

# LOCAL REVIEW BODY



201359/DPP– Review against refusal of planning permission for:

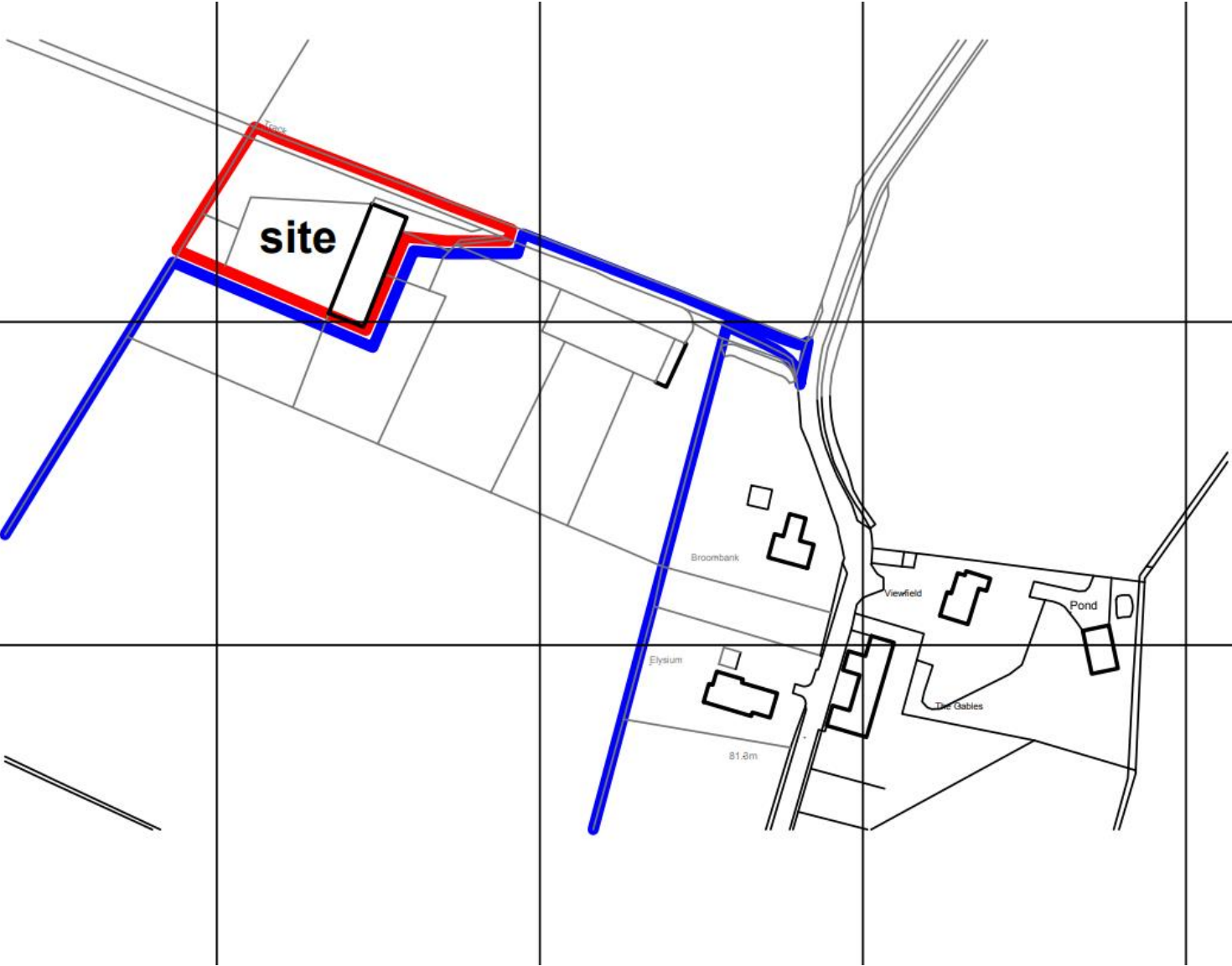
*Erection of a detached house (change of house type of plot 2 of approved planning application Ref 170395/DPP)*

