

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

4 July 2014

ABERDEEN, 4 July 2014. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Milne, Chairperson; and Councillors Donnelly and Lawrence.

REVIEWS

SITE AT PINELANDS, MURTLE DEN ROAD - 131419

1. The Local Review Body met this day to review the decision taken by an appointed officer under the Council's Scheme of Delegation to refuse the application (P131419) for planning permission for the erection of a new 3 storey dwelling house at Pinelands, Murtle Den Road, Milltimber, Aberdeen.

Councillor Milne, as Chairperson, opened the meeting with a brief outline of the business to be undertaken and a welcome to those present. The Chairperson indicated that the Local Review Body would be addressed by the Assistant Clerk, Mr Allan, as regards the procedure to be followed and also, thereafter, by the Senior Planner, Mr Evans, who would be acting as the Planning Adviser to the Body in the case under consideration this day.

The Chairperson stated that although the Planning Adviser was employed by the planning authority he had not been involved in any way with the consideration or determination of the applications under review and was present to provide factual information and guidance to the Body only. He emphasised that the officer would not be asked to express any view on the proposed applications.

The Local Review Body was then addressed by the Assistant Clerk as regards the procedure to be followed, at which time reference was made to the procedure note circulated with the papers calling the meeting and to certain more general aspects relating to the procedure.

The Planning Adviser was then heard when he advised that the decision which was the subject of the review was for the erection of a new 3 storey dwellinghouse, Pinelands, Murtle Den Road, Milltimber, Aberdeen. Mr Evans addressed the Body and explained that he had checked the submitted Notice of Review and found it to be valid and submitted within the relevant timeframes.

Mr Evans explained that It was proposed to erect a detached dwellinghouse on the site, which would subdivide the existing curtilage relating to the existing dwelling 'Pinelands'. The feu split would see two curtilages of similar size and with similar frontages to Murtle Den Road. The dwelling would include accommodation over four levels (each being accessible by either stairs or a lift), and would feature an integral triple garage. To the western (front) elevation, only one storey would be visible, while to the rear (eastern elevation) a full three storeys would be visible due to the change in topography. There would also be an office and storage space within the roof space, with light gained from rooflights.

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Mr Evans explained that in terms of levels, presently there was a gradual slope from the road into the site. In order to develop the proposed house a 'cut and fill' exercise would be undertaken, seeing the retention of the front part of the ground on which the house would be situated, with a much lower level to the rear. This retention would see the proposed house occupy one and a half storeys to the front and three and a half to the rear, thus being of split levels. The floor plate accessed from the main entrance to the front would flow from the front elevation to the back and contain: a porch, reception hall, lounge, family room, two dining areas, kitchen, utility room, shower room, and the integral triple garage. A balcony was also provided to the eastern elevation looking out towards the Murtle Dam, which would be at second floor level, due to the change of levels from front to back. Below this level and only having an elevation to the east, as the rear wall would adjoin the retained ground, were: 4 bedrooms, and associated wardrobes, storage and an externally accessed garden equipment store. Lastly, at rear ground level was: a home cinema, exercise room, guest bedroom, and a small kitchen. A small terrace at that level led out to an area of decking to the rear, and two linked feature ponds.

Mr Evans explained that externally the dwelling would be finished in a light coloured smooth render with some areas of timber cladding, and a zinc standing seam roof. The windows and doors would be aluminium framed timber and triple glazed. Balconies would be stainless steel with frameless tinted glass.

Mr Evans outlined that the dwellinghouse would have its own driveway accessed off Murtle Den Road, in a position located in between existing gaps in the roadside trees/hedging. No trees would be removed to allow development. Additional planting was shown to the south of the proposed dwelling. Foul drainage would be discharged to a partial soakaway via a treatment unit. Surface water run-off from the roof and driveway would be treated by SUDS within the site. A supply of fresh water would be taken from the water main located on Murtle Den Road.

Mr Evans explained that one letter of objection had been received. The objection raised related to the following matters – the tree survey lacked any detail to make any proper judgement on the proposals impact, and was therefore below BS standards in respect of Tree Surveys for Development; there was no information on the safety of trees in respect to the new proposed use; there was no indication of how long term tree management will be accommodated for; there was no statement as to tree quality/value in respect of the site and surroundings; some of the trees seemed very large and close to the house and driveway, and are likely to suffer negatively from the proposals; loss of green belt is a concern; and the site trees are of landscape and wildlife value. If they were lost this would impact on the attractiveness of the open green belt to the public and would negatively affect wildlife through loss of habitat.

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In terms of Planning policies Mr Evans explained:

Scottish Planning Policy

SPP is clear in identifying that the purpose of green belt designation in the development plan, as part of the settlement strategy for an area, is to:

- direct planned growth to the most appropriate locations and support regeneration,
- protect and enhance the quality, character, landscape setting and identity of towns and cities, and
- protect and give access to open space within and around towns and cities.

