealing with a request for the review of a decision made by an appointed officer under the Scheme of Delegation adopted by the Council for the determination of "local" planning applications, the LRB acknowledge that the review process as set out in the regulations shall be carried out in stages.

4. As the first stage and having considered the applicant's stated preference (if any) for the procedure to be followed, the LRB must decide how the case under review is to be determined.

5. Once a notice of review has been submitted interested parties (defined as statutory consultees or other parties who have made, and have not withdrawn, representations in connection with the application) will be consulted on the Notice and will have the right to make further representations within 14 days.
   Any representations:
   - made by any party other than the interested parties as defined above (including those objectors or Community Councils that did not make timeous representation on the application before its delegated determination by the appointed officer) or
   - made outwith the 14 day period representation period referred to above

   cannot 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 <u>not</u> 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.

Planning Development Management Committee and Local Review Body Site Visit Protocol

1. Introduction

1.1 The Planning Development Management Committee (PDMC) or the Local Review Body sometimes decides to inspect a site to gain a greater understanding of its location, physical characteristics and relationship to neighbouring properties or land uses. These can help Members reach an informed decision on a planning application.

1.2 This protocol sets out the procedure to be followed for the conduct of such formal site visits by Members. To ensure fairness, this guidance should be observed during these visits.

1.3 Site visits should only be necessary where:

- the application can't be assessed fully without a site visit (eg. the proposal raises issues that need to be experienced eg. noisy or smelly processes near the site),
- where the required information hasn't been provided by way of the plans, images or any supporting information, or
- where the proposal is particularly contentious and where the benefit of a site visit is clear and substantial.

2. Interested Parties and Neighbouring Properties

2.1 There may also be a possibility that Members will visit neighbouring properties as part of the site visit. The Committee Clerk will contact all interested parties who submitted a timely representation in regards to an application ("interested parties") to let them know the application is on the agenda and, in the case of PDMC, advising that they may make a verbal representation at the Committee. Any interested parties who are neighbouring proprietors to the site, may request that their properties are visited as part of any site visit that may take place. To do so, they will be obliged to respond in writing to the Committee Clerk by the deadline of 12pm on the Tuesday before PDMC requesting that the committee visit their property during any site visit. In relation to the Local Review Body, any interested parties who are neighbouring proprietors to the site should indicate their wish for the Local Review Body to visit their property should a site visit be undertaken. Indication should be given in response to the notification given to the interested party advising them that the notice of review has been received.

2.2 If the PDMC or Local Review Body determine that a site visit is required for a particular application then the Committee or Local Review Body will also, at the same meeting, decide by agreement (or by way of a Procedural Motion if no agreement can be reached) whether they wish to visit the properties of any interested parties who have requested that they do so, as above. The decision of the PDMC or Local Review Body is final as to whether a site visit is conducted.

2.3 The applicants and/or their agent, as well as any interested parties whom PDMC or the Local Review Body have decided to visit their property as part of the site visit, as above, will also be advised of the site visit.

2.4 A copy of this protocol will be provided to the applicants and/or their agents and any interested parties whom PDMC or the Local Review Body have decided to visit their property as part of the site visit, as above. It will also form part of the agenda for the relevant site visit meeting.

2.5 It is important to emphasise that permission to enter any land will require to be given by the landowner. Landowners are legally entitled to refuse entry to their land.

3. Conduct of Site Visits

3.1 The Councillors' Code of Conduct applies to site visits; therefore interests should be declared. Members should not attend the site visit or take part in the determination of the application if, having considered the objective test in the Code of Conduct, they consider that they have a prejudicial interest.

3.2 Site visits are a fact finding exercise and not part of the formal consideration of the application and, therefore, Members require to remain impartial. Members must not appear to favour one or other party and must avoid reaching a final decision until all views have been presented at the Committee or Local Review Body meeting to take place following the site visit.

4. Procedure on Site

4.1 The Planning Development Management Committee or Local Review Body Convenor will call the site visit to order, ask the Committee Clerk to outline the site visit protocol, and invite the Planning Officer to summarise:

1. the application;
2. any relevant site history;
3. the features of the site;
4. any other matters the Planning Officer considers should be pointed out.

4.2 The Planning Officer will then show Members around the site, showing relevant plans, describing the development proposed and pointing out significant features, and will also advise whether interested parties have requested that the PDMC Committee or Local Review Body view the site from other locations and how that is to be dealt with. Members may ask the Planning Officer factual questions (eg. distances to adjoining or interested parties' properties or the location of the planned development) but must not otherwise discuss the application. All questions should be objective, relevant and material. Members are not permitted to hear or express opinions on the merits of the application during the site visit. Members should not address anybody other than each other, the Planning Officer, other Council Officers and the Committee Clerk. Any questions from Members to the applicant, agents and interested parties should be directed through the Convenor. The applicant, agent and local ward members, community council representatives may join the site visit group but only to observe and listen and will not be permitted to address Members other than specifically when requested by the Convenor or the Planning Officer to confirm factual information such as the location of physical features and access points. Members of the public may attend and listen to the proceedings where these are conducted in public areas, but they have no right to enter private land or buildings. If the site visit gives rise to excessive lobbying or demonstrations, Members may cancel the visit and arrange another in private.

4.3 Hospitality will not be accepted during the site visit by Members from applicants or other parties given that this could be seen to show favour.

4.4 In order to assist in ensuring that all Members receive the same information to inform the decision making process, they should keep together in one group with the

Convenor and the Planning Officer during the entirety of the accompanied site visit. They should not break-off to discuss the proposal separately in small groups with other members, with residents or with the applicant.

5 What happens after a Site Visit

5.1 After a site visit has taken place, the PDMC will then reconvene and determine the application in the usual manner. Local Review Body meetings are held remotely and therefore following the site visit, Members will reconvene remotely. Any Member wishing to vote on an application or review following a Site Visit must have been in attendance at the Site Visit.

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ABERDEEN CITY COUNCIL	**Strategic Place Planning**
	Report of Handling by Development Management Manager

Site Address:	1 Bayview Road, Aberdeen, AB15 4EY
Application Description:	Change of use to domestic garden ground, replacement and extension of boundary walls, removal of render to expose original granite on dwelling house, installation of flue, wall lights, CCTV and associated external alterations including to existing window/door openings (all retrospective); installation of intercom
Application Ref:	240711/DPP
Application Type:	Detailed Planning Permission
Application Date:	11 June 2024
Applicant:	Mr Paul Gibson
Ward:	Hazlehead/Queen's Cross/Countesswells
Community Council:	Queen's Cross and Harlaw

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site is located on the western side of Bayview Road at a distance of some 50 metres north of its junction with Queen's Road and comprises a detached 1½ storey property with a footprint of some 96m², positioned side-on to Bayview Road. An area of hardstanding which provides off-street parking for the site lies immediately to the north of the property with garden ground to the south. In total the site extends to approximately 425m², with the existing building occupying a footprint of some 96m².

The site lies within the Albyn Place and Rubislaw Conservation Area and is enclosed along its eastern boundary with a 3.3m high, traditional granite wall. To the north of the site is a narrow lane which provides access to the rear of numbers 88-92 Queen's Road, whilst to the south and west lies the former Aberdeen Grammar School Former Pupils Club property of 86 Queen's Road, a category C listed building and its associated grounds, with this site currently being converted for residential use.

Relevant Planning History

Application No.	Proposal	Decision Date
211159/DPP	Change of use from class 2 (office) to class 9 (house)	Approved Unconditionally on 6 December 2021

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is sought, retrospectively, for a change of use of an area of ground to domestic

garden ground south and west of the existing dwellinghouse and for the introduction of replacement and new boundary treatment along the north, south and west boundaries of the extended site through the erection of boundary walls. The walls as erected rise to a maximum height of 4.2m along the north boundary, equating to a height of between 2 to 3.2 metres when viewed from the lane to the north of the site; to a maximum of 4.4m along the western boundary, when viewed from within and outwith the site; and to a maximum height of 2.5 metres along the southern boundary, with this equating to a height of between 2.6 and 3.25 metres when viewed from the neighbouring site at No 86 Queen's Road due to the change in ground levels. The proposal also includes removal of the rendered finish to the property on its north, south and west elevations and to the upper level of its eastern gable which forms the site boundary onto Bayview Road, revealing the granite finish below. Further alterations to the property include replacement of the entrance door and associated glazing arrangement to the north elevation of the property through the introduction of a timber framed and fully glazed door and full height glazed panel. To the southern elevation existing window openings have been enlarged, one forming full height glazing with timber framed French doors and the second an enlarged timber framed window with full height glazing. All window and door frames to be finished in dark grey (RAL 7010). The proposal includes the installation of a stainless steel flue, finished in powder coated black to the west facing, gable end of the property; two wall lights, one each to the granite gate pillars at the entrance to the application site on Bayview Road; and CCTV cameras fixed to the underside of the soffits on each of the four corners of the property. In addition to the aforementioned alterations, all of which are retrospective in nature, the proposal does include the installation of an intercom plaque to the granite boundary wall adjacent to the southern gate pillar.

Amendments
At the request of the Planning Service amendments were sought to the proposal as originally submitted. These amendments were as follows:

- That the proposed infilling of the northern boundary wall be entirely in granite, to match the existing gable end which currently forms part of the site boundary. The height of the boundary wall should not exceed the eaves level of the existing granite gable.

- The corresponding section of wall which forms the initial section of the western elevation to also be in granite & the height reduced to tie in with the corresponding reduced height of the northern boundary.

- The small section of reinstated granite wall required to tie in with the western boundary should also be tapered down to form that connection.

- In relation to the southern section of boundary wall, a reduction in height along its full length, ensuring the finished wall sits no higher than the roof of the bin store associated with the redevelopment of 86 Queen's Road.

- The inclusion of replacement tree planting to address the unauthorised tree removal (3 x mature Western Red Cedars) from within the curtilage of 1 Bayview Road. A detailed landscape plan to be submitted, with replacement planting located in the south-east corner of the site, along the boundary with Bayview Road, and the replacement trees to be as a minimum, heavy-standard in size and of the same species.

These requested amendments have not been incorporated into the current proposals by the applicant.

Supporting Documents
All drawings can be viewed on the Council's website at – https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SEURGZBZGIT00

CONSULTATIONS

Queen's Cross and Harlaw 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.

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

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 6 (Forestry, Woodland and Trees)
- Policy 7 (Historic Assets and Places)
- Policy 14 (Design, Quality and Place)

Aberdeen Local Development Plan (2023)

- Policy H1 (Residential Areas)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D6 (Historic Environment)
- Policy D8 (Windows and Doors)
- Policy NE5 (Trees and Woodland)

Aberdeen Planning Guidance

- Householder Development Guide
- Trees & Woodlands

Other National Policy and Guidance

- Historic Environment Policy for Scotland (HEPS)
- Historic Environment Scotland's Managing Change in the Historic Environment Guidance on 'External Fixtures' and 'Boundaries'

EVALUATION

Principle of Development
The application site is zoned within Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP), and the proposal comprises development related to a residential use. The proposed change of use to domestic garden ground and development works associated with the residential use of the property would accord with Policy H1 provided it does not constitute overdevelopment; does not adversely affect residential amenity and the character and appearance of the surrounding area; and does not result in the loss of open space. The proposed development works would not be solely contained within the envelope of the existing dwelling and its associated curtilage, with the proposal seeking a change of use of an area of land which extends to some 255m² and for it to be incorporated within the residential curtilage of 1 Bayview Road. The land in question forms part of the garden ground at 86 Queen's Road which relates to the former Aberdeen Grammar FP's Club, and it is noted that the property and associated curtilage of No 86 is currently under construction as part of a change of use to residential development. The proposal would however neither result in over development of the site or in the loss of any open space. The remaining criteria and relevant policies and guidance, including those of the ALDP and National Planning Framework 4 (NPF4) are considered in the evaluation below.

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 by Design) 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 D2 (Amenity) of the ALDP meanwhile seeks to ensure an acceptable level of amenity is provided for all development and provides a detailed list of criteria to be applied in the consideration of proposals, including specific criteria applicable to residential developments which includes: ensuring that occupiers are afforded adequate levels of privacy; ensuring minimum standards for internal floor space and private external amenity space in terms of quantity and quality; ensuring minimal shading of external private and public spaces; ensuring 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; and having a private face to an enclosed garden or court to ensure a sense of safety and enclosure.

In this instance Policy 7 (Historic Assets and Places) of NPF4 is also of relevance in the consideration of the proposal on the basis that the application property is located within the Albyn Place and Rubislaw Conservation Area. Sections of the proposed replacement and new wall would adjoin the existing granite rubble wall which serves both as the boundary to No 86 Queen's Road, where it is included as part of the Category C listing of that property, and that of the application site. Policy 7 seeks to protect and enhance historic environment assets and places and enable positive change as a catalyst for the regeneration of places. Historic Environment Policy for Scotland (HEPS) outlines the importance of fully understanding the impact of decisions for development proposal on

the historic environment, with negative impact avoided where possible. It accepts that some change to the historic environment is inevitable but advises that 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 that respects the character, appearance and setting of the historic environment, looks to protect the special architectural interests of its listed buildings and to preserve and enhance the historic environment in line with HEPS. Historic Environment Scotland's Managing Change in the Historic Environment guidance on 'Boundaries' outlines the importance of boundaries, stating that '*Walls, fences and other boundary treatments form important elements in defining the character of historic buildings, conservation areas and designed landscapes*' whilst also highlighting that '*The layout and design of a boundary, its materials and method of construction, and the way in which it relates to other structures can be important elements of the character of a building or street, or contribute substantially to the sense of place and historical understanding of a rural or urban landscape'*. Historic Environment Scotland's Managing Change in the Historic Environment guidance on 'Setting' meanwhile outlines the factors contributing to the setting of an historic asset or place with these including the townscape context; views to, from and across or beyond the historic asset or place; views including foregrounds and backdrops; relationship with built and natural features. The guidance states that in assessing the impact of a change on the setting of a historic asset or place, consideration should be given as to whether key views to or from the historic asset or place are interrupted and whether the proposed change dominates the historic asset or place.

Change of Use of Land / New Boundary Treatment

The proposed change of use of the land from garden ground associated with the former Grammar FP's Club to garden ground associated with the residential use of the application site would not in itself detrimentally affect the character or appearance of the Albyn Place and Rubislaw Conservation Area within which the site lies. Nor would the loss of an area of some 255m² of garden ground associated with 86 Queen's Road, which is currently under development as part of a change of use to residential, have any adverse effect on the amenity available to future residents, with expansive garden grounds to remain thus ensuring a more than acceptable level of semi-private communal space is still being delivered.

The introduction of new boundary treatment however requires full consideration in terms of any impact that may result from such development.

The principle of introducing replacement and new boundary treatment to suitably enclose the extended residential curtilage is deemed acceptable, however the works undertaken raise significant concerns in terms of the scale and material finish of the boundary walls as erected. These concerns include the excessive height of the new wall erected along the length of the southern boundary, where it rises to a maximum height of some 3.25 metres and not only exceeds the height of the existing wall which extends along the boundary with Bayview Road, but also rises above the roof of the bin store which lies along part of that same boundary. The excessive height of this section of wall, when viewed from within the neighbouring property at No 86 Queen's Road but also from beyond this, where it is clearly visible from both Queen's Road and Bayview Road, is such that it appears more in keeping with that of an industrial boundary enclosure in terms of its scale. The resulting overbearing and overpowering visual impact of the wall is considered unacceptable in the context of a residential site, and this is further compounded given the adverse impact which it has on the setting of the listed property at No 86 Queen's Road and the character and appearance of the wider conservation area within which it lies. It is noted that in terms of the Aberdeen Planning Guidance (APG) on Householder Development, specific guidance on fences, walls and other boundary enclosures does state that '*In all instances, the scale and form of boundary enclosures should be appropriate to their context and should not detract from the street scene as a result of inappropriate visual impact*' and that '*Proposals for boundary enclosures will not be permitted where they would result in an unacceptable impact upon the amenity of neighbouring dwellings*'.

The proposal also raises concerns in terms of the excessive height of the replacement wall erected along sections of both the northern and western boundaries, where it rises to maximum heights of 4.2m and 4.4m respectively, in addition to the material finish of these same sections of wall, with both being clearly visible from Bayview Road and from the neighbouring lane which extends west off Bayview Road where it lies beyond the northern boundary of the site. The proposal includes a blockwork wall with render finish erected alongside a remaining section of traditional granite wall to part of the northern boundary of the site, and at a height which far exceeds the wall that previously formed this boundary. The same rendered wall continues along the length of the western boundary, with its northernmost section visible from Bayview Road. Amendments to the proposal were sought of the applicant, as detailed above, notably a reduction in height of 800mm for the replacement wall, as built, along the northern boundary and for the same reduction to the northernmost section of the western boundary wall, also as built. A reduction in height of some 700mm to the new boundary wall erected along the southern boundary of the site was also sought, thus ensuring it did not exceed the height of the bin store roof. None of these amendments have been addressed.