Burnside Poultry Unit, Clinterty, Aberdeen

# Location Plan

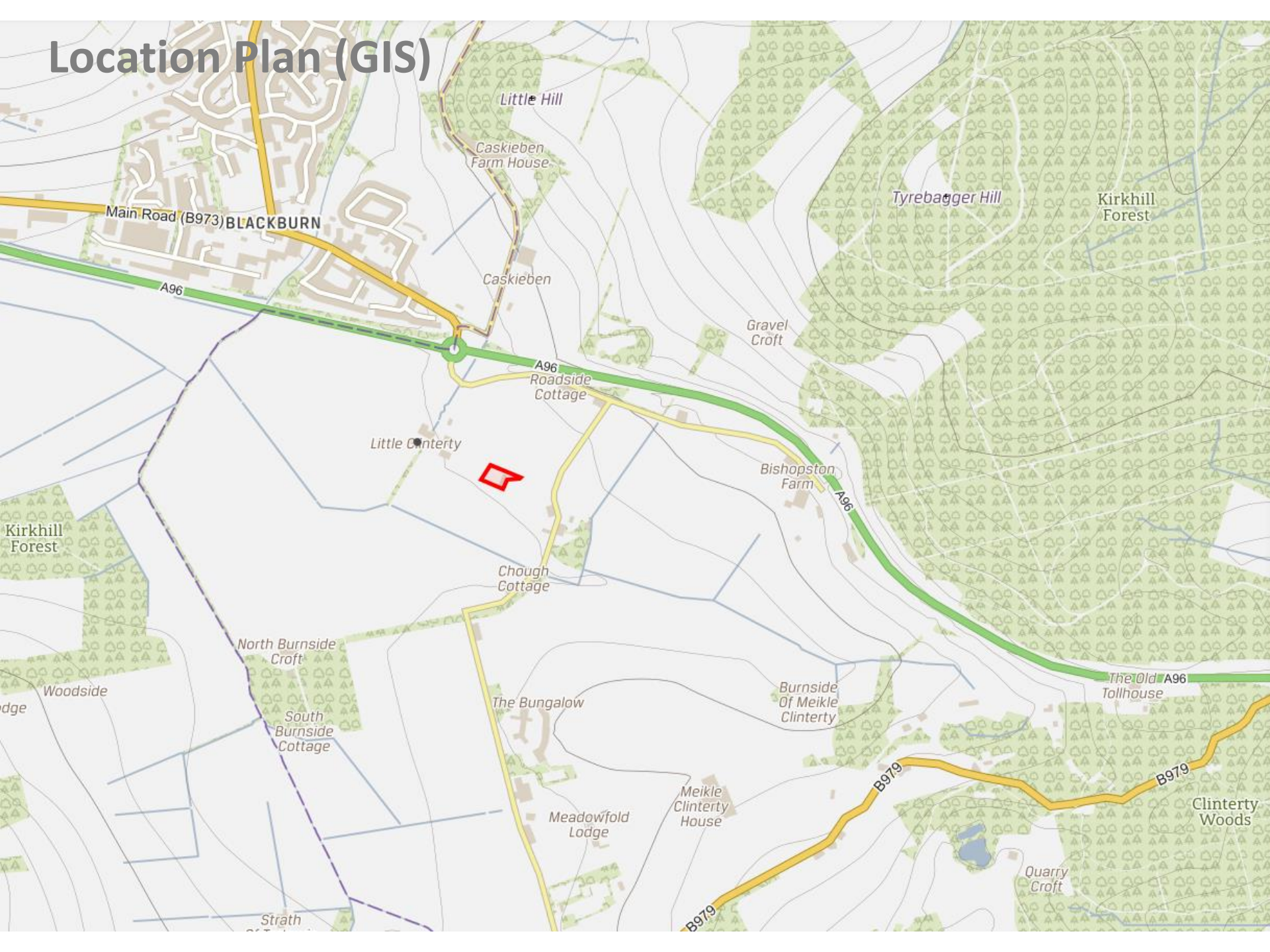


# Location Plan





# Location Plan (GIS)





# Aerial Photo (GIS)



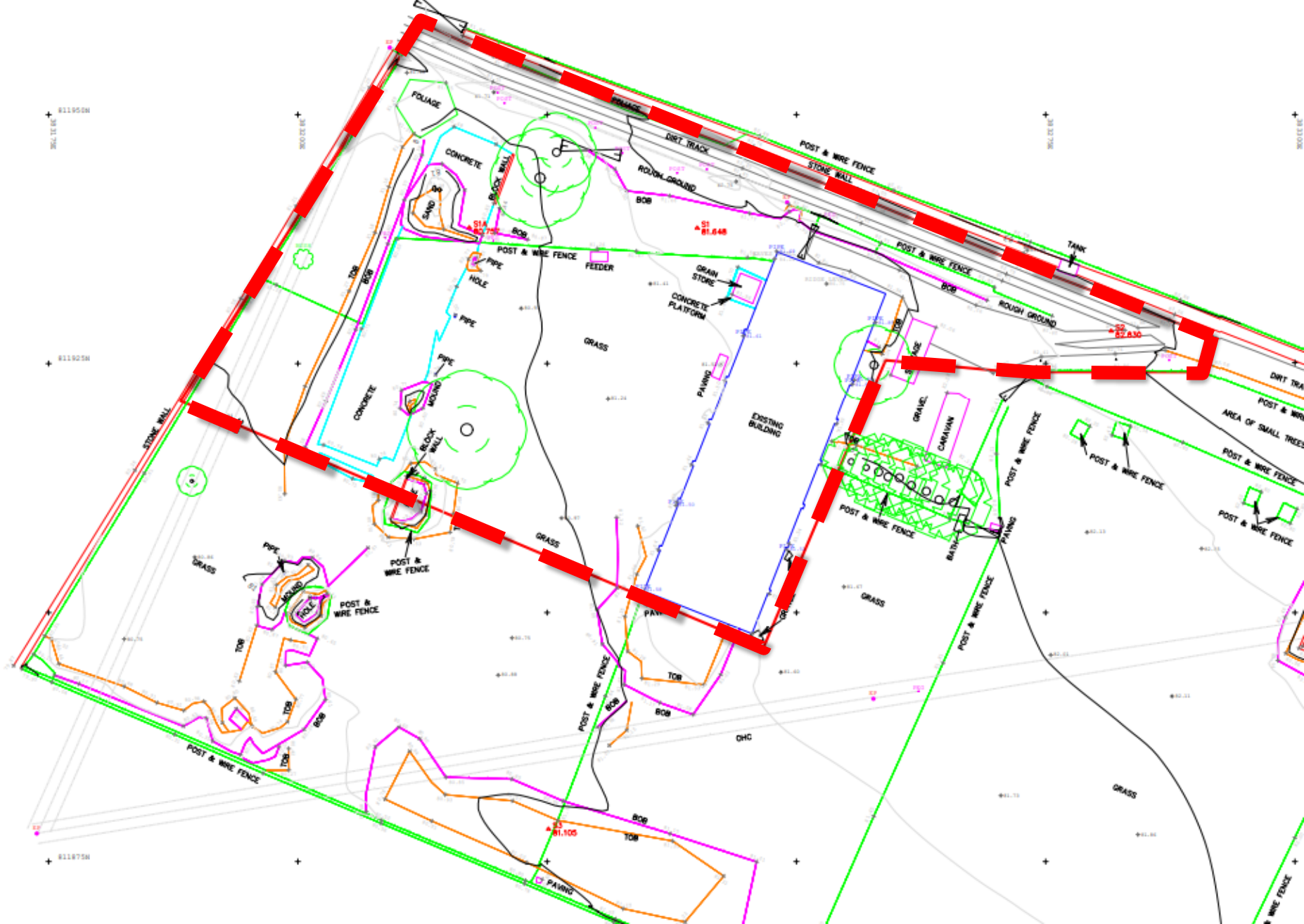


# Aerial Photo

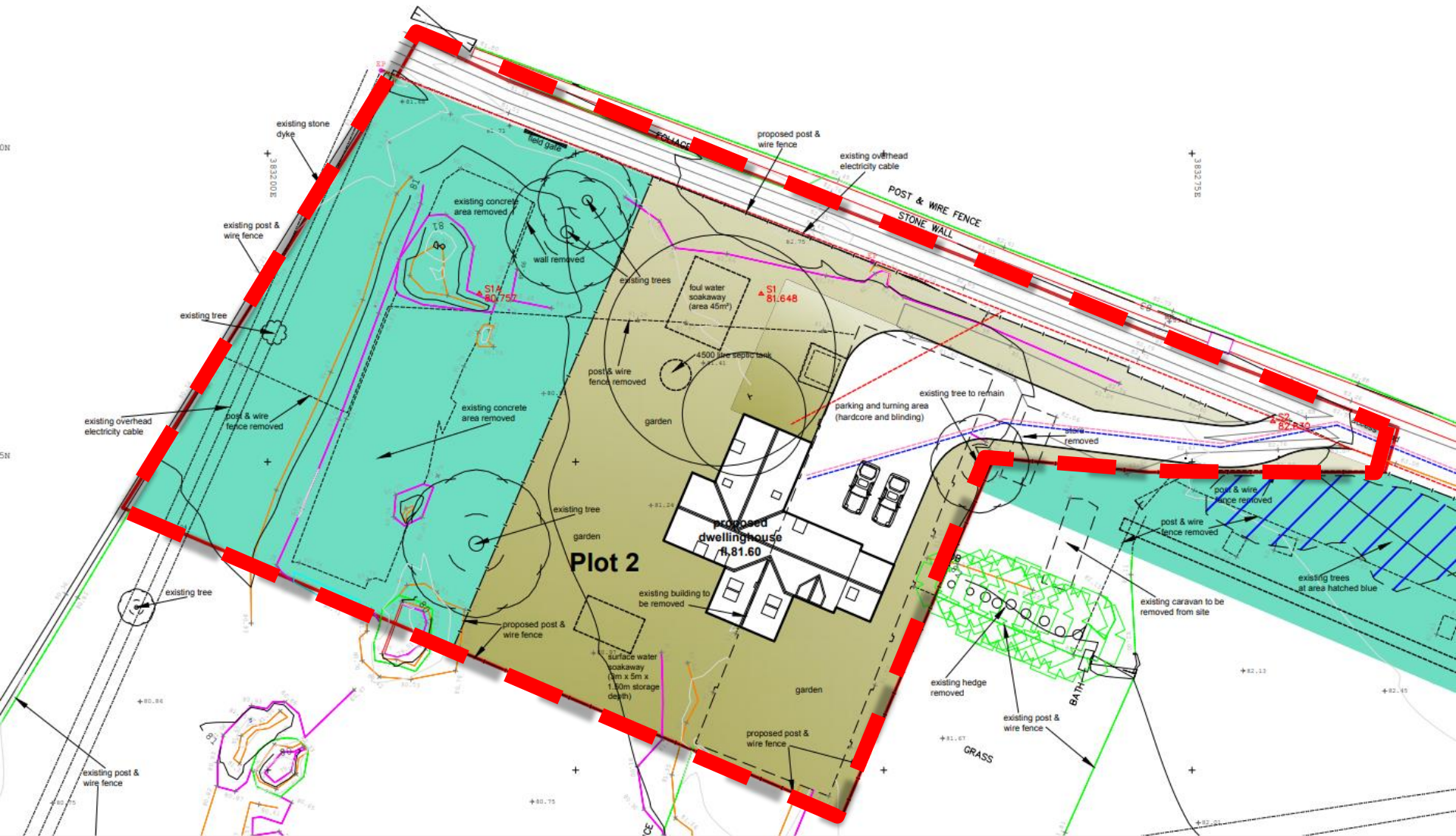




# Site Plan as Existing



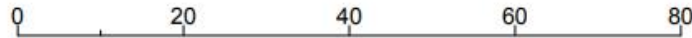
# Site Plan as Proposed





# Block Plan

(shown alongside other dwelling approved by 170395/DPP)



- water supply pipe
- telephone service cable
- electric service cable

- PROPOSED BLOCK PLAN (1-200) -

PROPOSED ERECTION OF DWELLINGHOUSE AT PLOT 2, BURRISDC, BLACKBURN, ABERDEEN



Scale - 1-200

Date - October 2020

paper A0

# Proposed Ground Floor Plan

## external finish

external walls to be rendered with K-rend smooth cement render colour white and larch timber linings with a clear stain finish.

roof to be natural slate.

fascia boards and soffits to be UPVC colour anthracite grey.

windows and doors to be timber aluminium clad colour anthracite grey.

garage door to be metal colour anthracite grey.

rooflights to be velux, colour anthracite grey.

rainwater goos to be UPVC colour black.

flue serving stove to me aluminium colour anthracite grey.

## heating and hot water supply

provided by underground system with heat pump within garage.

## external finish

external walls to be rendered with K-rend smooth cement render colour white and larch timber linings with a clear stain finish.

