

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Daniel Harrington
THE Architecture + Planning
24 North Silver Street
Aberdeen
AB10 1RL

on behalf of **Woollard & Henry Ltd**

With reference to your application validly received on 12 May 2021 for the following development:-

Installation of security fence at Wooland And Henry, Stoneywood Park

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

Drawing Number	Drawing Type
SPDW-2109-AA	Aboricultural Assessment
THE 21-0015 A1-02	Location Plan
THE 21-0015 A1-03	Other Elevation (Proposed)
THE 21-0015	Planning Statement
SPDW-2109-TR	Aboricultural Assessment
THE 21-0015 A1-01 B	Site Layout (Proposed)

DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION

Position / extent of fence line adjusted / reduced.

REASON FOR DECISION

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

1. Impact on Residential Amenity

Due to the industrial character and appearance of the development and its proximity to a well-used recreational path forming an integral amenity within a designated open space associated to a residential area, the fence is considered to have an adverse impact on the residential amenity of the area and therefore conflict with policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2017.

2. Loss of Access to Greenspace / Open Space

Notwithstanding that the site has been purchased by the applicant, the position of the proposed fence would result in loss / severance of public access to the woodland area within the site, which forms part of a consented housing development, in conflict with the objectives of policies NE1 (Green Space Network), NE3 (Urban Green Space) and NE9 (Access and Informal Recreation) of the Aberdeen Local Development Plan 2017 and PAN 65. Although some mitigatory planting is proposed, it is considered that this is not sufficient to warrant approval of the proposal or justify the loss of access to the open space. No replacement public open space is proposed.

By preventing public access to existing open space which was required to be delivered as part of the Stoneywood housing development, which is a valued open space resource for the wider community, the proposal would conflict with the Stoneywood Development Framework and Masterplan approved by the Council in 2011.

3. Precedent

Approval of this application would establish an undesirable precedent for further / similar proposals that would be likely to erode the extent and purpose of established public open space / woodland areas within housing and industrial areas.

Date of Signing 14 December 2021



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

RIGHT OF APPEAL

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

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

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

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

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

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