The southern boundary wall as constructed appears particularly visually intrusive and inappropriate in the context of the Albyn Place and Rubislaw Conservation Area, with concerns being further exemplified by the fact that it introduces a new boundary treatment serving to partly enclose the curtilage of the listed building at 86 Queen's Road. Having regard to the rise in ground levels from south to north between the two sites, this results in the southern elevation of the new wall having a significant negative impact when viewed not only from within the site at No 86 Queen's Road, on facing north towards 1 Bayview Road, but also from outwith the site, where it is clearly visible from Bayview Road and Queen's Road.

In terms of the overbearing visual impact of the wall when viewed from within the site at No 86 Queen's Road, this will be especially evident for future occupants of the soon to be completed ground floor apartment which incorporates glazed bi-fold doors opening onto a terraced area along with a full height window on its north elevation, with these openings facing directly towards the aforementioned wall. With a separation distance of just 5.7m between the glazed doors and window and the 3.25m high wall, the boundary treatment as constructed will appear particularly overpowering and have a significant adverse impact on daylighting both to the private terraced area and to the ground floor accommodation.

In considering the proposal against the criteria outlined within Historic Environment Scotland's Managing Change in the Historic Environment guidance on 'Setting', it is apparent, given the scale of wall erected and the overbearing and negative impact it has when viewed from within No 86 Queen's Road, its associated curtilage and from the surrounding area, that this has a direct and negative impact on the setting of this historic asset.

Taking into account the excessive height of boundary walls constructed along both the southern and western boundaries of the site, it should be noted that the applicant has maintained that this was necessary to achieve an appropriate level of privacy for residents of the application property at 1 Bayview Road due to the change in ground levels between the application site and the curtilage of No 86 Queen's Road. However this issue has arisen largely as a consequence of unauthorised excavation works carried out by the applicant within the grounds of 86 Queen's Road, with these works having taken place in conjunction with the unauthorised raising of ground levels within the southern section of the application site. If such unauthorised ground works had not taken place across both sites then it is apparent that lower walls would have achieved sufficient levels of privacy for all future residents without resulting in such a significant adverse impact.

In addition to seeking reductions in wall height, and whilst accepting that a rendered blockwork construction may be acceptable within the confines of the application site, a traditional granite finish had also been sought for the length of replacement wall erected along the northern boundary of the site, thus ensuring it would tie in with the material finish of the existing granite gable which already forms part of this boundary onto the public lane, and which is clearly visible from Bayview Road. Similarly, a granite finish was sought for the initial section of wall along the western boundary of the site, given its relative prominence when viewed from Bayview Road. Once again, none of these amendments have been addressed, with the rendered finish of the new wall sections failing to reflect the traditional character and typical granite rubble material finish that would be expected in the context of the application site and the conservation area within which it lies.

Taking all of the above into account it is considered that the excessive height and inappropriate material finish to part of the replacement and new wall structures has resulted in a significant adverse visual impact on the character and appearance of the Albyn Place and Rubislaw Conservation Area and setting of the adjacent listed building at 86 Queen's Road. This aspect of the proposal is deemed contrary to Policies 7 (Historic Assets and Places) and 14 (Design, Quality and Place) of NPF4 and Policies D1 (Quality Placemaking by Design), H1 (Residential Areas) and D6 (Historic Environment) of the ALDP. It fails to address the Council's APG on Householder Development relative to boundary treatment, the expectations of Historic Environment Policy for Scotland (HEPS) and Historic Environment Scotland's Managing Change in the Historic Environment guidance on 'Boundaries.'

The proposal also conflicts with the requirements of Policy D2 (Amenity), given the adverse visual and daylighting impact which the southern section of wall will have on both internal and external space associated with the ground floor apartment located to the rear (north facing elevation) of 86 Queen's Road, thus compromising residential amenity for future residents of this property.

The application does also seek retrospective consent for alterations to the external finish of the property and to a number of window and door openings, along with the installation of an external flue to the western gable and installation of lighting and security measures to the gate pillars. Consideration of these proposed alterations are outlined below:

Installation of Flue

The proposal includes the introduction of a 4.2m high flue to the western facing gable of the property, as installed. Whilst the upper 1.9 metre section of the flue extends above the roof slope of the property, it is largely screened from public view by a flat roofed dormer on the same northern elevation, with a section of just 400mm projecting above the roof of the dormer and thus being visible from Bayview Road. It is considered that the flue appears suitably discreet, given its position on the western, non-public gable of the property and the partial screening offered by the dormer when viewed from the east.

Installation of wall lights, intercom & CCTV cameras

Retrospective consent is also being sought for 4 x domestic CCTV cameras, with one fitted to each corner of the property at 1 Bayview Road, to the underside of the soffits and the fitting of 2 x wall lights, both measuring 250mm long x 170mm wide and each secured to the gate piers on Bayview Road at a height of 2.3m above ground level. Further to this, permission is also sought for the fitting of a metal intercom plate measuring 252mm x 172mm fitted to the eastern boundary wall, adjacent to the gate piers and at a height of 1.55m above ground level.

Taking into account the scale and design of the aforementioned fixtures and their siting, in terms of Policy D1 (Quality Placemaking by Design) and D6 (Historic Environment) of the ALDP, it is considered that their introduction is acceptable, with none of these fixtures appearing out of keeping

in the context of a residential property and its associated curtilage, and with no adverse impact on the character and appearance of the conservation area within which the property lies.

Historic Environment Scotland's 'Managing Change in the Historic Environment: External Fixtures' guidance expects new fixtures to be sited to maintain the architectural interest of any historic building and the historic environment. Whilst the cameras, lights and intercom plate are clearly visible from Bayview Road, they are nevertheless of an appropriate, subordinate scale in relation to the wall and gate piers and to the property itself. The design and material finishes are acceptable and suitably subservient in the context of the application property and site and their positioning ensures any visual impact on the surrounding conservation area is minimised, including through the suitably discrete siting of the CCTV cameras.

Taking into account the appropriate scale, design and positioning of the fixtures and that their introduction raises no concerns in terms of any adverse impact on residential amenity or on the historic environment, it is considered that this aspect of the proposal is suitably compliant with Policies 7 (Historic Assets and Places) and 14 (Design, Quality and Place) of NPF4, Policies D1 (Quality Placemaking by Design), H1 (Residential Areas) and D6 (Historic Environment) of the ALDP, and does also address the expectations of Historic Environment Scotland's guidance on Managing Change in the Historic Environment: External Fixtures.

Alterations to Window/Door Openings & Removal of External Render

The retrospective application includes alterations to existing window/door openings along with the removal of a dry dash render finish to the property, with the original granite construction revealed. These works to the external finish of the property, as implemented, now show the traditional granite finish of the building which is very much in-keeping and appropriate in the context of the application site the and the surrounding area.

The entrance door and associated glazing arrangement to the north elevation of the property has been replaced with a timber framed and fully glazed door and full height glazed panel. To the southern elevation the proposal includes the enlargement of two existing window openings, with the introduction of full height glazing within timber framed French doors and the formation of an enlarged timber framed window, again with full height glazing. All window and door frames to be finished in dark grey (RAL 7010).

Policy D8 (Windows and Doors) of the ALDP and the Council's Aberdeen Planning Guidance (APG) on the Repair and Replacement of Windows and Doors are both largely silent on the replacement of non-original doors on non-public elevations. The guidance states that for the '*alteration of existing openings, the original proportions of doorways and door openings on street frontages must always be retained, and proposals to recess a door either less or more deeply within the door opening will not be supported.*' It continues by stating that '*New doorways should only be considered where they can be incorporated into the existing architecture and designed and detailed in a way that is compatible with the existing historic fabric*.' It is noted that the property sits at right angles and side on to Bayview Road, with the front and rear elevations facing north and south respectively, and the eastern gable which is the public elevation of the property fronting directly onto Bayview Road. The main entrance door located on the north elevation of the property is set back from the main building line by some 600mm, with this arrangement providing a covered recess. The existing boundary walls which extend along the northern and western boundary of the site provide further screening of this entrance door to the property. The proposed replacement door, as installed, is of a modern, fully glazed design which incorporates a timber frame. Its simple design and detail appears appropriate in the context of the property and does not adversely affect the character and appearance of the surrounding area.

The APG on the Repair and Replacement of Windows and Doors does provide guidance on altering existing window openings, but in relation to proposals affecting windows on principal elevations. In this instance the proposal includes the enlargement of two windows, both of which are located on the rear elevation of the property. The enlarged window openings, including the formation of French doors which provide access to the private garden, are deemed to be of an appropriate scale and material finish.

The aforementioned development works do not conflict with either Policy D8 (Windows and Doors) of the ALDP or with the Council's APG on the Repair and Replacement of Windows and Doors.

Impact of Development on Trees

Three mature Western Red Cedars were removed unlawfully from the site in July 2024. Following consultation with the Council's Environmental Policy team a request was made for the submission of a detailed landscape plan, with a requirement having been established and the applicant/agent informed of this requirement for replacement tree planting to be located in the same south-east corner of the site from where the three trees were removed, along the boundary with Bayview Road, and for the replacement trees to be as a minimum, heavy-standard in size and of the same species. Taking into account that the application proposal has failed to incorporate the required replacement tree planting it is considered contrary to both Policy 6 (Forestry, Woodland and Trees) of NPF4 which seeks to protect and expand forests, woodland and trees, and Policy NE5 (Trees and Woodland) of the ALDP which clearly states that '*Development should not result in the loss of, or damage to, trees and woodlands'*.

Policy 7 (Historic Assets and Places) of NPF4 states that '*Development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained'*. Given the prominence of the trees removed from the site, when viewed from both Bayview Road and Queen's Road and the resulting significant adverse visual impact which the loss of these three mature trees has had on the street-scene and therefore on the character and appearance of the Albyn Place and Rubislaw Conservation Area, this aspect of the proposal also conflicts with the expectations of Policy 7 of NPF4.

Tackling the Climate and Nature Crises, Climate Mitigation and Adaptation

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, with a policy intent of encouraging, promoting and facilitating development that addresses the global climate emergency and nature crises. Policy 2 (Climate Mitigation and Adaptation) of NPF4 requires development proposals to be designed and sited to minimise life-cycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change.

Neither the type or scale of the proposed development work is such that there would be an expectation for it to incorporate any significant measure in tackling either the climate or nature crises or for it to include climate mitigation and adaptation. However, with the proposal clearly failing to deliver the replacement tree planting required as a result of the unlawful removal of mature trees from the site it does have an indirect impact on the nature crises. As a result, whilst the proposal is not deemed to be contrary to Policy 2 (Climate Mitigation and Adaptation) of National Planning Framework 4 (NPF4), it does conflict with the overall expectations of Policy 1 (Tackling the Climate and Nature Crises) of NPF4.

DECISION

Refuse

REASON FOR DECISION

The application, which with the exception of the installation of the intercom plaque is retrospective in nature, includes the proposed change of use of an area of land of some 255m² to domestic garden ground, extending the residential curtilage of 1 Bayview Road. The land in question forms part of the grounds of the former Aberdeen Grammar FP's Club at No 86 Queen's Road, currently under development as part of a change of use to residential flats. The proposed change of use does not in itself have an adverse impact on the character and appearance of the surrounding area, it does not result in over development of the site or in the loss of any open space, nor does it adversely affect residential amenity, with ample garden grounds to remain within the curtilage of No 86 in support of the approved residential use of that site. The principle of a change of use to domestic garden ground is therefore deemed acceptable on the basis that it would be compliant with the criteria of Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP).

The retrospective works also include alterations to a number of window and door openings of the property and to its external finish along with the introduction of a flue and external fixtures, including lighting, CCTV cameras and intercom. These aspects of the proposal, as implemented, are considered acceptable, and suitably address the relevant policies of the National Planning Framework 4 (NPF4) and Aberdeen Local Development Plan 2023 (ALDP), notably Policies 7 (Historic Assets and Places) and 14 (Design, Quality and Place) of NPF4, Policies D1 (Quality Placemaking by Design), D6 (Historic Environment), D8 (Windows and Doors), H1 (Residential Areas) of the ALDP, the Council's Aberdeen Planning Guidance (APG) on the Repair and Replacement of Windows and Doors, and Historic Environment Scotland's guidance on Managing Change in the Historic Environment: External Fixtures.

Notwithstanding the above, and whilst acknowledging that the principle of introducing replacement and new boundary treatment to suitably enclose the extended residential curtilage is deemed acceptable, the unauthorised works do nevertheless raise significant concerns in terms of the scale and material finish of sections of the boundary walls, as erected. These concerns relate to the excessive height of the new wall erected along the entire length of the southern boundary, where it rises to a maximum of 3.25 metres, and along part of the northern and western boundaries of the site, where it rises to a maximum height of 4.2 and 4.4 metres respectively, and to the inappropriate introduction of a blockwork construction with rendered finish, in place of a traditional granite rubble construction, to sections of the wall forming the northern and western boundaries which are clearly visible from outwith the site. The introduction of new and replacement boundary wall as constructed has resulted in a significant adverse visual impact on the character and appearance of the Albyn Place and Rubislaw Conservation Area and on the setting of the adjacent listed building, 86 Queen's Road. This aspect of the proposal is contrary to Policies 7 (Historic Assets and Places) and 14 (Design, Quality and Place) of NPF4 and Policies D1 (Quality Placemaking by Design), H1 (Residential Areas) and D6 (Historic Environment) of the ALDP. It fails to address the Council's APG on Householder Development relative to boundary treatment, the expectations of Historic Environment Policy for Scotland (HEPS) and Historic Environment Scotland's Managing Change in the Historic Environment guidance on 'Boundaries' and 'Setting'

In considering the adverse visual and daylighting impact, and particularly overbearing effect which the southern section of boundary wall will have on both internal and external space associated with the ground floor apartment located to the rear (north facing elevation) of 86 Queen's Road, resulting in the quality of residential amenity for future residents of this property being significantly compromised, it is also apparent that the boundary treatment, as erected, conflicts with the

requirements of Policies H1 (Residential Areas) and D2 (Amenity) of the ALDP.

Following the unauthorised and therefore unlawful removal of three mature evergreen trees from the south-east corner of the site, as a result of works which took place in July 2024, the proposal has failed to address the loss of these trees and the significant adverse visual impact which their removal has had on the street-scene along Bayview Road. This is despite the planning authority having identified the need for appropriate replacement tree planting to be included as part of the application and for this to be addressed in the first instance through the submission of a detailed landscape plan for consideration. The proposal is therefore contrary to both Policy 6 (Forestry, Woodland and Trees) of NPF4 which seeks to protect and expand forests, woodland and trees, and Policy NE5 (Trees and Woodland) of the ALDP which clearly states that '*Development should not result in the loss of, or damage to, trees and woodlands',* whilst also conflicting with the expectations of Policy 7 (Historic Assets and Places) of NPF4, which requires the retention of natural features, including trees, which contribute to the character of the conservation area and its setting.

Whilst the proposal is not deemed to be contrary to Policy 2 (Climate Mitigation and Adaptation) of National Planning Framework 4 (NPF4), it is apparent that in the absence of replacement tree planting on site, it does fail to suitably address the expectations of Policy 1 (Tackling the Climate and Nature Crises) of NPF4, with the unauthorised loss of mature trees further contributing to the nature crises.

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

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ABERDEEN
CITY COUNCIL

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 100453313-005

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

Type of Application

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

☒ Application for planning permission (including changes of use and surface mineral working).

☐ Application for planning permission in principle.

☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)

☐ Application for Approval of Matters specified in conditions.

Description of Proposal

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

Change of use from grammar club ground to residential garden ground, replacement/extension of existing boundary walls, removal of render to expose original grantie on dwelling house, installation of flue, wall lights, intercom and CCTV and associated external aterations.

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): * 08/01/2024

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

Applicant unaware works tpo boundary walls were not covered in approved works for application at 86 Queen's Road.

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:	JON FRULLANI ARCHITECT		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	JON	Building Name:	
Last Name: *	FRULLANI	Building Number:	140
Telephone Number: *	01382224828	Address 1 (Street): *	Perth Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Dundee
Fax Number:		Country: *	United Kingdom
		Postcode: *	DD1 4JW
Email Address: *	jon@jfarchitect.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:	
First Name: *	Paul	Building Number:	1
Last Name: *	Gibson	Address 1 (Street): *	Bayview Road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB15 4EY
Fax Number:			
Email Address: *	jon@jfarchitect.co.uk		

Site Address Details

Planning Authority: Aberdeen City Council

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

Address 1: 1 BAYVIEW ROAD

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement: ABERDEEN

Post Code: AB15 4EY

Please identify/describe the location of the site or sites

Northing 805589 Easting 391618

Pre-Application Discussion

Have you discussed your proposal with the planning authority? * ☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☒ Meeting ☐ Telephone ☐ Letter ☒ Email

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

Discussions and site meeting with Scott Leitch follwoing enforcement.

Title: Mr Other title:

First Name: Scott Last Name: Leitch

Correspondence Reference Number: Date (dd/mm/yyyy):

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

Site Area

Please state the site area: 704.00

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)

Dwelling House & adjacent land under same use as 86 Queen's Road

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? 2

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? * 2

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

Water Supply and Drainage Arrangements

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

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

Note:-

Please include details of SUDS arrangements on your plans

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

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

☐ Yes

☐ No, using a private water supply

☒ No connection required

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

Assessment of Flood Risk

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

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

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

Trees

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

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

Waste Storage and Collection

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

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

As existing within the curtilage of the site.