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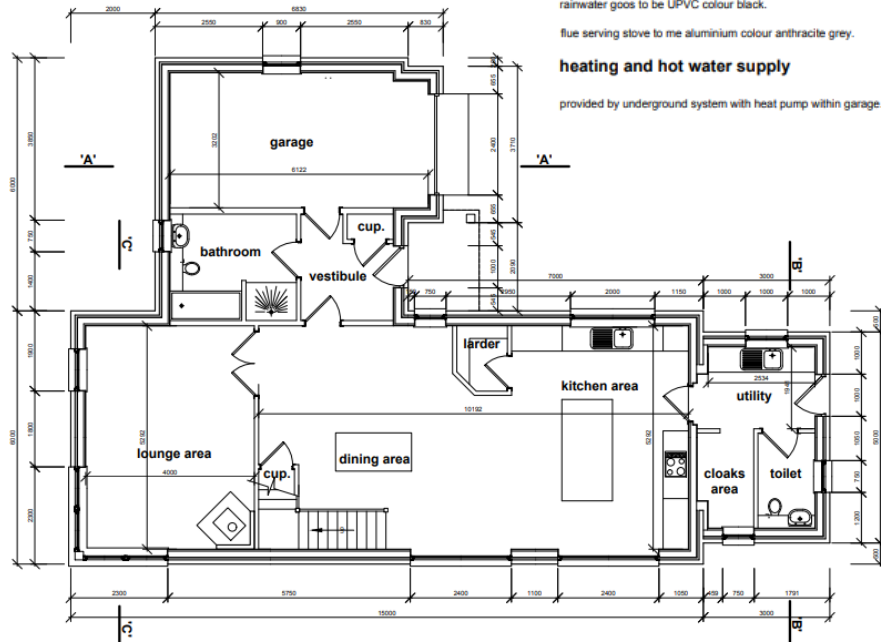
rooflights to be velux, colour anthracite grey.

rainwater goos to be UPVC colour black.

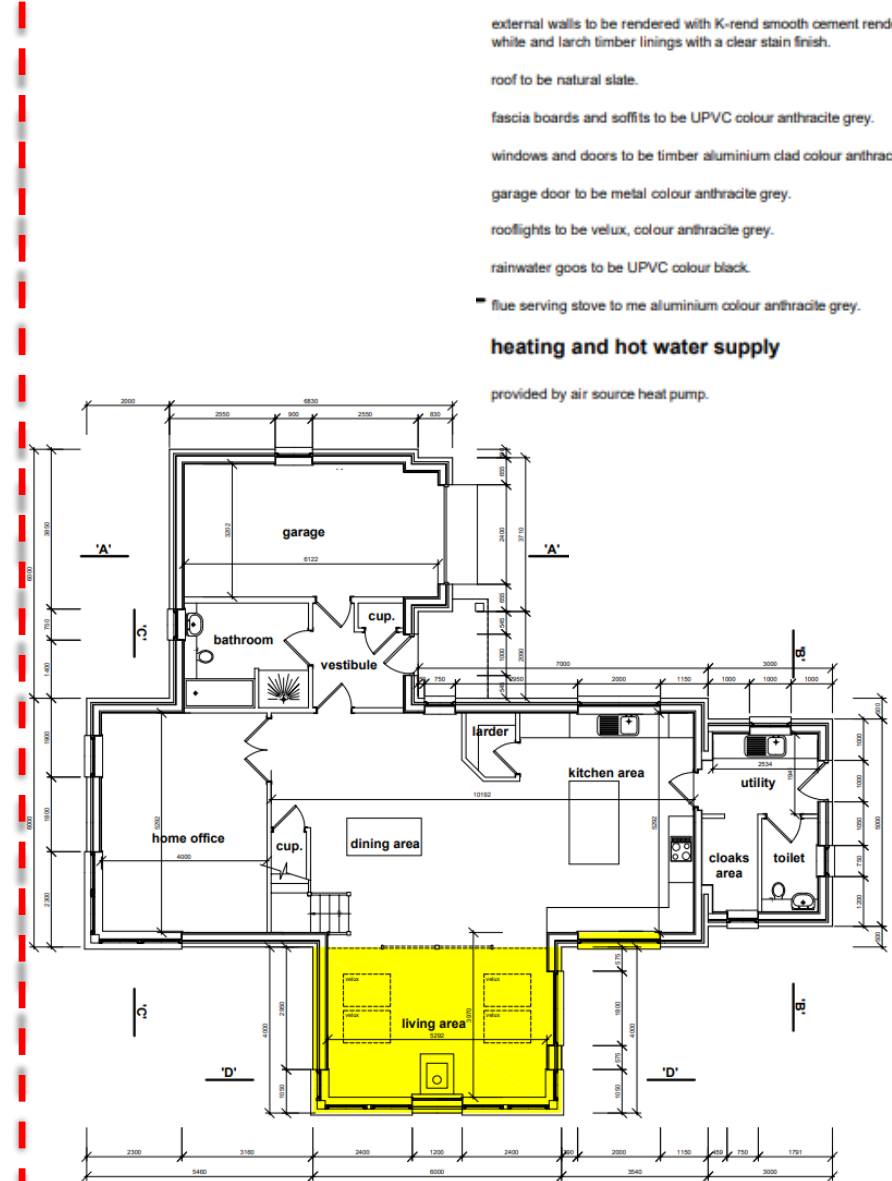
flue serving stove to me aluminium colour anthracite grey.

## heating and hot water supply

provided by air source heat pump.