It further advises that where a proposal would not normally be consistent with green belt policy, it may still be considered appropriate either as a national priority or to meet an established need if no other suitable site is available. Development in a designated green belt should be of a high design quality and a suitable scale and form. It further states that the cumulative erosion of a green belt's integrity through the granting of individual planning permissions should be avoided.

Aberdeen City and Shire Structure Plan

The extant Structure Plan contains objectives in respect of encouraging economic growth, and ensuring that new development maintains and improves the region's important built, natural and cultural assets. There is also a further objective for development to be accessible.

Aberdeen Local Development Plan

Policy NE1– Green Space Network: states that the Council will protect, promote and enhance the wildlife, recreational, landscape and access value of the Green Space Network. Proposals for development that are likely to destroy or erode the character or function of the Green Space network will not be permitted.

Policy NE2 – Green Belt: no development will be permitted in the green belt for purposes other than those essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration or landscape renewal.

Policy D1 (Architecture and Placemaking) – To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, orientation, details, the proportions of building elements, together with the spaces around buildings, including streets, squares, open space, landscaping and boundary treatments, will be considered in assessing that contribution.

Policy D2 (Design and Amenity) – Privacy shall be designed into higher density housing, residential development will have a public face to the street and private face to an enclosed garden or court, residents shall have access to sitting out areas, car parking should not dominate, opportunities should be made of views and sunlight,

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measures should be included to design out crime and external lighting shall take into account amenity and the effects of light spillage.

Policy NE5 (Trees and Woodland) – There is a presumption against all activities and development that will result in the loss of, or damage to, established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity, including ancient and semi-natural woodland which is irreplaceable.

Policy NE6 (Flooding and Drainage) – Surface water drainage associated with development must be the most appropriate available in terms of SUDS and avoid flooding and pollution both during and after construction.

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.

Supplementary Guidance**Oldfold Development Framework and Masterplan**

The agricultural land predominately to the west is identified in the Local Development Plan as Opportunity Site 62 (OP62) and is known as 'Oldfold' and extends to 48.9 hectares. Oldfold is allocated for the development of 550 residential units and 5 hectares of employment land in the period between 2007 and 2026.

The area to the north of Murtle Den Road is specifically identified as being suitable for further residential development (up to 9 units), which would be distinct from the rest of the Oldfold development and would in essence be an extension to Murtle Den Road. Housing in this area should be developed to be in keeping with the character of existing properties.

At this point, the Local Review Body considered whether they had sufficient information before them to proceed to determine the review.

The Local Review Body thereupon agreed that the review under consideration should be deferred in order for the members to visit the site. It was further agreed that the determination of the case should be conducted at the Town House, following the site visit.

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13-15 CHAPEL STREET - 140130

2. The Local Review Body then considered the decision taken by an appointed officer under the Council's Scheme of Delegation to refuse planning permission for the application (140130) for the change of use from retail (class 1) to business (class 4) and alterations to the ground floor frontage at 13-15 Chapel Street, Aberdeen.

Councillor Milne, as Chairperson, advised that the Local Review Body would be addressed by Mr Kristian Smith (Team Leader), who would be acting as the Planning Adviser to the Body in the case under consideration this day.

The Chairperson stated that although the Planning Adviser was employed by the planning authority he had not been involved in any way with the consideration or determination of the application under review and was present to provide factual information and guidance to the Body only. He emphasised that the officer would not be asked to express any view on the proposed application.

The Planning Adviser explained that the decision which was the subject of the review was for the change of use from retail (class 1) to business (class 4) and alterations to the ground floor frontage at 13-15 Chapel Street, Aberdeen. Mr Smith addressed the Body and explained that he had checked the submitted Notice of Review and found it to be valid and submitted within the relevant timeframes.

Mr Smith explained that the applicant had asked that further procedures take place, being: additional written submissions; and a site inspection. However it was for members of the LRB to determine the requirement for further procedures, including hearing sessions, if they deem them necessary.

Any further procedures will require that the case is deferred to allow due process to take place, relative to such necessary procedures.

Mr Smith provided a brief description of the application, as follows:

Background and Existing Situation

The application relates to two ground floor shop units straddling the corner of Thistle Street and Chapel Street. At the time of the application these units were occupied – a charity shop (Unit 13) and a clothes shop (Unit 15).

The adjoining ground floor unit (Unit 11) serves as a reception to the three upper floors, which are in office use. There is no planning record of a change of use having been granted from Class 2 (Financial, Professional and other services) to this use, being ancillary to the Class 4 use of the upper floors. Such a change of use appears to have taken place within the last year or two.

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The Union Street Conservation Area lies almost immediately to the south.

Proposals

Detailed planning permission is sought to change the use of both shop units from Class 1 (Retail) to Class 4 (Business), and to alter the shopfronts to remove the external access doors, introducing a continuation of adjacent stallrisers and glazing. As a result of the alterations both units would only be accessed from within the building.

The application was supported by a supporting statement, which presented a case for granting planning permission.