Residential Units Including Conversion

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

All Types of Non Housing Development – Proposed New Floorspace

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

Schedule 3 Development

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

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

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

Planning Service Employee/Elected Member Interest

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

Certificates and Notices

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

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

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

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

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: JON FRULLANI

On behalf of: Mr Paul Gibson

Date: 11/06/2024

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

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr JON FRULLANI

Declaration Date: 05/08/2021

Payment Details

Online payment: ABSP00010942
Payment date: 07/06/2024 20:27:00

Created: 07/06/2024 20:27

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Jon Frullani Architect
140 Perth Road
Dundee
DD1 4JW

on behalf of **Mr Paul Gibson**

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	240711/DPP
Address of Development	1 Bayview Road Aberdeen AB15 4EY
Description of Development	Change of use to domestic garden ground, replacement and extension of boundary walls, removal of render to expose original granite on dwelling house, installation of flue, wall lights, CCTV and associated external aterations including to existing window/door openings (all retrospective); installation of intercom
Date of Decision	23 January 2025

DETAILS OF ANY VARIATION MADE TO THE APPLICATION

At the request of the Planning Service amendments were sought to the proposal as originally submitted. These amendments were as follows:

- That the proposed infilling of the northern boundary wall be entirely in granite, to match the existing gable end which currently forms part of the site boundary. The height of the boundary wall should not exceed the eaves level of the existing granite gable.

- The corresponding section of wall which forms the initial section of the western elevation to also be in granite & the height reduced to tie in with the corresponding reduced height of the northern boundary.

- The small section of reinstated granite wall required to tie in with the western boundary should also be tapered down to form that connection.

- In relation to the southern section of boundary wall, a reduction in height along its full length, ensuring the finished wall sits no higher than the roof of the bin store associated with the redevelopment of 86 Queen's Road.

- The inclusion of replacement tree planting to address the unauthorised tree removal (3 x mature Western Red Cedars) from within the curtilage of 1 Bayview Road. A detailed landscape plan to be submitted, with replacement planting located in the south-east corner of the site, along the boundary with Bayview Road, and the replacement trees to be as a minimum, heavy-standard in size and of the same species.

These requested amendments have not been incorporated into the current proposals by the applicant.

REASON FOR DECISION

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

The application, which with the exception of the installation of the intercom plaque is retrospective in nature, includes the proposed change of use of an area of land of some 255m² to domestic garden ground, extending the residential curtilage of 1 Bayview Road. The land in question forms part of the grounds of the former Aberdeen Grammar FP's Club at No 86 Queen's Road, currently under development as part of a change of use to residential flats. The proposed change of use does not in itself have an adverse impact on the character and appearance of the surrounding area, it does not result in over development of the site or in the loss of any open space, nor does it adversely affect residential amenity, with ample garden grounds to remain within the curtilage of No 86 in support of the approved residential use of that site. The principle of a change of use to domestic garden ground is therefore deemed acceptable on the basis that it would be compliant with the criteria of Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP).

The retrospective works also include alterations to a number of window and door openings of the property and to its external finish along with the introduction of a flue and external fixtures, including lighting, CCTV cameras and intercom. These aspects of the proposal, as implemented, are considered acceptable, and suitably address the relevant policies of the National Planning Framework 4 (NPF4) and Aberdeen Local Development Plan 2023 (ALDP), notably Policies 7 (Historic Assets and Places) and 14 (Design, Quality and Place) of NPF4, Policies D1 (Quality Placemaking by Design), D6 (Historic Environment), D8 (Windows and Doors), H1 (Residential Areas) of the ALDP, the Council's Aberdeen Planning Guidance (APG) on the Repair and Replacement of Windows and Doors, and Historic Environment Scotland's guidance on Managing Change in the Historic Environment: External Fixtures.

Notwithstanding the above, and whilst acknowledging that the principle of introducing replacement and new boundary treatment to suitably enclose the extended residential curtilage is deemed acceptable, the unauthorised works do nevertheless raise significant concerns in terms of the scale and material finish of sections of the boundary walls, as erected. These concerns relate to the excessive height of the new wall erected along the entire length of the southern boundary, where it rises to a maximum of 3.25 metres, and along part of the northern and western boundaries of the site, where it rises to a maximum height of 4.2 and 4.4 metres respectively, and to the inappropriate introduction of a blockwork construction with rendered finish, in place of a traditional granite rubble construction, to sections of the wall forming the northern and western boundaries which are clearly visible from outwith the site. The introduction of new and replacement boundary wall as constructed has resulted in a significant adverse visual impact on the character and appearance of the Albyn Place and Rubislaw Conservation Area and on the setting of the adjacent listed building, 86 Queen's Road. This aspect of the proposal is contrary to Policies 7 (Historic Assets and Places) and 14 (Design, Quality and Place) of NPF4 and Policies D1 (Quality Placemaking by Design), H1 (Residential Areas) and D6 (Historic Environment) of the ALDP. It fails to address the Council's APG on Householder Development relative to boundary treatment, the expectations of Historic Environment Policy for Scotland (HEPS) and Historic Environment Scotland's Managing Change in the Historic Environment guidance on 'Boundaries' and 'Setting'

In considering the adverse visual and daylighting impact, and particularly overbearing effect which the southern section of boundary wall will have on both internal and external space associated with the ground floor apartment located to the rear (north facing elevation) of 86 Queen's Road, resulting in the quality of residential amenity for future residents of this property being significantly compromised, it is also apparent that the boundary treatment, as erected, conflicts with the requirements of Policies H1 (Residential Areas) and D2 (Amenity) of the ALDP.

Following the unauthorised and therefore unlawful removal of three mature evergreen trees from the south-east corner of the site, as a result of works which took place in July 2024, the proposal has failed to address the loss of these trees and the significant adverse visual impact which their removal has had on the street-scene along Bayview Road. This is despite the planning authority having identified the need for appropriate replacement tree planting to be included as part of the application and for this to be addressed in the first instance through the submission of a detailed landscape plan for consideration. The proposal is therefore contrary to both Policy 6 (Forestry, Woodland and Trees) of NPF4 which seeks to protect and expand forests, woodland and trees, and Policy NE5 (Trees and Woodland) of the ALDP which clearly states that 'Development should not result in the loss of, or damage to, trees and woodlands', whilst also conflicting with the expectations of Policy 7 (Historic Assets and Places) of NPF4, which requires the retention of natural features, including trees, which contribute to the character of the conservation area and its setting.

Whilst the proposal is not deemed to be contrary to Policy 2 (Climate Mitigation and Adaptation) of National Planning Framework 4 (NPF4), it is apparent that in the absence of replacement tree planting on site, it does fail to suitably address the expectations of Policy 1 (Tackling the Climate and Nature Crises) of NPF4, with the unauthorised loss of mature trees further contributing to the nature crises.

There are no material planning considerations which would warrant approval of planning permission is 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

6816-1-P-309 REV D	Proposed Elevations
6816-1-P-311 REV B	Proposed Site Layout
6816-1_P_307 Rev A	Proposed Elevations
6816-1_P_301	Location Plan

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

the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A review request must be made using the'Notice of Review' form available from https://www.eplanning.scot/.

SERVICE OF PURCHASE NOTICE

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

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Application

Development Plan

National Planning Framework 4

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
- 3. Biodiversity
- 6. Forestry, woodland and trees
- 7. Historic assets and places
- 14. Design, quality and place

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
- NE5 Trees and Woodland
- D1 Quality Placemaking
- D2 Amenity
- D6 Historic Environment
- D8 Windows and Doors

Other Material Considerations

Aberdeen Planning Guidance

Aberdeen Planning Guidance (APG)

- Householder Development Guide
- Transport and Accessibility
- Trees and Woodland

Other National Policy and Guidance

Historic Environment Policy for Scotland (HEPS)
Historic Environment Policy for Scotland | Historic Environment Scotland

Historic Environment Scotland's Managing Change in the Historic Environment Guidance on 'External Fixtures' and 'Boundaries'
'External Fixtures' and 'Boundaries'

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NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

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

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name	Paul Gibson
Address	Coach House, 1 Bayview Road, Aberdeen, AB15 4EY
Postcode	
Contact Telephone 1	
Contact Telephone 2	
Fax No	
E-mail*	jon@jfarchitect.co.uk

Agent *(if any)*

Name	Jon Frullani Architect
Address	140 Perth Road, Dundee, DD1 4JW
Postcode	
Contact Telephone 1	01382 224828
Contact Telephone 2	
Fax No	
E-mail*	jon@jfarchitect.co.uk

Mark this box to confirm all contact should be through this representative: ☑

* Do you agree to correspondence regarding your review being sent by e-mail?	Yes	No
	X	

Planning authority	Aberdeen City Council
Planning authority's application reference number	240711/11/DPP
Site address	Coach House, 1 Bayview Road, Aberdeen, AB15 4EY
Description of proposed development	Change of use to domestic garden ground, replacement and extension of boundary walls, removal of render to expose original granite on dwelling house, installation of flue, wall lights, CCTV and associated external alterations including existing window/door openings (all retrospective); installation of intercom
Date of application	11 June 2024
Date of decision (if any)	23 Janurary 2025

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

Nature of application

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

Reasons for seeking review

1.	Refusal of application by appointed officer	X
2.	Failure by appointed officer to determine the application within the period allowed for determination of the application	
3.	Conditions imposed on consent by appointed officer	

Review procedure

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

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

1.	Further written submissions	X
2.	One or more hearing sessions	X
3.	Site inspection	X
4	Assessment of review documents only, with no further procedure	X

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Height and character of proposed boundary wall, Arborists report showing replanting of trees, unwillingness of case officer to work with agent to find feasible solution for both client and .

Site inspection

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

		Yes	No
1.	Can the site be viewed entirely from public land?		X
2	Is it possible for the site to be accessed safely, and without barriers to entry?	X	

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

Site is currently under construction, supervised site visit required.

Statement

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

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

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

The proposal went through 3 sets of revisions to the orignially submitted retrospective planning application. Each set of revisions were made to address the overseeing planning officer's concerns of the height of the proposed alterations to the boundary wall, the material finish of the boundary wall, overall character of the proposal and retrospective downtakings of trees on the development site. These revisons were made to create a dialogue with the planning officer in regard to the relevant legalisation for the proposed development, at all points we were advised revisions were deemed unacceptable and there was no additional dialogue other than the orignal points of concern.

The case officer, as well as the final report of handling, fail to acknowledge the present safety issues of reducing the height of the proposed boundary wall. The planning officer requested a reduction of the proposed wall by 800mm, this would mean that the now low sitting boundary wall rests on the edge of a large fall due to the site topography. This creates a significant safety issue for occupants of the dwelling house and would not meet current Building Regulations for saftey. The proposed height of the boundary wall creates a protecive barrier for the residents within the dwelling.

The report of handling also fails to aknowledge the proposed replanting of the removed trees within the site which has been addressed within the proposal for the neighbouring 86 Queens Road. The Arborists report has been attached to this submission showing the existing tree layout as well as downtakings and replanting of trees on the site.

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

Yes	No
X	

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

The Arborists report showing existing and proposed tree layout with downtakings of trees from 1 Bayview Road being replanted at the neighbouring 86 Queens Road.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

Arborists Report

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

Checklist

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

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

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

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review t[redacted]his form and in the supporting documents.

Signed [redacted] Date 03/03/25

General Data Protection Regulations
How we use your data
Aberdeen City Council collects, maintains and processes automatically information about you for the purposes of processing and determining this Notice of Review and may be used for consultation purposes where applicable under legislation. Information will be disclosed only in accordance with the requirements of the Town and Country Planning (Scotland) Act 1997 or otherwise as required by law, as required for the purposes of determining this Notice of Review.

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

For further information on how we use, store and protect your data please see our website: https://www.aberdeencity.gov.uk/your-data/privacy-notices/your-data-local-review-body.

Notice of Review applications should be submitted via email to: Pi@aberdeencity.go.uk

For further information contact us:

Development Management Strategic Place Planning
Communities, Housing and Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen AB10 1AB
Telephone: 01224 523470
E-Mail: pi@aberdeencity.gov.uk

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ABERDEEN
CITY COUNCIL

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 100453313-008

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:	JON FRULLANI ARCHITECT		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	JON	Building Name:	
Last Name: *	FRULLANI	Building Number:	140
Telephone Number: *	01382224828	Address 1 (Street): *	Perth Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Dundee
Fax Number:		Country: *	United Kingdom
		Postcode: *	DD1 4JW
Email Address: *	jon@jfarchitect.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:	
First Name: *	Paul	Building Number:	1
Last Name: *	Gibson	Address 1 (Street): *	Bayview Road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:	01382224828	Postcode: *	AB15 4EY
Fax Number:			
Email Address: *	jon@jfarchitect.co.uk		

Site Address Details

Planning Authority: Aberdeen City Council

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

Address 1:	1 BAYVIEW ROAD SOUTH
Address 2:	
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	ABERDEEN
Post Code:	AB15 4YT

Please identify/describe the location of the site or sites

Northing	805438	Easting	391715

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)

Please see attached Notice of Review.

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 a 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 see attached Notice of Review.

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 see attached Notice of Review.

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

Please see attached Notice of Review.

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.	240711/11/DPP
What date was the application submitted to the planning authority? *	11/06/2024
What date was the decision issued by the planning authority? *	23/01/2025

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)

240711/11/DPP

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 JON FRULLANI

Declaration Date: 03/03/2025

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Project: 21_5837_12_38
Site: 86 Queens Road, Aberdeen, AB15 4YQ
Client: Paul Gibson

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Document Title:	Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement
Document Author:	Ffion Maguire
Project Title:	86 Queens Road, Aberdeen, AB15 4YQ

Revision History.

Date:	Version number:	Summary of changes:
31/01/2022	1.0	First Draft
01/02/2022	1.0	First Issue
23/11/2022	1.1	Revision to first issue - this report only relates to the Listed Building application reference 211601/LBC Planning application reference 211602/DPP
30/11/2022	1.2	Revision to include recommendations for tree plant
27/02/2023	1.3	Revision to latest plans.
05/12/2024	1.4	Revision to latest plans
24/02/2025	1.5	Revision to latest plans

Distribution.

Approved by:	Signature	Date:	Version:
Peter Haine	PH	24/02/2025	1.5
Paul Gibson	PG	24/02/2025	1.5
			Reviewed before issue.

Re-Survey Date.

Survey Type:	Lifecycle:	Re-survey Date:
BS5837: 2012	Planning Only	N/A

FAO: Paul Gibson

eMail: info@spireview.uk

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Summary:

This is a BS5837 compliant arboricultural assessment report providing detailed and sufficient information for the Local Planning Authority to be able to consider the effect of the proposed development on local character and amenity from a tree perspective. Our brief has been to obtain details of the tree population on-site with a view to assessing any arboricultural constraints. This report was commissioned in relation to the proposed development at 86 Queens Road, Aberdeen, AB15 4YQ

The report details all trees over 75mm at 1.5m above ground level that are relevant to the siting of the proposed development. The position of the trees on the site is illustrated on the tree constraints plan and information about the tree stock and its current condition is given within the arboricultural data tables.

It will assist the planning process by discussing the impact that the proposals will have on the existing tree stock.

An Arboricultural Impact Assessment is included at Section 4 which details the constraints placed on the proposed development from the rooting area of the trees below ground and above ground by virtue of their size and position.

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Validation Statement for the Local Planning Authority.

This report includes the following for LPA validation purposes:

- A **tree survey and tree constraints plan** showing the existing trees, their category rating and above and below ground constraints shown on a topographical survey
- An **arboricultural impact assessment** which describes how the development will affect local character from a tree perspective
- An **arboricultural method statement** describing tree protection measures and implementation strategy
- An **appendices** highlighting tree related information including the **arboricultural data tables**

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Table of Contents

1 Scope
2. Site Conditions & Site Surroundings
3. Drawings
4. Arboricultural Impact Assessment - Site Specific
5. Method Statement
6. Site Inspection
7. Tree Works Schedule
8. Tree Protection Barriers Detailed Specification
9. Ground Protection Measures Detailed Specification
10. Limitations

Appendix 1 –Site Location
Appendix 2 –Arboricultural Data Tables
Appendix 3 –Arboricultural Plans

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Tree Survey & Arboricultural Impact Assessment to BS 5837 2012 of trees at: 86 Queens Road, Aberdeen, AB15 4YQ

1 Scope

1.1 We have recently been instructed to undertake an appraisal of mature tree cover at 86 Queens Road, Aberdeen, AB15 4YQ.

1.2 The data was collected to the British Standard BS5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' 2012.

1.3 The survey has been commissioned to offer guidance on the arboricultural constraints with a view to the future development of the site.

1.4 The trees were inspected on the 12/01/2021 following the guidance in the British Standard by ROAVR. The crowns and stems were inspected from the ground using the 'Visual Tree Assessment (VTA)' method; non invasive techniques were used at this stage. Although a sounding hammer was used to determine the presence of any decay.