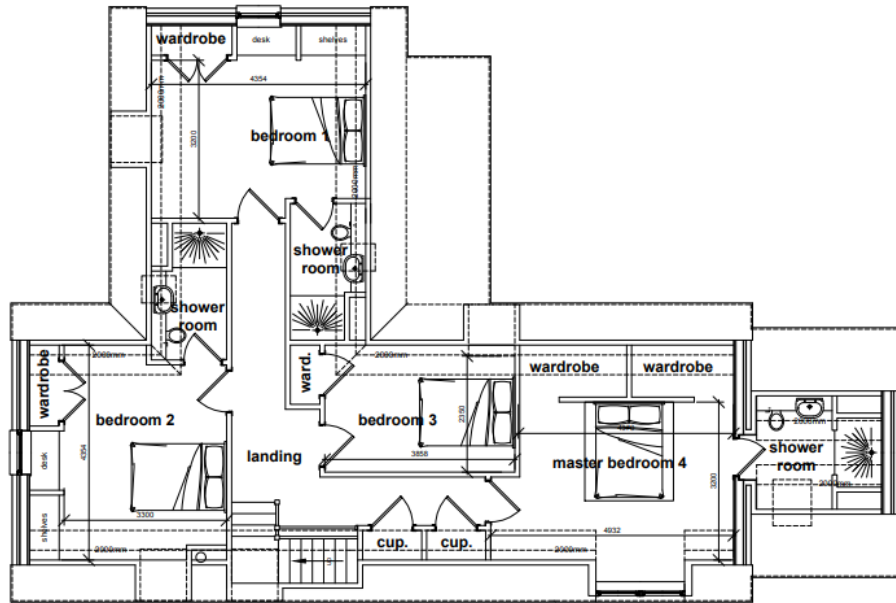
AS APPROVED



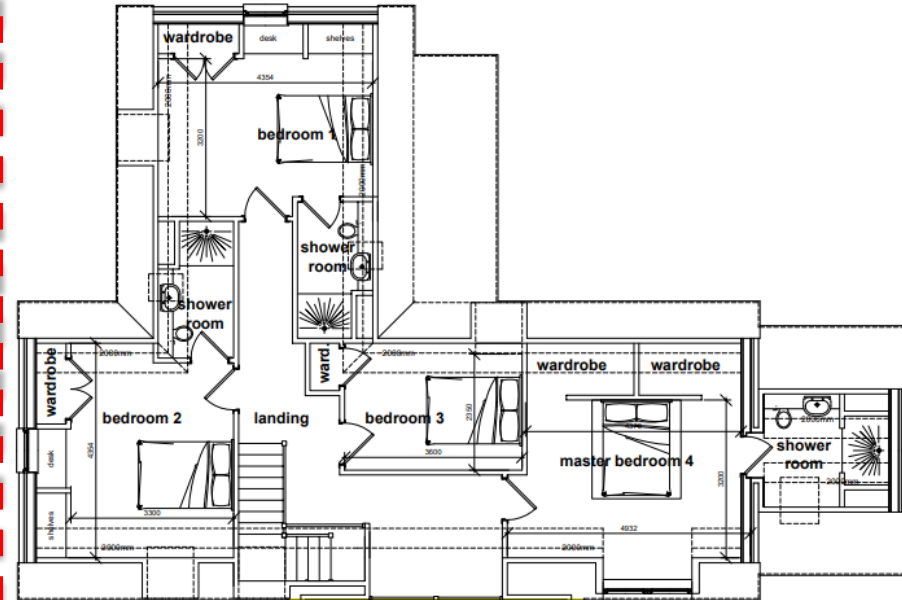
CURRENT PROPOSAL



# Proposed First Floor Plan



AS APPROVED



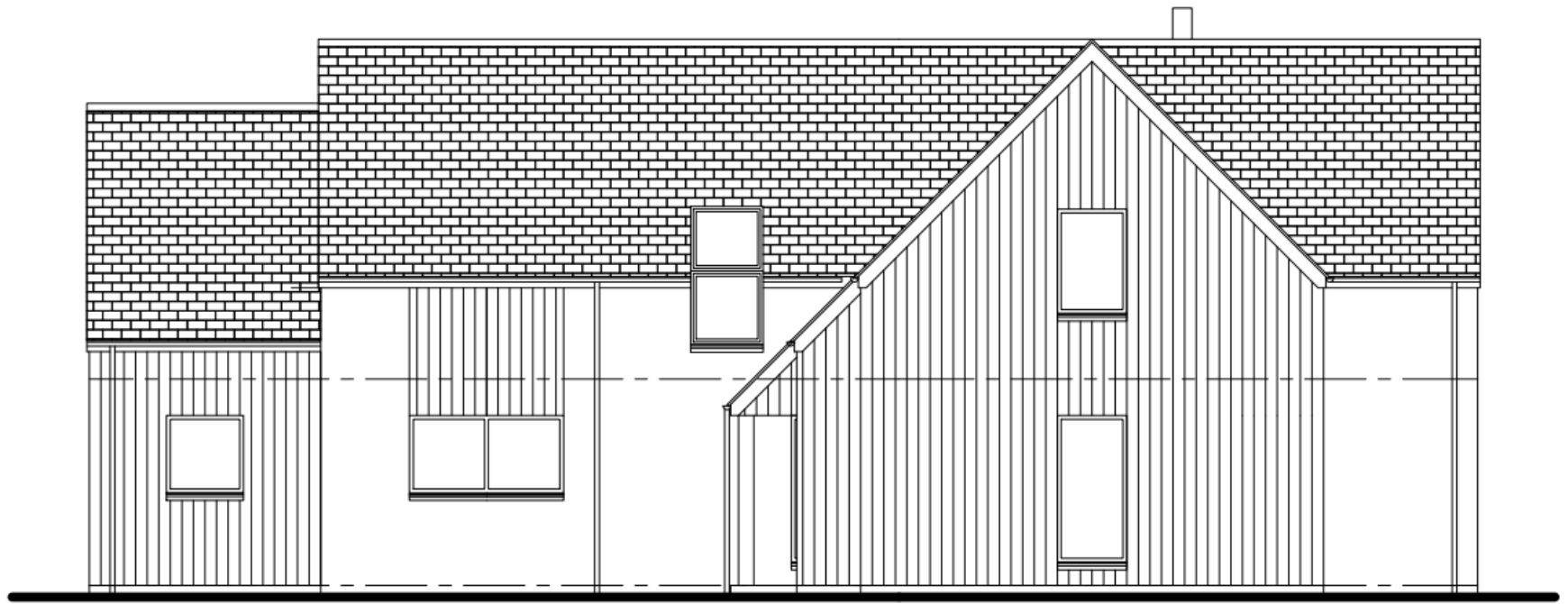
CURRENT PROPOSAL

PROPOSED ERECTION OF  
DWELLINGHOUSE AT PLOT 2,  
BURNSIDE, BLACKBURN,  
ABERDEEN



**Norman P. Lawie Ltd**  
Architectural Design  
Tannock Way, Millmill Business Park,  
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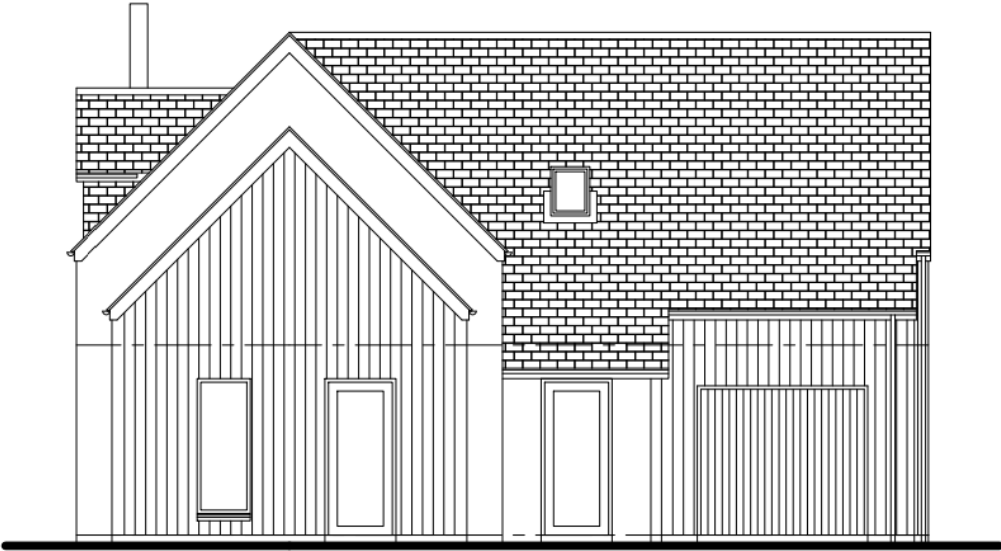