1.5 The site was assessed and data was collected on all woody vegetation falling within the scope of the British Standard. Trees were grouped or designated woodlands as per the allowance in the British Standard when the area in question was uniform in terms of species, age or geography.

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Photographic Plates.

Photographic plate showing tree T2, which is situated on a raised bank.

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Photographic plate showing many of the mature Lime trees are suffering from epicormic growth.

Photographic plate showing that the bank continues round along the southern and eastern boundaries of the site.

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Photographic plate showing tree T8, leaning out across the adjacent public highway.

Photographic plate tree T17, which has limited long-term prospects due to a constrained rooting area.

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Photographic plate showing that the base of trees T18 and T19 have been buried.

Photographic plate showing a brick wall that runs within the RPAs of the trees situated on the western bank.

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Photographic plate showing a driveway runs from the entrance of the site to the existing property, separating into two banks.

Photographic plate showing tree T30 has been completely surrounded by hard standing concrete.

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Photographic plate showing a large change in ground level between the existing property and the land to the rear.

Photographic plate showing a brick wall situated on the site's rear boundary, separating tree T49 and tree group G1 from site.

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Photographic plate showing tree T38 in heavy decline.

Photographic plate showing large cracks in the stem of tree T40.

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Photographic plate showing tree stocks situated to the rear of the existing property.

Photographic plate showing the stem of tree T49 suffering from ivy cladding and epicormic growth.

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Photographic plate showing tree group G1, an outgrown boundary feature of Leylandii.

Photographic plate tree group G1 has formerly been topped.

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2. Site Conditions & Site Surroundings

2.1 The site is situated in Aberdeen in the Aberdeen City Council control area. The site is located on the west side of the city and has an urban feel.

2.2 The site is home to a former grammar school with associated hard and soft landscape.

2.3 The wider locality is predominantly residential. The site is accessed via a private driveway, off from the adjacent public highway (Queen's Road).

2.4 A desktop assessment has highlighted that the site is within the Albyn Place Conservation Area. Furthermore, there is a TPO protected tree group situated towards the north of the site.

2.5 All desktop assessment data was cross-checked and validated on the 31/01/2022 using the web portal provided by the local planning authority.

https://www.aberdeencity.gov.uk/services/environment/protected-trees

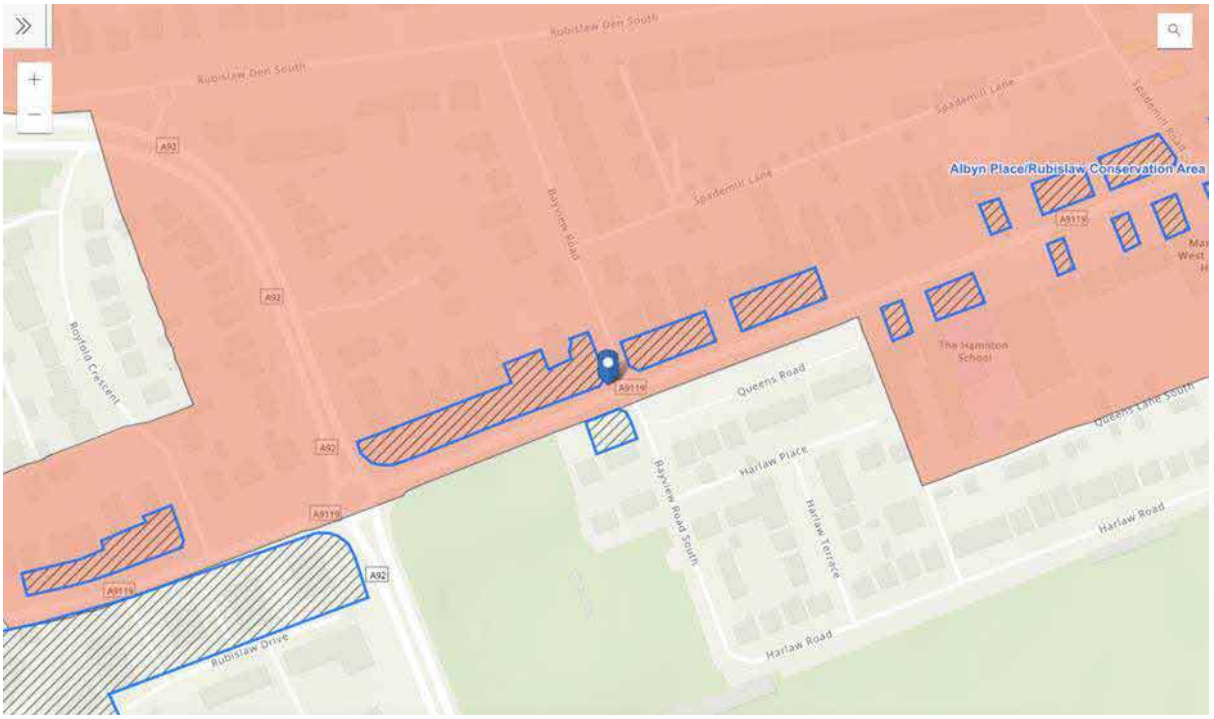

Image plate showing the desktop analysis results of the surveyed plot.

2.6 Works to protected trees require consent from the local planning authority. In the case of TPO's an application must be made. In the case of conservation areas a notification must be made. TPO applications take up to eight weeks, conservation area notifications take six weeks.

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2.7 Certain exemptions apply; for example the removal of deadwood. In the case of dangerous trees 5-days written notice should be given to the local authority (in the cases of immediate danger the work should proceed, but the local authority contacted as soon as possible afterwards) with the works evidenced by photographs and video where possible. You should also check to ensure the works are exempt from the requirements of a felling licence.

2.8 It should be noted that planning consent overrides protected trees, where the works or removal are necessary for development to proceed and have been highlighted in the tree survey documents.

2.9 Bats. Under current legislation it is an offence to 'intentionally or recklessly disturb a bat' or 'damage, destroy or block access to the resting place of any bat'. For further details consultation must be made with the Statutory Nature Conservancy Organisation. Where relevant any current ecological surveys for the site will take precedence in this matter.

2.10 Birds. It is an offence to kill, injure or take any wild bird; or take, damage or destroy the nest of any wild bird while it is in use or being built. Therefore work likely to disturb nesting birds must be avoided from late March to August.

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3. Drawings

3.1 Appended to this report are the tree constraints plan, tree assessment plan and tree protection plan drawings.

3.2 The tree constraints plan has been produced using an OS supplied .dwg (AutoCAD) base plan as no topographical survey was available. Tree positions and data have been applied using our survey handset as an onsite exercise with the constraints plan being produced as a PDF through Auto CAD.

3.3 An autoCAD .dwg file of the tree constraints is available on request for project stakeholders to utilise.

3.4 The *Tree Constraints Plan* shows the existing layout. For each tree the stem location is indicated and scaled according to its diameter, the canopy is indicated according to measurements taken along the four cardinal points of the compass. Root protection areas (RPAs) are indicated which are calculated according to the guidelines within BS 5837 (2012).

3.5 Where appropriate, the shapes of the RPAs have been amended to reflect actual site conditions or where trees have been heavily pruned. The 'original' RPAs are indicated as a dashed line whereas the amended RPAs are indicated as a solid line. Any variation to this approach will be highlighted on the appropriate plans.

3.6 The *Tree Assessment Plan / Arboricultural Impact Assessment* indicates the tree constraints with the proposals overlaid. Where applicable, this plan shows where works are proposed in Root Protection Areas and which trees are to be pruned or removed. This plan accompanies the Impact Assessment which is to be found in Section 4.

3.7 The *Tree Protection Plan* shows the protection measures that are to be installed during the construction phase. This plan accompanies the Method Statement which is to be found in Section 5.

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4. Arboricultural Impact Assessment - Site Specific

Tree Quality Statement.

The tree cover at 86 Queen Road is a mix of mature Lime, Chestnut and Holly towards the front and semi-mature Holly and Cherry towards the rear. The band of mature trees situated around the front of the site is of high quality and will likely enhance the amenity value of the plot for some time by providing screening. The trees towards the rear are considered to have arboricultural value, although do not contribute heavily towards conservation or landscape.

4.1. Description of The Proposed Development

4.1.1. A listed buildings application has been submitted for works to the property to include:

Conversion of existing property to form 6no. residential apartments and associated works.

4.1.2. Arboricultural impact assessment:

Trees removed with consent: T30, T31, T32, T33, T34, T35, T36, T37, T38, T39, T40, T41

Trees removed without consent: T42, T43, T44, T45, T46, T47, T48, T49
These trees were required to be removed to build the boundary wall.

Trees proposed to be removed: T1, T2, T14, T15, T16, T17, T20, T21, T50
These trees are to be removed to allow service installation and site access.

29 new trees are proposed as part of the landscaping proposals, these are detailed on the landscape plan.

All remaining trees are to be protected throughout construction using temporary HERAS fencing and ground protection measures as shown on the tree protection plan.

No pruning works are required to facilitate the proposed development.

Adequate space has been allowed between all retained trees and the proposed development works. Consequently, the proposal shall not result in increased pressure to remove or prune any of the retained trees.

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4.2. Soil Compaction.

4.2.1. The majority of tree roots lie within the upper soil horizons. This is because the availability of oxygen decreases with depth and roots need to breathe to stay alive. In addition, nutrients are more readily available in the form of organic matter close to the soil surface.

4.2.2. Healthy soils contain about 25% air space between solid particles. Increased loading of the soils caused by construction activity causes air to be squeezed out as the soil becomes compacted preventing roots from breathing. Even an increase in pedestrian activity may cause some soil compaction.

4.2.3. It is important therefore that ground compaction and soil disturbance over Root Protection Areas should be avoided during the construction phase. This may be done by installing protective fencing and ground protection measures as recommended within the tree protection plan.

4.3. Demolition Activities.

4.3.1. The tree protection measures specified within the TPP should be installed prior to the commencement of all demolition activities (including soil stripping) to prevent any detrimental impact on tree health. Where this is not practicable, demolition of structures within Construction Exclusion Zones shall be undertaken very early on in the demolition phase and the protective barriers installed immediately thereafter.

4.4. Hazardous Materials.

4.4.1 All hazardous materials (including cement and petrochemical products) will need to be controlled according to COSHH regulations in order to ensure there is no detrimental impact on tree health. Provision shall need to be made to ensure that cement and cement run-off are contained outside of all Root Protection Areas.

4.5. Cabins and Site Facilities.

4.5.1. Consideration should be given to the location of any site welfare facilities in terms of potential impact on trees. Where it is proposed to install cabins or site facilities in Root Protection Areas, the appointed arborist should be consulted and approval obtained from the local authority.

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Appendix: BS 5837: 2012 –Guidance Notes

This Standard prescribes the principles to be applied to achieve a satisfactory juxtaposition of trees and structures. It sets out to assist those concerned with trees in relation to design, demolition and construction to form balanced judgements.

It acknowledges the positive contribution trees may offer to a site, as well as the negative aspects of retaining inappropriate trees. It addresses the negative impacts that construction activity may have upon trees and offers mitigation strategies to minimise these impacts.

The Standard suggests a three stage approach to ensure best practice is followed when developing close to trees:

Stage 1: Survey Details and Notes

A ground level visual survey was undertaken. No climbing inspections or specialist decay detection were undertaken. Only trees with a stem diameter over 75mm, which lie within the site boundary or relatively close to it, were included.

Where applicable, trees with significant defects have been highlighted and appropriate remedial works have been recommended. However, this report should not be seen as a substitute for a full Safety Survey or Management Plan which are specifically designed to minimise risk and liability associated with responsibility for trees.

Wherever practicable dimensions were obtained using diameter tapes, logger's tapes, distometers and clinometers. Where obstacles prevent accurate measurement, dimensions are estimated. Trees of privately owned third parties are surveyed from the best available vantage point and observations relating to the condition of these trees should be treated accordingly. All height measurements should be regarded as approximate.

Appendix: Survey Methodology

Ground level visual surveys are carried out using the Visual Tree Assessment technique described by Mattheck and Broeler (1994) and endorsed by the Arboricultural Association (LANTRA Professional Tree Inspection course, 2007).

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Structural condition is assessed by inspecting the stem and scaffold branches from all angles looking for weak branch junctions or symptoms of decay. Particular attention is paid to the stem- base. Cavities are explored using a metal probe in order to assess the extent of any decay. If this is not possible further inspection is recommended in the form of a climbing inspection or using specialist decay detection equipment.

The physiological condition is assessed by inspecting the stem, branches and foliage for symptoms of disease. The overall vigour of the tree is also taken into account.

Where significant defects are observed, recommendations are made according to a scale of priority in order to reduce the likelihood of structural failure. The position of the tree and its potential targets are taken into account.

Measurements are obtained using a diameter tape, clinometer, distometer and loggers tape.

Where this is not practical measurements are estimated.

Some trees are surveyed as groups, though this is usually avoided close to areas likely to be developed.

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5. Method Statement

Section A: Introduction and Overview

5.1. Definition of Terms

5.1.1. Some terms used within the Arboricultural Method Statement have very specific meanings. These are defined below:

5.1.2. Root Protection Area (RPA). This is a theoretical area of ground around a tree where the roots are likely to proliferate. Ground disturbance in this area should be minimised in order to avoid significant impact on tree health. RPAs are indicated on all plans accompanying this report as a pink line.

5.1.3. Construction Exclusion Zone (CEZ). These zones are created to protect roots and canopies from inadvertent damage by construction activity –see Section 5.6. -Construction Exclusion Zones. They are usually fenced off by protective barriers throughout the entire construction phase. No works are permitted in these zones other than minor landscaping works which do not require a change in ground level. Where practicable the entire Root Protection Area and the area beneath the tree canopy shall be treated as a Construction Exclusion Zone. These zones are shaded purple on the Tree Protection Plan.

5.1.4. Restricted Activity Zone (RAZ). It is not always possible to create a Construction Exclusion Zone over the entire RPA. This is because access may be required or some works may be proposed within the RPA. In such circumstances a Restricted Activity Zone is created where limitations are placed on construction activity. Ground protection measures may be specified or the Restricted Activity Zone may be fenced off throughout part of the construction phase. See the legend on the Tree Protection Plan to identify these zones.

5.2. Tree Protection Barriers - Overview

5.2.1. The Tree Protection Plan indicates the location of all proposed tree protection barriers.

5.2.2. The barriers shall be installed prior to the commencement of any localised construction activity including soil stripping and delivery of materials. A detailed specification of the barriers can be found in sections below.

5.2.3. The tree protection plan also indicates where ground protection measures shall be installed / maintained as specified in sections 5.7 onwards (Restricted Activity Zones).

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5.3. Planning Status

5.3.1. Tree protection measures specified within this report should be agreed with the local authority so that they may be conditioned upon planning consent.

5.3.2. The site manager must be familiar with all aspects of this Method Statement and should liaise with the author of this report for clarification, or regarding any unforeseen issues where trees may be impacted upon.

5.3.3. A copy of this Method Statement shall be available on-site at all times. All personnel working on the site shall be made aware of any sections appertaining to their work. This includes short term contractors and persons responsible for deliveries and installation of services.

5.4. Overview of Protection Measures

5.4.1. Below is a list of potential arboricultural impacts and a summary of the proposed protection measures:

Tree no.	Protection Measures	Timeline.
T3	Braced HERAS fencing and ground protection boarding as per the appended TPP	Pre-start
T4-T8	Braced HERAS fencing as per the appended TPP	Pre-start
T9-T13	Braced HERAS fencing and ground protection boarding as per the appended TPP	Pre-start
T18-T19	Braced HERAS fencing and ground protection boarding as per the appended TPP	Pre-start
T22-T29	Braced HERAS fencing and ground protection boarding as per the appended TPP	Pre-start

5.4.2. The above measures are described in more detail throughout the remainder of this section.

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5.5. Timing of Operations

5.5.1. Activity within the site shall be phased according to the following chronology:

Order Phase Activity	Phase Name	Works required
1st Phase	Pre-construction phase	Undertake any specified tree removals and pruning work
2nd Phase	Protection phase	Install HERAS tree protection fencing and signage as highlighted on the TPP
3rd Phase	Ground Protection	Install any specified ground protection boarding as highlighted on the TPP
4th Phase	Construction phase	Construction works commence with regular ACc visits and updates
5th Phase	Post Construction Phase	Remove tree protection measures and carry out any remedial works such as alleviation and radial mulchi

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Section B: Restrictions on Activities –Specific Zones

5.6. Construction Exclusion Zones

5.6.1. Within Construction Exclusion Zones (marked CEZ on the Tree Protection Plan) the following restrictions shall apply:

Tree Protection Barriers shall be erected and maintained throughout the entire project as indicated on the Tree Protection Plan and specified in Section 8 (Tree Protection Barriers).

No construction activity whatsoever shall occur.

No vehicles or plant machinery shall be driven or parked.

No tree works, other than those specified in this report shall be undertaken.

No alterations of ground levels or conditions.

No chemicals or cement washings permitted.

No excavation whatsoever shall occur.