# Proposed North Elevation (no change)



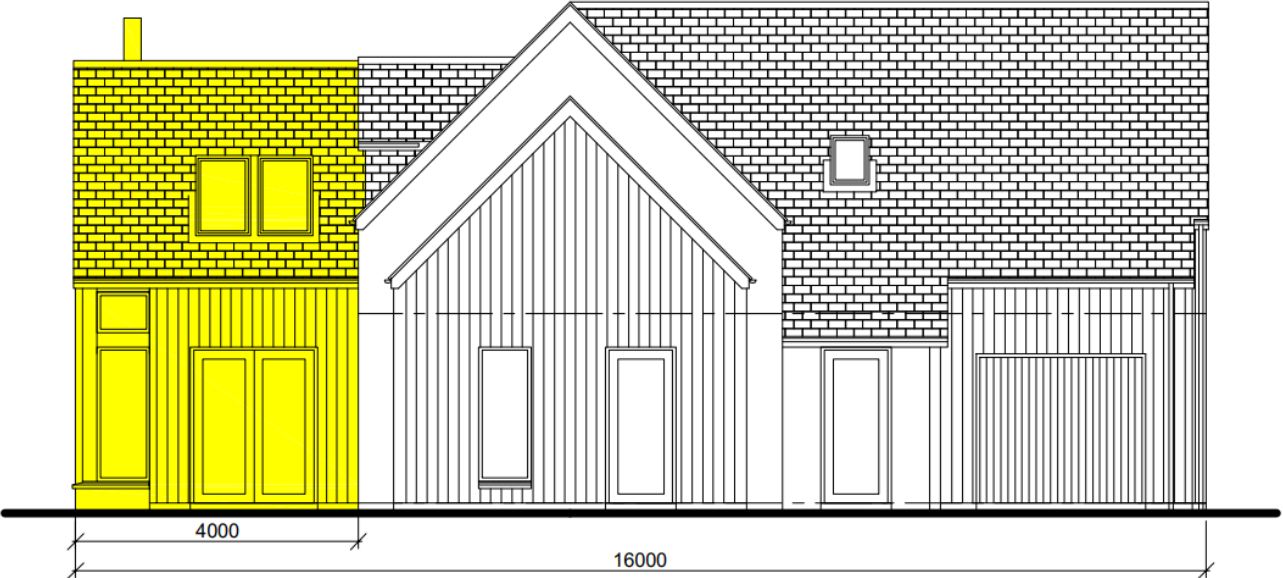




# Proposed East Elevation



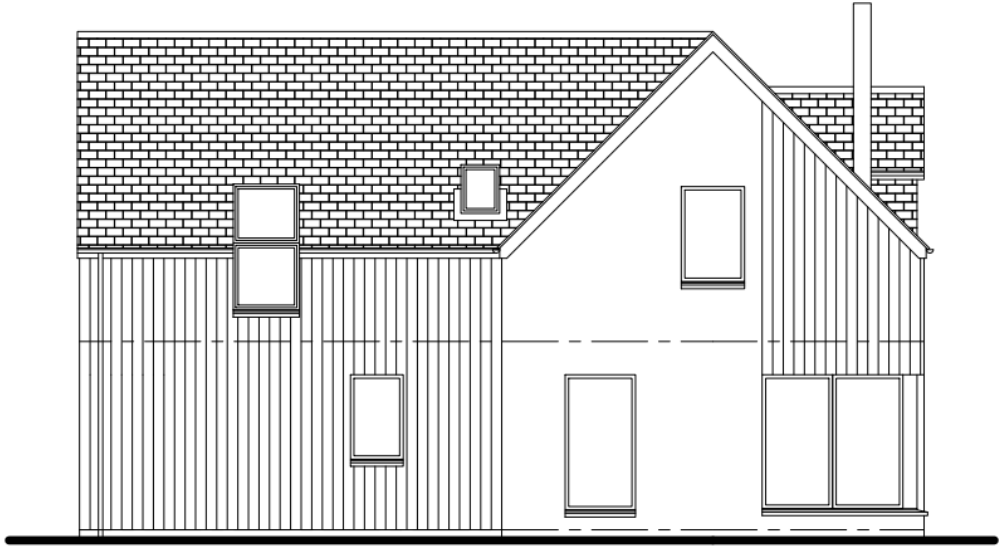
AS APPROVED



CURRENT PROPOSAL



# Proposed West Elevation



AS APPROVED



CURRENT PROPOSAL

# Reasons for Appointed Officer Recommendation

Report provided to LRB indicates that appointed officer would intend to approve subject to conditions. Reasons as follows:

- Notwithstanding the conflict with Green Belt (NE2) and Transport policies (T2 and T3) in the Aberdeen Local Development Plan 2017 (ALDP), given the previous approval and the minor nature of the changes, this policy conflict is not considered to warrant refusal of the application.
- The proposal would not result in any significant intensification of use or change of travel patterns relative to the planning approval.
- The proposed revised house design is considered to accord with ALDP policy D1: Quality Placemaking by Design.
- Conditions can be imposed in order to address the expectations of ALDP policy NE5: Trees and Woodland; NE6: Flooding, Drainage & Water Quality; D1: Quality Placemaking by Design; D2: Landscape; and R7: Low & Zero Carbon Build & Water Efficiency

# Applicants' Case

- Application introduces a modest extension to the previously approved house type (permission obtained via LRB ref 170395/DPP)
- Highlights that the original duration of that consent was extended by coronavirus-related changes to legislation, therefore the consent remains 'live'
- All pre-commencement conditions had been addressed prior to development being undertaken
- Demolition and site clearance works commenced in Oct 2020
- Validation Report relating to site contamination is enclosed, confirming that contaminants removed and soil samples tested
- A trench was dug for foundations in Jan 2021 (photo enclosed), therefore preventing expiry of the existing permission
- The additional space proposed would allow for home working needs to be met
- Contends that the application relates to a change of house type only, and therefore other matters need not be revisited



# Applicants' Case

- Specifically, it seems unreasonable for Roads DM Team to express concern regarding access and refuse collection arrangements when these matters had already been reviewed with no objections by the same team in the course of the earlier application
- Highlights that waste arrangements in relation to the existing permission had been agreed with ACC Waste Management Team
- Consultation with Waste Team on the current application delayed determination of the application unreasonably, however no concerns were raised in any case
- Considers the case officer's suggestion of new or additional conditions unreasonable in the context of the existing live permission
- Considers the case officer's request for drainage information unreasonable when this had already been approved in connection with conditions attached to the earlier consent
- Highlights that the case officer confirmed in correspondence that the changes to the approved house design appeared to be 'non-contentious' and did not appear to conflict with ALDP policy D1

# Applicants' Case

In response to publication of the case officer's report to the LRB, the applicant has provided further comments (included in full in agenda pack).

Main points as follows:

- Disputes the extent of the application site;
- Considers that conditions 2, 3, 4 and 5, as set out in the case officer's report to the LRB are unnecessary, and that it would be 'unreasonable and illogical' to apply them to any new permission given those matters were already addressed in connection with the earlier permission;
- No issue taken with the proposed conditions 1, 6 and 7 (per case officer report to LRB);
- Should members be minded to grant permission, it is requested that the conditions applied to the earlier permission be *'adopted without the need for further submissions on those matters'*.

# Policy NE2 (Green Belt)

- Note preamble on aim of green belt (below) – not merely for purposes of visual or environmental protection

## Green Belt

**3.101** The aim of the Green Belt is to maintain the distinct identity of Aberdeen and the communities within and around the city, by defining their physical boundaries clearly. Safeguarding the Green Belt helps to avoid coalescence of settlements and sprawling development on the edge of the city, maintaining Aberdeen's landscape setting and providing access to open space. The Green Belt directs planned growth to the most appropriate locations and supports regeneration.

- No development other than that which is essential for:
  - Agriculture
  - Woodland and forestry
  - Recreational uses compatible with agricultural or natural setting
  - Mineral extraction/quarry restoration
  - Landscape renewal



# Policy NE2 (Green Belt)

- Then sets out further list of exceptions:
  - Small-scale expansion of existing uses in GB
  - Essential infrastructure which cannot be accommodated other than in GB
  - Conversion of historic/vernacular buildings
  - Extension of buildings above as part of conversion scheme
  - Replacement of existing houses on one-for-one basis
- Requirement that all development in the Green Belt is of the highest quality in terms of siting, scale, design and materials.

# Policy D1 (Quality Placemaking by Design)

## Policy D1 - Quality Placemaking by Design

All development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. Well considered landscaping and a range of transportation opportunities ensuring connectivity are required to be compatible with the scale and character of the developments.

Places that are distinctive and designed with a real understanding of context will sustain and enhance the social, economic, environmental and cultural attractiveness of the city. Proposals will be considered against the following six essential qualities;

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

How a development meets these qualities must be demonstrated in a design strategy whose scope and content will be appropriate with the scale and/or importance of the proposal.

- Does the proposal represent a high standard of design and have strong and distinctive sense of place?

# Policy D2 (Landscape)

## Policy D2 - Landscape

Developments will have a strong landscape framework which improves and enhances the setting and visual impact of the development, unifies urban form, provides shelter, creates local identity and promotes biodiversity. In order to secure high quality development, planning applications for new development must include a landscape strategy and management plan incorporating hard and soft landscaping design specifications. The level of detail required will be appropriate to the scale of the development.

### Quality development will

- be informed by the existing landscape character, topography and existing features to sustain local diversity and distinctiveness, including natural and built features such as existing boundary walls, hedges, copses and other features of interest;
- conserve, enhance or restore existing landscape features and should incorporate them into a spatial landscape design hierarchy that provides structure to the site layout;
- create new landscapes where none exist and where there are few existing features;
- protect and enhance important views of the City's townscape, landmarks and features when seen from busy and important publicly accessible vantage points such as roads, railways, recreation areas and pathways and particularly from the main city approaches;
- provide hard and soft landscape proposals that is appropriate to the scale and character of the overall development.

Further guidance can be found within the Supplementary Guidance and Technical Advice Notes listed in Appendix 5.



# Policy T2 (Managing the Transport Impact of Development)

## Policy T2 - Managing the Transport Impact of Development

Commensurate with the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel.

Transport Assessments and Travel Plans will be required for developments which exceed the thresholds set out in Supplementary Guidance.