No temporary structures.

No spoil shall be stored.

No fires shall be permitted.

All hazardous materials (including non-essential cement products) shall be forbidden.

5.6.2. Where hard surfaces are to be removed, this shall be done using hand tools or mechanical excavators operating from outside the Construction Exclusion Zone and marshalled by the appointed arborist.

5.6.3. Any structures shall be removed manually and without mechanical excavation.

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5.7. Restricted Activity Zones

5.7.1. Within these zones (shaded in yellow on the Tree Protection Plan) tree roots are likely to be present. Access will be required to facilitate construction and some resurfacing works may be required. The following restrictions shall apply:

Any resurfacing shall be done strictly in accordance with the Guidelines in APN12 New Surfaces.

Removal of existing structures such as walls, steps and hard surfaces shall be undertaken using hand tools or a mechanical excavator operating from outside the Restricted Activity Zone and carefully marshalled by an appointed arborist.

A suitable load spreading surface shall be installed and/or maintained as specified in Section 9 (Ground Protection Measures). This shall remain in place throughout the entire construction phase.

No excavation shall occur in this zone without consulting the appointed arborist and obtaining approval from the local authority.

Storage of materials shall be limited to that which is required for the task in hand. Heavy materials that require storage for more than two days shall be stored outside the Restricted Zone.

No spoil shall be stored.

No fires shall be permitted.

All hazardous materials (including non-essential cement products) shall be forbidden.

Service trench excavation shall completed by hand. Roots over 25 mm diameter shall be retained where possible. Where roots must be severed they shall be cleanly cut back to the edge of the trench using sharp clean hand tools.

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Section C: Restrictions on Activities –Throughout the Site

5.8. Canopy Protection

5.8.1. In order to protect tree canopies the following restrictions shall apply throughout the site:

No machinery shall pass beneath the crowns of trees without being carefully marshalled in order to ensure that no branches are damaged.

If materials require installation or delivery beneath tree canopies, this shall be done without the use of overhead cranes.

If materials are to be installed or delivered close to tree canopies (but not beneath them) and a crane is required, they shall be carefully marshalled in order to ensure that branches are not accidentally damaged.

5.9. Site Hoarding

5.9.1. If site hoarding shall be installed over the Root Protection Area of any tree, the following restrictions shall apply:

Ground levels shall be maintained as existing.

Post holes shall not exceed 300mm x 300mm.

No post hole shall be excavated within 1.5m of any tree stem.

Post holes shall be excavated using hand tools or by a post-hole auger attached to plant machinery sited outside the Root Protection Area(s).

Roots in excess of 25mm shall be retained wherever possible.

Roots in excess of 10mm shall be pruned with sharp secateurs.

Pruning shall be minimal and only undertaken where absolutely necessary to facilitate the site hoarding. It shall be undertaken by a reputable tree surgeon working to BS 3998 (2010).

Cement products shall be mixed away from Root Protection Areas (see Section 5.16 - Hazardous Materials).

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5.9.2. Site hoarding may be installed in place of the specified tree protection measures subject to the approval of the local authority with regard to its location and specification.

5.10. Demolition and Initial Ground Works

5.10.1. No demolition, removal of surfaces, or soil stripping shall commence until the protective fencing and ground protection measures are installed to the satisfaction of the local authority.

5.11. Underground Services

5.11.1. No underground services (including soak-aways) shall be located in any part of the Construction Exclusion Zones or Restricted Activity Zones unless done so in a manner detailed in a specific Method Statement and approved by the local authority.

5.12. Lighting, Bollards and associated Cables

5.12.1. If any of the above are to be installed close to tree canopies or within Root Protection Areas of retained trees, installation methods shall be detailed in a specific Method Statement and approved by the local authority. Consideration should be given to the following:

Pruning of branches to enable sufficient clearance for light and views. Branches should be removed to the branch collar as per British Standard 3998 (2010).

Post holes must be excavated by hand or using an appropriate sized auger. No other form of mechanical excavation may be used.

Wherever possible, cables should be routed in a direction directly away from the tree stem rather than tangentially across the rooting zone. The location of all such cables shall be determined after consultation with the appointed arborist and approval by the local authority.

5.13. Use of Heavy Plant

5.13.1. All machinery operatives are to be made aware of any Construction Exclusion Zones and Restricted Activity Zones that apply to this site (see the Tree Protection Plan).

5.13.2. All machinery operatives are to respect these zones and ensure that no damage occurs to trees due to the careless use of machinery.

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5.13.3. Mechanical excavators should have tracks rather than wheels to help spread their load. They should be carefully marshalled when working close to tree canopies.

5.14. Scaffolding

5.14.1. If scaffolding is required in areas containing ground protection measures, the protective boards shall need to remain in-situ and be strengthened and stabilised to bear the weight of scaffold poles.

5.14.2. Prior to the installation of any scaffolding within 0.5m of any tree branches, the appointed arborist shall be consulted to specify any pruning works that may be required.

5.15. Siting of Cabins and Storage of Materials

5.15.1. Cabins and heavy building materials may be located or stored anywhere outside of Construction Exclusion Zones and Restricted Activity Zones.

5.15.2. Any proposal to install cabins or materials within these zones shall be agreed in writing with the local authority prior to installation.

5.15.3. It may be acceptable to locate site cabins such that they act as a tree protection barrier and replace the specified protective fencing. Where this is being considered, written approval must be sought from the local authority.

5.16. Hazardous Materials

5.16.1. Any mixing of cement based materials shall take place outside the Construction Exclusion Zones and Restricted Activity Zones. Where cement is to be mixed on sturdy plastic sheeting e.g 1200 gauge DPM considerable distances from trees and water run-off cannot enter Root Protection Areas.

5.16.2. All other chemicals hazardous to tree health, including petrol and diesel, shall be stored in suitable containers as specified by current COSHH Regulations, and kept away from Root Protection Areas.

5.17. Removal of Tree Protection Barriers

5.17.1. This will be done after all major construction work is complete. Vehicular access will not be permitted within the Construction Exclusion Zones.

5.17.2. The local authority tree officer shall be made aware that the fencing is to be removed.

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6. Site Inspection

6.1. Inspection Schedule

6.1.1. In order to ensure that the trees are adequately protected it shall be necessary to periodically monitor the works. This will be done by the local authority tree officer or an appointed arborist who will provide the tree officer with a copy of inspection details.

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SITE SUPERVISION FORM - ARBORICULTURAL CLERK OF WORKS

DATE	
CLIENT	
TELEPHONE NUMBER	
E-MAIL	

TERMS AND CONDITIONS FOR THE PROVISION OF ARBORICULTURAL CONSULTANCY

Site:	
Inspected by:	
Site Manager:	
Date of Inspection:	
Tree Protection Fencing.	
Comments/Actions:	
Ground Protection.	
Comments/Actions:	
Additional Comments.	
Remarks:	
I am aware of the tree protection requirements for this site and understand no retained trees must be damaged.	
Signed:	Dated:
Name:	Company: T

Example inspection sheet.

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7. Tree Works Schedule

7.1. Tree Works Specification

7.1.1. The following table specifies the tree works which will be required prior to the commencement of construction activity:

Tree no.	Works Required
T1	Fell
T2	Fell
T14	Fell
T15	Fell
T16	Fell
T17	Fell
T20	Fell
T21	Fell
T50	Fell

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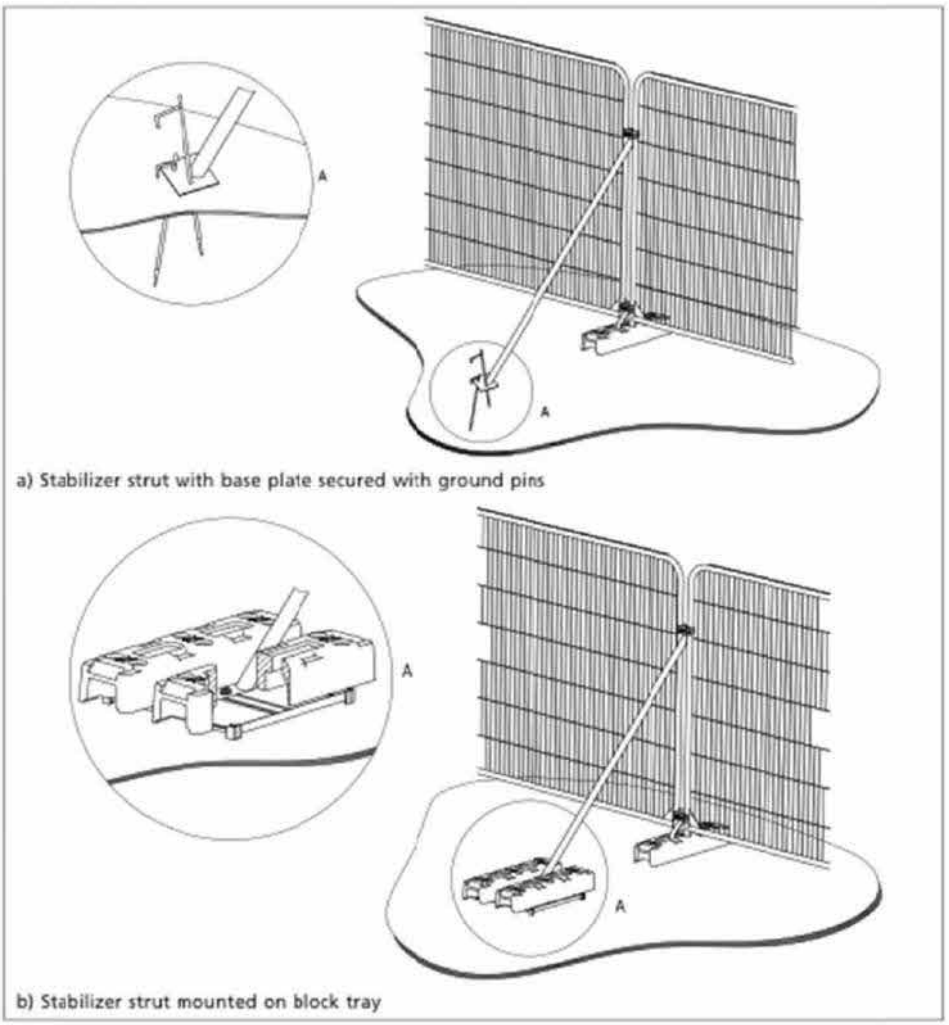
8. Tree Protection Barriers Detailed Specification

8.1.1. The purpose of tree protection barriers is to keep construction activity away from Construction Exclusion Zones or Restricted Activity Zones. They should be appropriate to the nature and proximity of activity within the site. The barriers should be erected prior to the commencement of all activity including demolition, soil stripping and delivery of materials and demolition (except where existing structures require demolition to enable the barriers to be installed). Barrier systems are specified below and should be installed according to the legend on the Tree Protection Plan.

8.1.2. Suitable weather-proof notices should be displayed to identify tree protection zones. They should state the purpose of the fencing and that it should not be moved, or traversed, other than by authorised personnel.



Examples of above-ground stabilizing systems.

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Example signage.

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9. Ground Protection Measures Detailed Specification

9.1.1. Where indicated on the Tree Protection Plan (Restricted Activity Zone), soils containing roots may require ground protection where Root Protection Areas are outside the Construction Exclusion Zone be subject to compaction due to general construction activity (including pedestrian activity and use of plant machinery). In order to minimise compaction, it is proposed to ensure that a suitable load-spreading surface is in place at all times.

9.1.2. Any existing hard surfacing may be retained and reinforced (where Construction activity is applicable and adequate), otherwise suitable new ground protection fencing measures shall be installed. The ground protection shall need to be able to adequately spread the load of construction traffic. Where existing hard surfacing is to be retained, it shall not be necessary to install additional ground protection measures. However, the hard surfacing must be firm enough to spread the load of any traffic passing overhead.

9.1.3. Where only pedestrian traffic will occur, the ground protection measures may be as simple as timber boards, or scaffold planks installed directly onto a geotextile fabric on the ground. The ground should first be made even by raking, or by adding a few centimetres of sand or woodchip. Alternatively the boards may be supported by a scaffold framework. The scaffold may be founded on poles driven into the ground and/or onto blocks (to raise the scaffold) with additional couplings to make the framework secure.

9.1.4. Where only light vehicles are to operate (e.g. barrows, trolleys or occasional cars), thick wooden boards or scaffold planks should also suffice, though at least 150m of compressible woodchip will need to be installed first to help spread the load. Sturdier systems are specified below:

9.1.5. Where cars will regularly park or heavier vehicles/plant machinery will occasionally operate, sturdier ground protection measures will be required such as metal road plates, or purpose built synthetic road mats over a compression resistant layer such as 150mm of woodchip or 100mm of a 3D cellular confinement system in-filled with 7-40mm angular gravel (e.g. Cellweb™).

9.1.6. A temporary concrete slab may also be considered as a suitable load spreading platform. Where a pile driver needs to operate, a concrete slab may be the preferred option.

9.1.7. Where existing structures need to be removed, this shall be done with temporary ground protection measures in place to enable this to be achieved without compacting soils.

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9.1.8. The ground protection measures shall be installed and approved before commencement of demolition and construction activity and before the arrival of plant machinery or materials. They shall remain in place until all heavy construction activity is complete or until they are due to be replaced with a new hard surface.

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Appendix: Further Information

Building Near Trees –General

National Joint Utilities Group publication # 10 (1995), Guidelines for the Planning, Installation and Maintenance of Utility Services in Proximity to Trees. Downloadable at www.njug.demon.co.uk/pdf/NJUG%20Publication10.pdf

NHBC Standards Chapter 4.2., Trees and Buildings.

Horticulture LINK project 212. (University of Cambridge, 2004), Controlling Water Use of Trees to Alleviate Subsidence Risk. Tree Planting and aftercare see www.trees.org.uk/leaflets.php# for downloadable leaflets on selecting a garden tree, planting, aftercare and veteran tree management.

British Standards BS 5837: 2012. Trees in Relation to Design, Demolition and Construction –Recommendations. Bs 3998: 2010.

Recommendations for Tree Work. BS 3936: 1992. Nursery Stock. Part 1: Specification for Trees and Shrubs. BS 3936: 1992. Nursery Stock. Part 10:

Specification for Ground Cover Plants. BS 4043: 1989. Transplanting Root-balled Trees. BS 8004: 1986. Foundations. BS 8103: 1995.

Structural design of Low-Rise Buildings. BS 8206: 1992. Lighting for Buildings.

BS 8545:2014. Trees: From nursery to independence in the landscape – Recommendations

BS 3882: 2007. Topsoil. BS 4428: 1989. General Landscaping Operations (excluding hard surfaces). Permission to do Works to Protected Trees / Tree Law Forestry Commission (Edinburgh, 2003), Tree Felling –Getting Permission. Country Services Division - Forestry Commission. Downloadable at www.forestry.gov.uk/website/pdf.nsf/pdf/wgsfell.pdf/$FILE/wgsfell.pdf

Transport and the Regions (Department of the Environment, 2000), Tree Preservation Orders, A Guide to the Law and Good Practice. Downloadable at www.communities.gov.uk/publications/planningandbuilding/tposguide

C. Mynors, The Law of Trees, Forests and Hedgerows (Sweet and Maxwell, London, 2002)

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Communities and Local Government website with numerous downloadable documents, from:
http://www.communities.gov.uk/planningandbuilding/planning/treeshighhedges/
Lighting Levels

P.J. Littlefair, B.R.E. 209: Site layout planning for daylight and sunlight A guide to good practice. B.R.E. Bookshop, London.

British Standards Institution. Code of practice for daylighting. British Standard BS 8206: Part 2 (1992).

Chartered Institution of Building Services Engineers. Applications manual: Window Design (London, 1987).

NBA Tectonics. A study of passive solar housing estate layout. ETSU Report S-1126. Harwell, Energy Technology Support Unit (1988).

I.P. Duncan; D. Hawkes, Passive solar design in non-domestic buildings. ETSU Report S-1110. Harwell, Energy Technology. P. J. Littlefair, Measuring Daylight, BRE Information Paper 23/93 f3.50. (Advises on measuring daylight under the real sky or an artificial sky, allowing for the changing nature of sky light).

High Hedges Communities and Local Government website with numerous downloadable documents, from:
http://www.communities.gov.uk/planningandbuilding/planning/treeshighhedges/
Tree Specific

Websites

www.trees.org.uk Arboricultural Association www.rfs.co.uk Royal Forestry Society of England, Wales and N. Ireland

www.treehelp.Info The Tree Advice Trust

www.woodland-trust.org.uk The Woodland Trust www.treecouncil.org.uk The Tree Council

www.roavr-environemntal.co.uk - UK wide consultancy

www.go-roavr.co.uk - portal for booking tree surveys UK wide.

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10. Limitations

10.1 ROAVR Environmental has prepared this Report for the sole use of the above named Client/Agent in accordance with our terms of business, under which our services were performed. No other warranty, expressed or implied, is made as to the professional advice included in this Report or any other services provided by us.

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Should you require any further information, please do not hesitate to contact us at any time.

Mr. Peter Haine FDSc Arb
Consultant Arborist

[redacted]

Prepared by: Peter Haine
Checked by: Matt Harmsworth

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Appendix 1 –Site Location

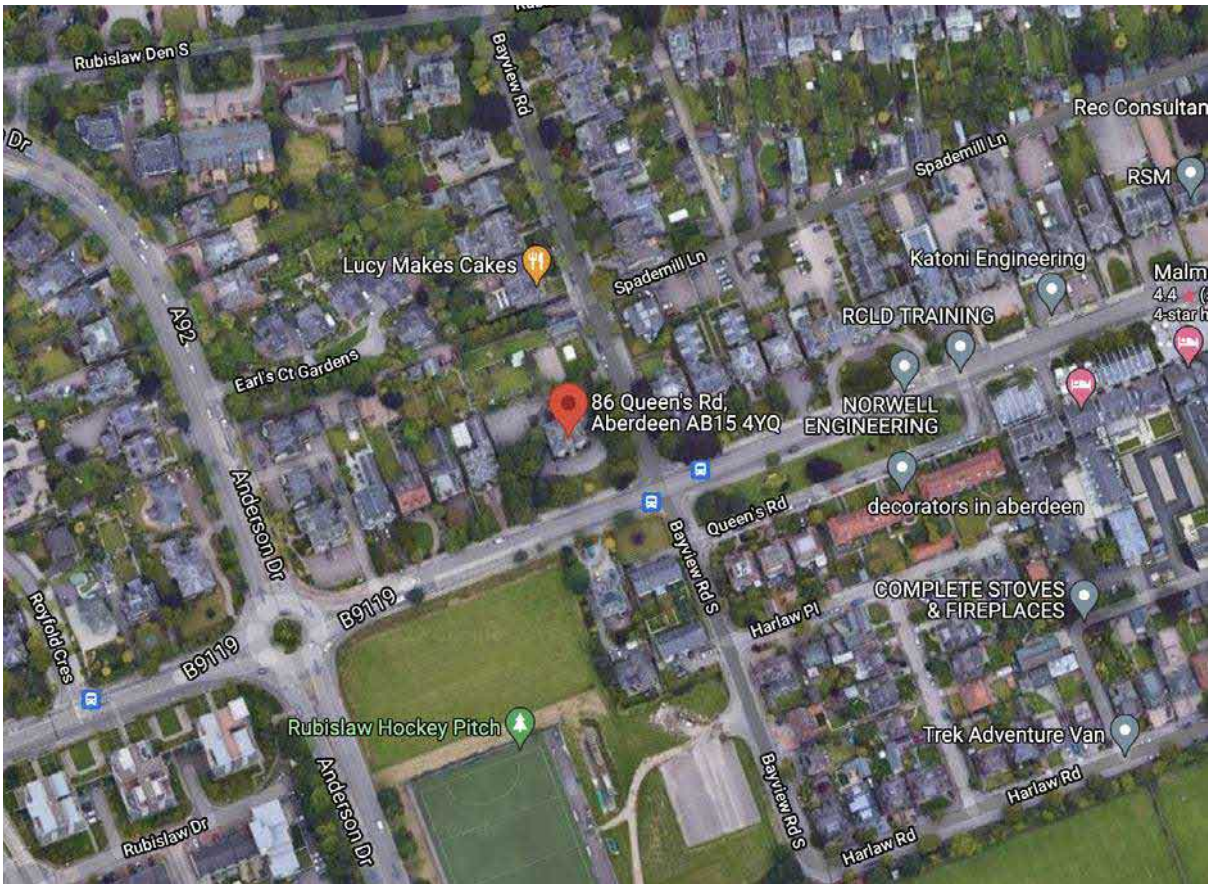

Image plate showing satellite mapping of the surveyed plot and surrounding area.

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Appendix 2 –Arboricultural Data Tables

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Tree ID	Common Name	Latin Name	Maturity	Height (m)	Height and direction of first significant branch (m)	Number of Stems	Diameter at Breast Height	Stem 2 (mm)	Spread - N (m)	Spread - E (m)	Spread - S (m)	Spread - W (m)	Canopy Height (m)	Crown Condition	Stem Condition	Basal Condition	Category	Life Expectancy	Subcategories	Phys Condition	Comment
T1	Large-leaved Lime	Tilia platyphyllos	Mature	8	4 - SW	2	490	410	5	4	6	5	10	Fair	Poor	Poor	C	10 to 20 yrs	1 Arboricultural Values	Fair	Damaged stem, ground level changes within the RPA.
T2	Common Holly	Ilex aquifolium	Semi-mature	8	3 - N	3	260	180	4	2	4	2	8	Fair	Good	Fair	C	10 to 20 yrs	1 Arboricultural Values	Fair	Rotting at the base.
T3	Large-leaved Lime	Tilia platyphyllos	Mature	8	6 - SE	1	800	N/A	6	4	5	5	12	Fair	Poor	Poor	C	10 to 20 yrs	1 Arboricultural Values	Poor	Epicormic growth on the stem and around the base, ground level changes within RPA.
T4	Wild Cherry	Prunus avium	Semi-mature	5	8 - N	1	440	N/A	9	3	7	2	4	Fair	Fair	Fair	C	10 to 20 yrs	1 Arboricultural Values	Fair	Fungal brackets on the stem.
T5	Western Red Cedar	Thuja plicata	Mature	6	6 - W	1	480	N/A	3	2	3	4	12	Fair	Good	Good	B	20 to 40 yrs	1 Arboricultural Values	Fair	Crown biased to the east, ground level changes within RPA.
T6	Common Holly	Ilex aquifolium	Mature	5	5 - S	1	250	N/A	1	3	3	3	5	Fair	Good	Good	B	20 to 40 yrs	1 Arboricultural Values	Fair	Ground level changes within RPA.
T7	Common Holly	Ilex aquifolium	Mature	5	5 - S	3	220	160	3	2	4	2	4	Fair	Fair	Poor	B	20 to 40 yrs	1 Arboricultural Values	Fair	Rotting at the base, ground level changes within RPA.
T8	Common Beech	Fagus sylvatica	Mature	7	7 - S	1	640	N/A	2	5	5	4	6	Fair	Fair	Fair	B	20 to 40 yrs	1 Arboricultural Values	Fair	Leaning heavily to the south.
T9	Large-leaved Lime	Tilia platyphyllos	Mature	5	5 - W	1	880	N/A	5	5	5	8	9	Fair	Poor	Poor	C	10 to 20 yrs	1 Arboricultural Values	Poor	Epicormic growth on the stem and around the base, ground level changes within RPA, mechanical damage due to former pruning.
T10	Large-leaved Lime	Tilia platyphyllos	Mature	8	8 - W	1	660	N/A	2	5	4	6	6	Fair	Poor	Poor	C	10 to 20 yrs	1 Arboricultural Values	Poor	Situated on grass bank, epicormic growth on base.
T11	Horse Chestnut	Aesculus hippocastanum	Mature	6	6 - SE	1	270	N/A	2	6	3	6	7	Fair	Fair	Fair	B	20 to 40 yrs	1 Arboricultural Values	Fair	Situated on grass bank.
T12	Large-leaved Lime	Tilia platyphyllos	Mature	7	7 - E	1	540	N/A	3	6	4	5	8	Fair	Fair	Fair	B	20 to 40 yrs	1 Arboricultural Values	Fair	Situated on grass bank, epicormic growth on base.
T13	Large-leaved Lime	Tilia platyphyllos	Mature	7	7 - E	1	610	N/A	4	6	4	6	7	Fair	Fair	Fair	B	20 to 40 yrs	1 Arboricultural Values	Fair	Situated on grass bank, epicormic growth on base.
T14	Horse Chestnut	Aesculus hippocastanum	Mature	6	6 - N	1	520	N/A	2	4	3	5	6	Fair	Fair	Fair	B	20 to 40 yrs	1 Arboricultural Values	Fair	Situated on grass bank, driveway within RPA.
T15	Common Holly	Ilex aquifolium	Semi-mature	4	4 - S	2	170	140	2	2	1	3	4	Fair	Fair	Fair	B	20 to 40 yrs	1 Arboricultural Values	Fair	Constrained RPA due to driveway.
T16	Common Holly	Ilex aquifolium	Semi-mature	5	5 - N	1	220	N/A	3	1	3	3.5	4	Fair	Fair	Fair	B	20 to 40 yrs	1 Arboricultural Values	Fair	Constrained RPA due to driveway.
T17	Common Horse Chestnut	Aesculus hippocastanum	Mature	4	4 - N	1	930	N/A	4	5	5	5	8	Fair	Fair	Fair	B	20 to 40 yrs	1 Arboricultural Values	Fair	Constrained rooting area, causing damage to brick wall.
T18	Western Red Cedar	Thuja plicata	Mature	4	4 - W	2	520	N/A	2	4	2	4	9	Fair	Fair	Fair	B	20 to 40 yrs	1 Arboricultural Values	Fair	Base has been burried.
T19	Common Holly	Ilex aquifolium	Mature	5	5 - E	2	450	N/A	3	4	3	4	5	Fair	Fair	Fair	B	20 to 40 yrs	1 Arboricultural Values	Fair	Base has been burried.
T20	Common Holly	Ilex aquifolium	Mature	3	3 - S	1	260	N/A	3	3	3	3	4	Fair	Fair	Fair	B	20 to 40 yrs	1 Arboricultural Values	Fair	Driveway within RPA.
T21	Large-leaved Lime	Tilia platyphyllos	Mature	4	4 - S	1	750	N/A	2	4	4	5	6	Fair	Poor	Poor	C	10 to 20 yrs	1 Arboricultural Values	Poor	Situated on steep bank, constrained RPA, epicormic growth on stem.
T22	Western Red Cedar	Thuja plicata	Mature	6	6 - E	1	440	N/A	3	5	2	4	5	Fair	Fair	Fair	B	20 to 40 yrs	1 Arboricultural Values	Fair	Situated on steep bank, constrained RPA.
T23	Western Red Cedar	Thuja plicata	Mature	4	4 - SE	1	410	N/A	3	4	4	2	9	Fair	Fair	Fair	B	20 to 40 yrs	1 Arboricultural Values	Fair	Situated on steep bank, constrained RPA.
T24	Large-leaved Lime	Tilia platyphyllos	Mature	6	6 - S	1	720	N/A	4	5	5	3	5	Fair	Fair	Fair	B	20 to 40 yrs	1 Arboricultural Values	Fair	Situated on steep bank, constrained RPA, epicormic growth on stem.
T25	Common Horse Chestnut	Aesculus hippocastanum	Mature	6	6 - N	1	810	N/A	6	5	4	6	7	Fair	Fair	Fair	B	20 to 40 yrs	1 Arboricultural Values	Fair	Situated on steep bank, constrained RPA.
T26	Common Horse Chestnut	Aesculus hippocastanum	Mature	8	8 - S	1	560	N/A	1	3	3	2	5	Fair	Poor	Poor	B	20 to 40 yrs	1 Arboricultural Values	Fair	Situated on steep bank, constrained RPA.
T27	Large-leaved Lime	Tilia platyphyllos	Mature	8	8 - N	1	530	N/A	6	2	4	2	6	Fair	Fair	Poor	B	20 to 40 yrs	1 Arboricultural Values	Fair	Situated on steep bank, constrained RPA, epicormic growth on stem.
T28	Large-leaved Lime	Tilia platyphyllos	Mature	8	8 - W	1	590	N/A	8	2	4	5	8	Fair	Fair	Fair	B	20 to 40 yrs	1 Arboricultural Values	Fair	Situated on steep bank, constrained RPA, epicormic growth on stem.
T29	Large-leaved Lime	Tilia platyphyllos	Mature	7	7 - NW	1	550	N/A	5	5	5	3	6	Fair	Fair	Poor	B	20 to 40 yrs	1 Arboricultural Values	Fair	Situated on steep bank, constrained RPA, epicormic growth on stem.
T30	Large-leaved Lime	Tilia platyphyllos	Mature	5	5 - N	1	828	N/A	5	2	5	3	7	Fair	Poor	Poor	C	10 to 20 yrs	1 Arboricultural Values	Poor	Concrete around base, highly constrained rooting area.
T31	Common Holly	Ilex aquifolium	Semi-mature	2.2	2.5 - NW	1	240	N/A	2	2	3	2	3	Good	Fair	Fair	B	20 to 40 yrs	1 Arboricultural Values	Fair	Large ground level change within close proximity to the stem.
T32	Common Holly	Ilex aquifolium	Semi-mature	3	3 - S	2	180	130	2	2	3	2	5	Good	Fair	Fair	B	20 to 40 yrs	1 Arboricultural Values	Fair	Large ground level change within close proximity to the stem.
T33	Common Holly	Ilex aquifolium	Semi-mature	2	2 - E	1	210	N/A	2	3	3	3	5	Good	Fair	Fair	B	20 to 40 yrs	1 Arboricultural Values	Fair	Large ground level change within close proximity to the stem.

Tree ID	Common Name	Latin Name	Maturity	Height (m)	Height and direction of first significant branch (m)	Number of Stems	Diameter at Breast Height	Stem 2 (mm)	Spread - N (m)	Spread - E (m)	Spread - S (m)	Spread - W (m)	Canopy Height (m)	Crown Condition	Stem Condition	Basal Condition	Category	Life Expectancy	Subcategories	Phys Condition	Comment
T34	Common Holly	Ilex aquifolium	Mature	3	3 - E	1	360	N/A	3	3	3	3	5	Good	Fair	Fair	B	20 to 40 yrs	1 Arboricultural Values	Fair	Growing within a grass matrix.
T35	Common Holly	Ilex aquifolium	Mature	2	2 - W	1	230	N/A	2	1	2	2	5	Good	Fair	Fair	B	20 to 40 yrs	1 Arboricultural Values	Fair	Outbuilding within RPA.
T36	Wild Cherry	Prunus avium	Semi-mature	2	2 - S	1	110	N/A	1	2	2	2	2.5	Fair	Fair	Fair	B	20 to 40 yrs	1 Arboricultural Values	Fair	Growing within a grass matrix.
T37	Wild Cherry	Prunus avium	Semi-mature	2.5	2.5 - E	1	140	N/A	2	3	1	1	3	Good	Good	Fair	B	20 to 40 yrs	1 Arboricultural Values	Fair	Growing within a grass matrix.
T38	Unknown	Unknown	Mature	2	2 - E	1	300	N/A	3	3	3	4	4	Poor	Poor	Poor	U	<10 yrs	1 Arboricultural Values	Poor	Heavy decline.
T39	Unknown	Unknown	Semi-mature	3	3 - NW	1	210	N/A	2	3	2	3	1.5	Poor	Poor	Poor	U	<10 yrs	1 Arboricultural Values	Poor	Heavy decline.
T40	Wild Cherry	Prunus avium	Mature	3	3 - N	1	400	N/A	3	2	3	1	3.5	Poor	Poor	Poor	U	<10 yrs	1 Arboricultural Values	Poor	Cracks in stem.
T41	Common Holly	Ilex aquifolium	Mature	3.5	3.5 - E	1	260	N/A	3	1	3	2	6	Good	Fair	Fair	B	20 to 40 yrs	1 Arboricultural Values	Fair	Large ground level change within close proximity to the stem.
T42	Wild Cherry	Prunus avium	Mature	5	5 - S	3	400	N/A	2	2	3	3	5	Fair	Ivy	Poor	C	10 to 20 yrs	1 Arboricultural Values	Poor	N/A
T43	Common Holly	Ilex aquifolium	Mature	5	5 - S	1	320	N/A	3	3	3	3	6	Poor	Ivy	Poor	C	10 to 20 yrs	1 Arboricultural Values	Poor	N/A
T44	Common Holly	Ilex aquifolium	Mature	5	5 - S	2	120	N/A	5	5	5	5	5	Poor	Ivy	Poor	C	10 to 20 yrs	1 Arboricultural Values	Poor	N/A
T45	Wild Cherry	Prunus avium	Mature	6	6 - N	6	120	N/A	1	1	1	1	2	Poor	Ivy	Poor	C	10 to 20 yrs	1 Arboricultural Values	Poor	N/A
T46	Western Red Cedar	Thuja plicata	Mature	1	1 - N	3	320	N/A	4	4	4	4	12	Good	Fair	Fair	B	20 to 40 yrs	1 Arboricultural Values	Good	N/A
T47	Western Red Cedar	Thuja plicata	Mature	1	1 - N	3	300	N/A	4	4	4	4	12	Good	Fair	Fair	B	20 to 40 yrs	1 Arboricultural Values	Good	N/A
T48	Western Red Cedar	Thuja plicata	Mature	1	1 - N	1	420	N/A	5	5	5	5	12	Good	Fair	Fair	B	20 to 40 yrs	1 Arboricultural Values	Good	N/A
T49	Sycamore	Acer pseudoplatanus	Mature	2.5	2.5 - SE	1	650	N/A	5	5	6	5	8	Fair	Ivy	Poor	B	20 to 40 yrs	1 Arboricultural Values	Fair	N/A
T50	Common Beech	Fagus sylvatica	Semi-mature	5	5 - $	1	160	N/A	1	2	1	1	2	Poor	Fair	Fair	C	10 to 20 yrs	1 Arboricultural Values	Poor	Ivy cladding and epicormic growth on stem.
G1	Leyland Cypress	Cupressus × leylandii	Mature	7	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Fair	Fair	Fair	B	20 to 40 yrs	1 Arboricultural Values;2 Landscape Values	Fair	Have been topped.