The development of new communities should be accompanied by an increase in local services and employment opportunities that reduce the need to travel and include integrated walking, cycling and public transport infrastructure to ensure that, where travel is necessary, sustainable modes are prioritised. Where sufficient sustainable transport links to and from new developments are not in place, developers will be required to provide such facilities or a suitable contribution towards implementation.

Further information is contained in the relevant Supplementary Guidance which should be read in conjunction with this policy.

# Policy T3 (Sustainable and Active Travel)

## Policy T3 - Sustainable and Active Travel

New developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport, and the internal layout of developments must prioritise walking, cycling and public transport penetration. Links between residential, employment, recreation and other facilities must be protected or improved for non-motorised transport users, making it quick, convenient and safe for people to travel by walking and cycling.

Street layouts will reflect the principles of Designing Streets and meet the minimum distances to services as set out in the Supplementary Guidance.

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

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

- Emphasis on encouraging active and sustainable travel (e.g. walking, cycling, public transport)
- Need to protect existing links and form new ones where possible
- Scope to also encourage car sharing and low-emissions vehicles, with associated infrastructure

# NE5: Trees and Woodlands

- Presumption against development that would result in the loss of, or damage to, trees and woodlands that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation.
- Buildings and services should be sited so as to minimise adverse impacts on existing and future trees.
- Measures should be taken for the protection and long-term management of existing trees and new planting, both during and after construction.
- Applications affecting trees to include details of tree protection measures, compensatory planting etc.

# Policy NE6 (Flooding, Drainage and Water Quality)

## Policy **NE6** - Flooding, Drainage and Water Quality

Development will not be permitted if:

- 1 It would increase the risk of flooding:
  - a) by reducing the ability of the functional flood plain to store and convey water;
  - b) through the discharge of additional surface water; or
  - c) by harming flood defences.
- 2 It would be at risk itself from flooding;
- 3 Adequate provision is not made for access to waterbodies for maintenance; or
- 4 It would require the construction of new or strengthened flood defences that would have a significantly damaging effect on the natural heritage interests within or adjacent to a watercourse.

Drainage Impact Assessment (DIA) will be required for new development proposals comprising 5 or more homes or 250 square metres non-residential floorspace. DIA will also be required for developments of any size that affect sensitive areas. DIA should detail how surface water and waste water will be managed. Surface water drainage associated with development must:

- 1 Be the most appropriate available in terms of SuDS; and
- 2 Avoid flooding and pollution both during and after construction.

Connection to the public sewer will be a pre-requisite of all development where this is not already provided. Private wastewater treatment systems in sewered areas will not be permitted. In areas not served by the public sewer, a private sewer treatment system for individual properties will be permitted provided that the developer demonstrates that there will be no adverse effects on the environment, amenity and public health.



# Policy R2 (Degraded and Contaminated Land)

## **Policy R2 - Degraded and Contaminated Land**

The City Council will require that all land that is degraded or contaminated, including visually, is either restored, reclaimed or remediated to a level suitable for its proposed use. This may involve undertaking site investigations and risk assessments to identify any actual or possible significant risk to public health or safety, or to the environment, including possible pollution of the water environment, that could arise from the proposals. Where there is potential for pollution of the water environment the City Council will liaise with SEPA. The significance of the benefits of remediating a contaminated site, and the viability of funding this, will be taken into account when considering proposals for the alternative use of such sites.

# Policy R6 (Waste Management Requirements for New Development)

## **Policy R6 - Waste Management Requirements for New Development**

All new developments should have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate. Flatted developments will require communal facilities that allow for the separate storage and collection of these materials. Recycling facilities should be provided in all new superstores or large supermarkets and in other developments where appropriate. Details of storage facilities and means of collection must be included as part of a planning application for any development which would generate waste. Further details are set out in Supplementary Guidance.

For proposals where we believe the potential savings on construction or demolition materials for recycling or reuse is likely to be significant, we will ask developers to prepare a Site Waste Management Plan as a condition of planning consent.

# Policy R7 (Low and Zero Carbon Building and Water Efficiency)

## Policy R7 - Low and Zero Carbon Buildings, and Water Efficiency

### Low and Zero Carbon Buildings

All new buildings, must meet at least 20% of the building regulations carbon dioxide emissions reduction target applicable at the time of the application through the installation of low and zero carbon generating technology.. This percentage requirement will be increased as specified in Supplementary Guidance.

This requirement does not apply to:

- 1 Alterations and extensions to buildings;
- 2 Change of use or conversion of buildings;
- 3 Ancillary buildings that are stand-alone having an area less than 50 square meters;
- 4 Buildings which will not be heated or cooled, other than by heating provided solely for the purpose of frost protection; or
- 5 Buildings which have an intended life of less than two years.

### Water Efficiency

To reduce the pressure on water abstraction from the River Dee, and the pressure on water infrastructure, all new buildings are required to use water saving technologies and techniques. The level of efficiency required and types of efficiencies are detailed in Supplementary Guidance.

Further guidance on compliance with this policy is contained in existing Supplementary Guidance and future Supplementary Guidance on Sustainable Design.

# Points for Consideration:

Principle: Does Green Belt policy NE2 allow for residential development of the type proposed?

Design: Is the proposal of high design quality, appropriate to its context (D1) - *having regard for factors such as scale, siting, footprint, proportions relative to original, materials, colour etc?*

Landscape/Tree impacts per policies D2 and NE5?; Contamination and refuse/recycling arrangements?; Appropriate drainage infrastructure and public sewer connection?

How significant are the changes from the previously approved scheme? Do these changes introduce any new or additional policy conflicts that might suggest a different recommendation/decision is warranted in this case?

If not wholly in accordance with the development plan, are there other material considerations weighing in favour of approval? (e.g. existing consent capable of being implemented)

- 1. Does the proposal comply with the Development Plan when considered as a whole?**
- 2. Are there any material considerations that outweigh the Development Plan in this instance?**

Decision – state clear reasons for decision

Conditions? (if approved – Planning Adviser can assist)

Do members consider that the conditions set out in the Case Officer's report to the LRB are appropriate? Are there any additional or alternative conditions you consider to be necessary?