Arboricultural Data Tables Terms.

Tree ID	Reference no. T1, T2 etc. for trees; H for hedgerows; G for Groups and W for woodlands.
Tag Number	If the tree has been tagged with an 'arbo' tag then the physical tag number is listed in this column.
TPO Number	If the tree is subject to a TPO and it is known to us this will be recorded here.
In Conservation Area	Y/N - If the tree is located within a Conservation Area we may confirm that here.
Tree Type	Beech, Oak etc.
Common Name	Common Beech, Evergreen Oak etc.
Latin Name	Fagus sylvatica; Quercus robur - Latin names.
Maturity	The estimated age class of the tree (relative to species) o Y - Young o SM - Semi-mature o EM - Early-mature o M - Mature o OM - Over-mature or V - Veteran
Potential for Bat Habitat	Y/N - if the tree has cracks, cavities or suitable bat habitat it may require further ecological surveys and form a constraint on development.
Measurements Estimated (Y/N)	Y/N - if the tree is off site, covered with ivy, or some other restriction the British Standard allows for measurements to be estimated.
Height	Height of the tree in metres.
Height & Direction of 1st Significant Branch	Recorded to consider access.
Number of Stems	Number of clear stems.
Diameter at Breast Height	Diameter of stem (mm) at breast height (1.5 metres above ground).
Crown Spread	The maximum spread of the tree's canopy measured from the stem in four directions (North, East, South, West).
Canopy Height	The height between ground level and the lowest part of the canopy when considering access.
Crown / stem / Basal Condition	Good, Fair, Poor condition comments.
Category	Tree categorisation based on section 4.5 of BS 5837 (2012) Trees in relation to design, demolition and construction –Recommendations. Four categories are used (A, B, C, U) with categories A, B & C being assigned one of three separate sub categories (1, 2 or 3): A –Trees of high quality with an estimated remaining life expectancy of at least 40 years. B –Trees of moderate quality with an estimated remaining life expectancy of at least 20 years. C –Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm
Life Expectancy	Estimated safe, usable life expectancy.

Sub-Category	Subcategories: 1: Mainly arboricultural & aesthetic qualities 2: Mainly landscape qualities 3: Mainly cultural values, including conservation U –Trees in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years
Physical Condition	Good, Fair, Poor condition considering the tree structure, form and vitality.
Management Recommendations	Recommendations (regardless of the development proposals if available) for removal, retention and/or remedial arboricultural works.
Comments	A brief description of the tree which refers to tree form, condition, health and significant defects. Comments regarding environmental conditions affecting the tree (e.g. ground conditions) will also be included where relevant.

Arboricultural data tables are essentially an asset register of the trees and tree cover on and adjacent to a development site. The information included within the tables is used to produce a tree constraints plan (TCP) which shows in 2D the constraints and opportunities on a particular site.

Appendix 3 –Arboricultural Plans

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Key

Trees
Showing Canopy extents, category colour and tag number (with category).

T1-B

Category A
Trees of high quality with an estimated remaining life expectancy of at least 40 years.

Category B
Trees of moderate quality with an estimated remaining life expectancy of at least 20 years.

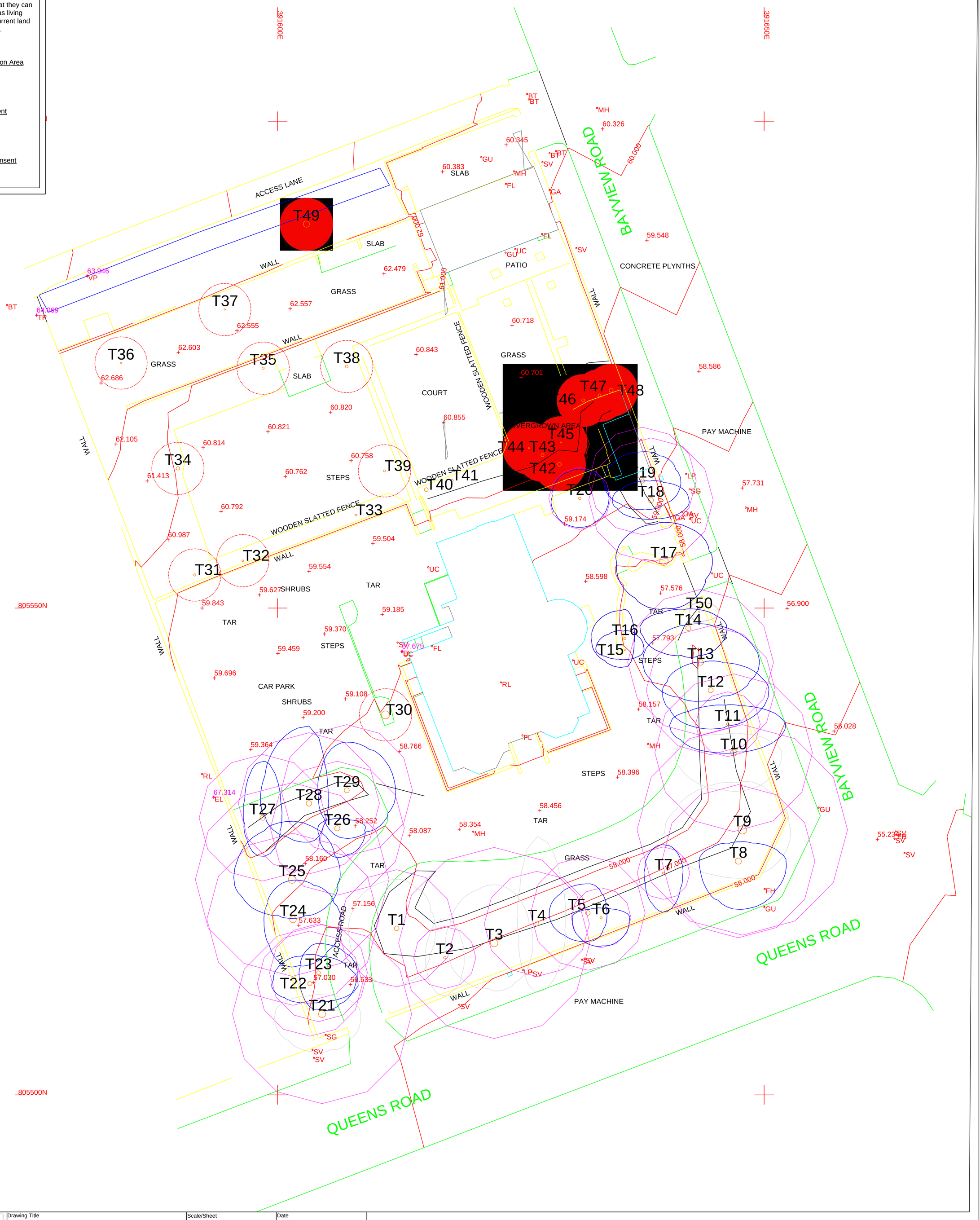
Category C
Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm.

Category U
Trees in such a condition that they can not realistically be retained as living trees in the context of the current land use for longer than 10 years.

BS 5837:2012 Root Protection Area

Trees Removed With Consent

Trees Removed Without Consent



ROAVR | GROUP ROAVR Group, Marr House Beechwood Business Park, Inverness, IV2 3BW www.roavr-group.co.uk support@roavr-group.co.uk 01463 667302	Drawing Title **Tree Constraints Plan**	Scale/Sheet 1:200 @ A1	Date 24/02/2025		
	Client Diamond Property Developments	Drawing No 21_5837_12_38	Rev 3	Drawn By PH	Chked By MH
	Site/Project 86 Queens Road, Aberdeen, AB15 4YQ	**General Notes** Do not scale off drawing - refer to the tree data schedule for accurate crown spread measurements. Depictions of tree canopies are based on measurements taken to four cardinal compass points. No liability of any kind Is accepted for any omissions or inaccuracies in respect of this plan. The original of this drawing was produced in colour; a monochrome copy should not be relied upon. All rights reserved.			

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Key

Trees
Showing Canopy extents, category colour and tag number (with category).

Category A
Trees of high quality with an estimated remaining life expectancy of at least 40 years.

Category B
Trees of moderate quality with an estimated remaining life expectancy of at least 20 years.

Category C
Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm.

Category U
Trees in such a condition that they can not realistically be retained as living trees in the context of the current land use for longer than 10 years.

BS 5837:2012 Root Protection Area

Trees Removed With Consent

Trees Removed Without Consent

Trees for Removal

ROAVR | GROUP ROAVR Group, Marr House Beechwood Business Park, Inverness, IV2 3BW www.roavr-group.co.uk support@roavr-group.co.uk 01463 667302	Drawing Title: **Tree Assessment Plan**	Scale/Sheet: 1:200 @ A1	Date: 24/02/2025		
	Client: Diamond Property Developments	Drawing No: 21_5837_12_38	Rev: 4	Drawn By: PH	Chked By: MH
	Site/Project: 86 Queens Road, Aberdeen, AB15 4YQ	**General Notes** Do not scale off drawing - refer to the tree data schedule for accurate crown spread measurements. Depictions of tree canopies are based on measurements taken to four cardinal compass points. No liability of any kind Is accepted for any omissions or inaccuracies in respect of this plan. The original of this drawing was produced in colour; a monochrome copy should not be relied upon. All rights reserved.			

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Category U
Trees in such a condition that they can not realistically be retained as living trees in the context of the current land use for longer than 10 years.

BS 5837:2012 Root Protection Area

Trees Removed With Consent

Trees Removed Without Consent

Trees for Removal

Tree Protective Fencing

Construction Exclusion Zone

Ground Protection/ Restricted Activity Zone

BAYVIEW ROAD

86 m

ROAD

QUEENS ROAD

56.6 m

391600E

391650E

805600N

805550N

805500N

T49 T48 T47 T46 T45 T44 T43 T42 T41 T40 T39 T38 T37 T36 T35 T34 T33 T32 T31 T30 T29 T28 T27 T26 T25 T24 T23 T22 T21 T20 T19 T18 T17 T16 T15 T14 T13 T12 T11 T10 T9 T8 T7 T6 T5 T4 T3 T2 T1

CEZ

WALL

PATIO

CONCRETE PLYNTHS

GRASS

TAR

STEPS

SLAB

WOODEN SLATTED FENCE

OVERGROWN AREA

PAY MACHINE

ACCESS ROAD

EXISTING EXIT

EXISTING PIER

NEW PEDESTRIAN ACCESS

EXISTING ACCESS

CCTV

363 FOR DETAILS

ROAVR | GROUP

ROAVR Group, Marr House
Beechwood Business Park, Inverness, IV2 3BW
www.roavr-group.co.uk
support@roavr-group.co.uk
01463 667302

Drawing Title: **Tree Protection Plan**	Scale/Sheet: 1:200 @ A1	Date: 24/02/2025		
Client: Diamond Property Developments	Drawing No: 21_5837_12_38	Rev: 4	Drawn By: PH	Chked By: MH
Site/Project: 86 Queens Road, Aberdeen, AB15 4YQ				

General Notes
Do not scale off drawing - refer to the tree data schedule for accurate crown spread measurements.
Depictions of tree canopies are based on measurements taken to four cardinal compass points.
No liability of any kind Is accepted for any omissions or inaccuracies in respect of this plan.
The original of this drawing was produced in colour; a monochrome copy should not be relied upon.
All rights reserved.

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ABERDEEN CITY COUNCIL	**Strategic Place Planning**
	Report of Handling by Development Management Manager

Site Address:	11 Invercauld Road, Aberdeen, AB16 5UH
Application Description:	Formation of driveway to front
Application Ref:	241289/DPP
Application Type:	Detailed Planning Permission
Application Date:	6 November 2024
Applicant:	Mr Derek Sinclair
Ward:	Northfield/Mastrick North
Community Council:	Mastrick, Sheddocksley and Summerhill

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site relates to the curtilage of a two-storey mid-terraced dwelling, located on the southern side of Invercauld Road, opposite the junction with Birkhall Parade. The application dwelling has a north-facing principle elevation which overlooks a small front curtilage, enclosed by a low level fence, with a pedestrian footpath and a grass verge beyond. A street lighting column is positioned within the grass verge to the front of the property, adjacent to a dropped kerb and tarmac driveway which serves the neighbouring property to the west (13 Invercauld Road). The neighbouring property to the east (9 Invercauld Road) also has a driveway across the grass verge. There are also a number of other properties on the southern side of the street with driveways.

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the formation of a driveway to the front of the property. The driveway would comprise two separate elements:

- The formation of a dropped kerb onto Invercauld Road and the laying of a hard surface (tarmac) over a 9 sqm (3 m wide by 3 m long) section of the existing grass verge to the front of the property; and

- The removal of the existing front boundary fence and the laying of a hard surface (tarmac) within the majority of the dwelling's c. 37 sqm front curtilage (c. 5.3 m wide and between 4.7 m and 5.6 m long).

A new channel drain would be positioned to the rear of the driveway, adjacent to the principal elevation of the dwelling.

Amendments

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

- Application site boundary enlarged to include the grass verge for access.

Supporting Documents

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

https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SMJGLJBZL8500

CONSULTATIONS

ACC - Roads Development Management Team – Object to the application, noting the site is located outwith a controlled parking zone, and that the length of the proposed driveway, being only c. 4.5 metres long in front of the footway crossing, is below the minimum size of 5 metres, and there does not appear to be any scope to make this longer. Furthermore, all vehicles are required to both enter and exit the site at a 90 degree angle (straight in / straight out), therefore the proposed angled arrangement is not acceptable. Finally, the site lies opposite a junction which generally is not permissible..

Mastrick, Sheddocksley and Summerhill Community Council – No comments received

REPRESENTATIONS

One representation has been received, from the Aberdeen Civic Society, who object to the proposal. The matters raised can be summarised as follows –

- Whilst there are precedents for front driveways in the street, the formation of a driveway at the application property would effectively privatise an on-street parking space.

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)

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 14 (Design, Quality and Place)
- Policy 16 (Quality Homes)

Aberdeen Local Development Plan 2023 (ALDP)

- Policy D1 (Quality Placemaking)
- Policy H1 (Residential Areas)Policy NE2 (Green & Blue Infrastructure)

Aberdeen Planning Guidance

- Householder Development Guide
- Transport & Accessibility

EVALUATION

Key determining factors

The key determining factors in the assessment of this application are whether the proposed development would:

- impact upon the character and appearance of the existing dwelling or the surrounding area;
- impact upon the amenity of the area, including the residential amenity of immediately neighbouring properties; and
- impact on road safety.

Principle of development

Policy 16 (Quality Homes), paragraph (g) of National Planning Framework 4 (NPF4) states that householder development proposals will be supported where they:

i. *do not have a detrimental impact on the character or environmental quality of the home and the surrounding area, in terms of size, design and materials; and*
ii. *do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.*

The application site also lies within a Residential Area, as zoned in the Aberdeen Local Development Plan 2023 (ALDP) Proposals Map. Policy H1 (Residential Areas) of the ALDP states that within existing residential areas, proposals for new householder development will be approved in principle if it:

1. *does not constitute over-development; and*
2. *does not have an adverse impact to residential amenity and the character and appearance*

of an area; and

3. *does not result in the loss of open space.*

Impact on the character and appearance of the area.

In determining whether the proposed development would adversely affect the character and appearance of the existing dwelling, and the surrounding area, Policy 14 (Design, Quality and Place) of NPF4 is relevant. Policy 14 encourages and promotes well-designed development that makes successful places by taking a design-led approach. Policy D1 (Quality Placemaking) of the ALDP substantively reiterates the aims and requirements of Policy 14.

Design, scale, siting and materials

The Council's Householder Development Guide Aberdeen Planning Guidance (HDG) states: '*Proposals for extensions, dormers and other alterations should be architecturally compatible in design and scale with the original house and its surrounding area'.*

The portion of the proposed driveway that would be situated within the application property's front curtilage would be relatively small-scale and its design would be typical for this type of development. Owing to the presence of a number of other, similar driveways on Invercauld Road, the hard surfacing of the front curtilage would not be out of character within the context of the wider area. Furthermore, whilst the grass verge makes an important contribution to the character of the street, given the number of existing driveways on Invercauld Road which cross the grass verge to access residential curtilages, including the three other properties in the same terrace, the tarmacking of a further small section of the grass verge would not result in any significant visual harm to the character or appearance of the area.

Whilst a small number of driveways on the street have obtained planning consent, for the most part the planning authority do not have any record of planning permission having been granted for the majority of the other driveways. Historic images from Google Street View indicate that all have been in place since at least 2008, and are therefore exempt from enforcement action.

Overdevelopment

Guidance on what constitutes "overdevelopment" is set out within 'General Principles 4 and 5' at section 2.2 of the Householder Design Guide. Owing to the nature of the proposal, there would be no alterations to the footprint of the dwelling and in addition, the rear curtilage would remain unaltered. As such, the proposal would not therefore constitute overdevelopment.

Open space

The section of the proposed driveway that would be contained within the front curtilage of the application dwelling would not result in loss of open space. However, in relation to the proposed alterations to the grass verge to provide access to the driveway, Policy NE2 (Green & Blue Infrastructure) of the ALDP details that development proposals will protect, support and enhance the city's Urban Green Space, which includes smaller spaces not identified on the Proposals Map, such as amenity space or garden ground. In this instance, an area of grass verge, measuring c. 9sqm would be removed and tarred over, thus affecting the grassed amenity strip which performs an important function in softening the streetscape. Therefore, the proposal results in some tension with Policy NE2. However, given the streetscape is characterised by similar existing incursions into the grass verge, the removal of a further section of the grass verge would not be out of character. Whilst this is not justification for the proposal, the removal of a further part of the grass verge would not materially change the character of the street. Furthermore, the retention of a strip

of grass verge on either side would help to delineate the driveway from those neighbouring driveways, avoiding a long, continuous stretch of tarmac as seen elsewhere on the street, and the works would thus not adversely the character of the wider area to any significant degree.

Summary

To summarise, the proposed development would not constitute over development, whilst the removal of part of the grass verge would be in tension with Policy NE2, the character of the street is set through the presence of similar developments along the street and so, would not be out of character with the surrounding area. Whilst the works would see part of the grass verge removed, owing to the context of the street, this impact would not cause significant harm and therefore, the proposal does not present any significant conflict with Policies 14 and 16 of NPF4 and Policies D1, H1 and NE2 H1 of the ALDP, as well as the relevant guidance contained within the HDG.

Impact on the amenity of the area

In relation to assessing impacts on residential amenity the HDG states: *'No extension or alteration should result in a situation where the amenity of any neighbouring properties would be adversely affected. Significant adverse impact on privacy, daylight and general amenity will count against a development proposal.'*

Due to the nature of the proposed development, the works would not harm, and would thus preserve, the amenity of the surrounding area, including the residential amenity of the neighbouring properties, in accordance with Policy 16 of NPF4 and Policy H1 of the ALDP, as well as the relevant guidance contained within the Householder Development Guide.

Parking and road safety

Policy and guidance context

Policy T3 (Parking) of the ALDP requires any car parking provided as part of development proposals to accord with the Council's standards and is supported by Aberdeen Planning Guidance on Transport and Accessibility (T&A). The T&A APG states:

- *Permission will not be granted for a driveway across an amenity area or road side verge unless it would produce a demonstrable improvement in road safety and have no adverse effect on the amenity of the area.*
- *Where the creation of a driveway with one parking space will lead to the loss of an on-street parking space driveway permission will not generally be granted due to the loss of amenity space for all residents on the street.*
- *Driveways should be a minimum of 15m from a junction, although there may be circumstances where this may be relaxed when not deemed a road safety issue. In no circumstances, however, will a driveway be permitted within 10m of a junction;*
- *Driveways in existing houses must be at least 5 m in length… vehicles that overhang the footway cause a safety hazard to pedestrians, especially young children and those with a disability;*
- *Single driveways must be at least 3m in width; and*
- *A driveway should be internally drained with no surface water discharging on to the public road.*

Parking

The representation submitted objecting to the application raises concern that the proposal would remove an area of the road carriageway currently publicly available for un-restricted on-street parking. Whilst the proposal would see the loss of one on-street parking space for one off street parking space, and thus is in tension with the T&A, in this instance, no issues in terms of a loss of on-street parking have been raised by the Council's Roads Development Management (RDM) team. The site is located out with a controlled parking zone and is not understood to face any significant on-street parking pressures. Therefore, the loss of one on-street parking space would not be to the detriment of the surrounding area and therefore, this element of the proposal meets the requirements of T&A.

Road safety

However, whilst RDM have not raised concerns relating to a loss of on-street parking, and the driveway complies with the T&A guidance in terms of its width and drainage, RDM have noted that the part of the proposed driveway that would be in line with the tarmacked section of the grass verge would measure just c. 4.5 metres in length. This is approximately 500 mm below the guideline minimum length permitted for a driveway to the front of an existing property, as set out in the T&A guidance. Owing to the constrained nature of the site, there is no opportunity to increase the length of the driveway. Whilst the driveway would be longer at its western side, in front of the dwelling's door, any car in excess of 5 m long parking within the front curtilage would need to do so at an angle, to avoid overhanging the pedestrian footway. The RDM team advise that parking at an angle is not permitted as, for road safety reasons, cars should be able enter and exit driveways at 90 degrees (perpendicular) to the road carriageway (straight in and straight out).

In addition to the road safety implications of cars potentially needing to park within the site at an angle, the driveway would also be positioned immediately opposite Invercauld Road's junction with Birkhall Parade. The T&A guidance seeks to avoid driveways within 15 m of a road junction for road safety purposes, due to the potential conflicts between multiple simultaneous vehicle movements in such locations. Although the guidance notes that there may be situations where driveways can be supported within 15 m of a junction, provided there would be not road safety issues, it goes on to state that: '*In no circumstances, however, will a driveway be permitted within 10m of a junction'.*

As such, the proposed driveway is contrary to several requirements of the Council's Transport & Accessibility Aberdeen Planning Guidance in relation to driveways, and particularly in relation to road safety implications arising from sub-standard driveways. The proposed driveway could thus have an adverse impact on road safety, contrary to the APG and therefore also contrary to Policy T3 (Parking) of the ALDP.

Tackling the climate and nature crises, climate mitigation and adaptation

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 life-cycle 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 no not conflict with the aims and requirements of Policies 1 and 2 of NPF4.

Summary

The principle of the proposal to create off street parking would not have a significant impact on the character or amenity of the property, its neighbours or the surrounding area. Whilst the proposal would see part of the grass verge tarred over to allow access to the front curtilage driveway, the visual impact would not be significant, given the presence of similar developments which have already taken place elsewhere along Invercauld Road.

However, owing to the nature of the site, the proposed driveway would not meet the minimum guideline length for driveways and would thus force vehicles to park at an angle to the road, to the detriment of road and pedestrian safety. Additionally, the driveway would be positioned immediately opposite a vehicular junction, which would pose further road safety issues and as a result, the proposal conflict with several requirements of the Council's Transport & Accessibility Aberdeen Planning Guidance. The proposals therefore also do not accord with Policy T3 (Parking) of the ALDP.

Matters Raised in Representations

The comments raised within the submitted representation are addressed in the foregoing evaluation.

DECISION

Refuse

REASON FOR DECISION

The proposed driveway would not meet the minimum required length, as set out in the Council's Transport & Accessibility Aberdeen Planning Guidance, and would also be situated immediately opposite a road junction. As such, the proposed driveway would cause a safety hazard to road users and pedestrians, therefore the proposal conflicts with several requirements of the Transport and Accessibility guidance and is therefore also contrary to the requirements of Policy T3 (Parking) of the Aberdeen Local Development Plan.

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ABERDEEN
CITY COUNCIL

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 100691065-001

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)

FORMATION OF DRIVEWAY IN FRONT GARDEN OF HOUSE

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:	WILLIAM F FORBES		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	WILLIAM	Building Name:	
Last Name: *	FORBES	Building Number:	3
Telephone Number: *	01224 824079	Address 1 (Street): *	FAIRVIEW GROVE
Extension Number:		Address 2:	DANESTONE
Mobile Number:		Town/City: *	ABERDEEN
Fax Number:		Country: *	SCOTLAND
		Postcode: *	AB22 8ZE
Email Address: *	w.forbes16@hotmail.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: *	DEREK	Building Number:	11
Last Name: *	SINCLAIR	Address 1 (Street): *	INVERCAULD rOAD
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	ABERDEEN.
Extension Number:		Country: *	SCOTLAND
Mobile Number:	07950478537	Postcode: *	AB16 5UH
Fax Number:			
Email Address: *	w.forbes16@hotmail.com		

Site Address Details

Planning Authority: Aberdeen City Council

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

Address 1: 11 INVERCAULD ROAD

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement: ABERDEEN

Post Code: AB16 5UH

Please identify/describe the location of the site or sites

Northing 807671 Easting 390875

Pre-Application Discussion

Have you discussed your proposal with the planning authority? * ☐ Yes ☒ No

Trees

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

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

Access and Parking

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

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

How many vehicle parking spaces (garaging and open parking) currently exist on the application site? * 0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the total of existing and any new spaces or a reduced number of spaces)? * 1

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

Planning Service Employee/Elected Member Interest

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

Certificates and Notices

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

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

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

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

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:	ABERDEN CITY COUNCIL HOUSING ESTATES ESTATES DEPARTMENT
Address:	ABERDEEN CITY COUNCILESTATES DEPARTMENT, 01224523470, BROAD STREET, ABERDEEN, SCOTLAND, AB10 1AB
Date of Service of Notice: *	06/11/2024

(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: WILLIAM FORBES

On behalf of: Mr DEREK SINCLAIR

Date: 06/11/2024

☒ 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: Mr WILLIAM FORBES

Declaration Date: 06/11/2024

Payment Details

Online payment: ABSP00011399
Payment date: 06/11/2024 16:40:00

Created: 06/11/2024 16:40

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

William F Forbes
3 Fairview Grove
Aberdeen
AB22 8ZE

on behalf of **Mr Derek Sinclair**

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	241289/DPP
Address of Development	11 Invercauld Road Aberdeen AB16 5UH
Description of Development	Formation of driveway to front
Date of Decision	14 February 2025

DETAILS OF ANY VARIATION MADE TO THE APPLICATION

In agreement with the applicant, the following variations were made to the application under section 32A of the 1997 act –

- Application site boundary enlarged to include the grass verge for access.

REASON FOR DECISION

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

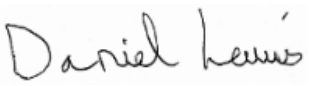
The proposed driveway would not meet the minimum required length, as set out in the Council's Transport & Accessibility Aberdeen Planning Guidance, and would also be situated immediately opposite a road junction. As such, the proposed driveway would cause a safety hazard to road users and pedestrians, therefore the proposal conflicts with several requirements of the Transport and Accessibility guidance and is therefore also contrary to the requirements of Policy T3 (Parking) of the Aberdeen Local Development Plan.

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

DS01/03	Location Plan
DS01/02	Proposed Site Layout
DS01/04 A	Existing/Proposed Site Plan

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 requried 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 241289/DPP

Application Summary

Application Number: 241289/DPP
Address: 11 Invercauld Road Aberdeen AB16 5UH
Proposal: Formation of driveway to front
Case Officer: Jennifer Keohane

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 Formation of driveway to front. The site is located in the outer city, outwith any controlled parking zone.

The proposed driveway is only 4.5m long in front of the footway crossing - this is below the minimum size required of 5.0m. This size requirement is set out in the councillor-approved APG. As pavement parking is now illegal it is inappropriate to approve any driveway which cannot fit a vehicle perpendicular to the footway as this will result in over-hanging.

Additionally, all vehicles are required to both enter and exit the site at 90 degrees, so the proposed angled parking arrangement is not acceptable. The reasoning for this is that it is unsafe to require vehicles to cross the footway at an angle due to decreased driver visibility at obtuse angles, and it increases the length of time a vehicle spends crossing the footway.

The site is also opposite a junction which generally is not permissible as it increases the possibility of vehicle interaction, which is a safety concern.

This should be classed as an objection for the reasons stated above

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Consultee Comments for Planning Application 241289/DPP

Application Summary

Application Number: 241289/DPP
Address: 11 Invercauld Road Aberdeen AB16 5UH
Proposal: Formation of driveway to front
Case Officer: Jennifer Keohane

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 Formation of driveway to front. The site is located in the outer city, outwith any controlled parking zone.

The proposed driveway is only 4.5m long in front of the footway crossing - this is below the minimum size required of 5.0m. There does not appear to be any scope to make this longer. Additionally, all vehicles are required to both enter and exit the site at 90 degrees, so the proposed angled parking arrangement is not acceptable. The site is also opposite a junction which generally is not permissible.

This should be classed as an objection for the reasons stated above.

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Comments for Planning Application 241289/DPP

Application Summary

Application Number: 241289/DPP
Address: 11 Invercauld Road Aberdeen AB16 5UH
Proposal: Formation of driveway to front
Case Officer: Jennifer Keohane

Customer Details

Name: Secretary Aberdeen Civic Society
Address: c/o 1 Mackie Place Aberdeen AB10 1PF

Comment Details

Commenter Type: Amenity Body
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:Aberdeen Civic Society objects to the formation of a driveway to the front of the property. Whilst we appreciate that there are precedents for a front driveway in this street, it effectively privatises a parking space on the street.

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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

Aberdeen Planning Guidance (APG)

- Householder Development Guide
- Transport and Accessibility

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ABERDEEN
CITY COUNCIL

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 100691065-004

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.

Applicant or Agent Details

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

Agent Details

Please enter Agent details

Company/Organisation:	WILLIAM F FORBES		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	WILLIAM	Building Name:	
Last Name: *	FORBES	Building Number:	3
Telephone Number: *	01224 824079	Address 1 (Street): *	FAIRVIEW GROVE
Extension Number:		Address 2:	DANESTONE
Mobile Number:		Town/City: *	ABERDEEN
Fax Number:		Country: *	SCOTLAND
		Postcode: *	AB22 8ZE
Email Address: *	w.forbes16@hotmail.com		

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

T 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: *	DEREK	Building Number:	11
Last Name: *	SINCLAIR	Address 1 (Street): *	INVERCAULD ROAD
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	ABERDEEN.
Extension Number:		Country: *	SCOTLAND
Mobile Number:	[redacted]	Postcode: *	AB16 5UH
Fax Number:			
Email Address: *	[redacted]		

Site Address Details

Planning Authority:	Aberdeen City Council

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

Address 1:	11 INVERCAULD ROAD
Address 2:	
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	ABERDEEN
Post Code:	AB16 5UH

Please identify/describe the location of the site or sites

Northing	807671	Easting	390875

Description of Proposal

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

FORMATION OF DRIVEWAY AT FRONT OF HOUSE

Type of Application

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

T 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? *

T 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 a 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.

ATTACHED DWELLING HOUSE WITH DRIVEWAY EXACTLY THE SAME AS THE ONE WHICH WAS REFUSED FOR MY CLIENT AS SHOWN IN PHOTOGRAPHS ATTACHED. OTHER SIMILAR DRIVEWAYS IN THE SAME STREET WITH SIMILAR DIMENSIONS.

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

EXISTING AND PROPOSED PLANS. PHOTOGRAPHS AND COVERING LETTER.

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.	241289/DPP
What date was the application submitted to the planning authority? *	06/11/2024
What date was the decision issued by the planning authority? *	14/02/2025

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. *

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

Checklist – Application for Notice of Review

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

Have you provided the name and address of the applicant?. *	T Yes ≤ No
Have you provided the date and reference number of the application which is the subject of this review? *	T Yes ≤ No
If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *	T Yes ≤ No ≤ N/A
Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *	T Yes ≤ No

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

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

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

Declare – Notice of Review

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

Declaration Name: Mr WILLIAM FORBES

Declaration Date: 14/03/2025

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WILLIAM F. FORBES. M.C.I.A.T
3, Fairview Grove, Danestone, Aberdeen. AB22 8ZE.
Telephone : 01224 824079. Mobile : 07786804252.
E-mail address : w.forbes16@hotmail.com

Chartered Institute of Architectural Technologists

14 March 2025.

Strategic Place Planning,
Aberdeen City Council,
Business Hub 4,
Marischal College,
Aberdeen.
AB10 1AB.

Your reference:- 241289/DPP.

Dear Sir,

Re:- Formation of Driveway at:- 11, Invercauld Road, Aberdeen. AB16 5UH.

I refer to the above property which recently had a planning application rejected, on 14th February 2025, for the formation of a driveway in the front garden. My client has asked me to submit an application to ask for the planning authority to review the case.

My client is aggrieved that the neighbour, attached to his house in a terrace, has a driveway, which is exactly the same as my client, (albeit handed) had applied for and which was refused planning permission.

The reason for refusal was, the driveway fell short of the dimensions set out by the Roads Department. The dimensions of the neighbouring driveway, also falls short of the written requirements, issued by the Roads Department, but is easily capable of parking a car. There are several other houses, close by which have driveways, which do not conform to the dimensional standards as set by the Roads Department and which work perfectly well, without road traffic issues. The houses are set in a quite back street, with very little traffic movement.

I think a precedent has been set for the area and I would like you to consider applying the same rules, that allowed the neighbouring driveways to be approved, to my client's application and recommend approval.

The neighbour's driveway does not get used, because they do have a car and my client regularly parks his Range Rover car in their driveway, when he is working off shore, with no space issues at all. I have attached a photograph, showing the elevation of the street and I have attached photographs, showing my client's Range Rover, in the neighbour's driveway.

Please let me know if you require any additional information.

Yours faithfully,

William F Forbes.

William F. Forbes.

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RANGE ROVER
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RANGE ROVER