Matters raised in the statement included:

- Unit 11 and the 3 upper floors are let, until 2016, to Statoil (UK) Ltd, who are expanding and require additional accommodation;
- The lease on Unit 13 is close to expiry and Unit 15 has not been trading well and is likely to be vacated;
- An approval will support the retention of Statoil and see up to 42 additional employees. This would improve vitality and viability of other Class 1, 2 and 3 uses in the locality;
- That the proposal is not speculative and would support an existing occupier; and
- That a temporary consent should be granted, reflective of the needs of Statoil (till 2016).

Mr Smith outlined relevant planning policies and considerations as follows:

All the following documents were accessible via web links, as set out in the LRB papers.

Scottish Planning Policy (SPP)

Particularly its general policy on sustainable development and particularly the subject planning policy relating to Town Centres.

It was worth noting that since the decision was taken that an updated SPP had been published, although there was limited change in specific guidance relative to this case.

Aberdeen City and Shire Structure Plan

Has limited relevance, to this proposal, other than setting high level priorities in relation to supporting appropriate economic growth.

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Development Plan – Aberdeen Local Development Plan (2012)

Policy T2 – Managing the Transport Impact of Development: Which seeks to minimise the generation of traffic and limit the requirement for parking associated to development.

Policy D1 – Architecture and Placemaking: seeks to ensure high levels of design.

Policy D3 - Sustainable and Active Travel: states that new development will be designed in order to minimise travel by private car, improve access to services and promote healthy lifestyles by encouraging active travel.

D3 was not flagged by the officer, but required to be considered by members – should approval be an option.

Policy C2 – City Centre Business Zone and Union Street: Only accepts change of use of Class 1 premises where: it can be demonstrated that there is a lack of demand for continued retail use of the premises and how the new use contributes to the wider aims for city centre enhancement; that it would adequately maintain daytime vitality and an active street frontage; and does not conflict with amenity in the area.

Policy R6 – Waste Management Requirements for New Developments: seeks to ensure that sufficient arrangements for waste is made available.

Supplementary Guidance:

Transport and Accessibility
Shopfront Design Guide
Waste Management

Consultations:

Aberdeen City Council Roads raised no concerns in relation to parking requirements, but in line with the SG asked that a minimum of 4 cycle parking spaces were provided in a secure compound or within the building.

No adverse comments were made by any other consultees.

Objections

None

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Other MattersAberdeen City Council's Position:

The principle of a house at this location would not accord with Policy C2 in that the units were in active Class 1 use and no evidence had been submitted to demonstrate that further continued use cannot reasonably continue. That removal of these retail uses could undermine the wider vitality and viability of retail uses in the wider west end locality, by: reducing the level of such uses in the vicinity; by removing active retail frontage in the streetscene. That no adequate reasons or material circumstances were put forward to justify a departure from the above policies and guidance. Finally it was considered that approval would set an undesirable precedent for future development, which could further erode retail uses in the city and see a greater impact on vitality and viability. All so as to be considered contrary Policy C2 of the ALDP.

Mr Smith then provided details relating to the Applicants Case, as follows:

As members will have noted the case is set out in a rather comprehensive submission, which I shall seek to distill into the salient points. I also assume that members have read the papers in full.

Again the circumstances behind the application are set out, essentially that Statoil occupy the upper floors and require additional office space, until 2016.

In terms of the reasons for refusal the following comments are made:

It is firstly argued that no specific need to market the premises is set out in the LDP. Although members may wish to note the paragraph on P35 which discusses this very issue, although more obviously in relation to associated policy RT4, which relates to such changes of use outwith the city centre. However, it is stated that there are sensitivities in undertaking such marketing, and it is accepted that the market has not been formally tested – but that the poor trading performance of unit 15 is a factor for consideration. It is also indicated that the needs of the upper floor occupier and the difficulties of the occupiers in the two units have created a situation where it is felt appropriate and opportunistic to seek this change of use.

It is then argued that the temporary needs of the occupier of the upper floors are relatively unique and the indication is given that the units would revert back to retail use, including reinstatement works, when vacated by the present tenant.

The impact that additional staff would have on the local economy is then discussed, as being a positive benefit, and bridging the gap until more significant developments come on-stream.

It is not considered that the proposal would set aside the policies of the LDP, as the evidence of the poor trading of the units would not make marketing worthwhile, indeed

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that there is no requirement to do so – if it is demonstrated that there is a lack of demand, which is considered to be the case.

It is put forward that there is a clear local need, that of the occupier, and that the proposals are not speculative. Approval would support the expansion of the occupiers business and benefit surrounding class 1, 2, and 3 uses, via the increased footfall of the additional staff.

Finally, it is argued that the specifics of the case are unique and can justify the approval.

Two conditions are recommended: 1. Limiting the period of Class 4 use to the end of 2016, and requiring that the units are reinstated to shops; and 2. That the cycle provision is made available prior to development.

In conclusion Mr Smith outlined the following:

Overall the appeal statement takes a slightly different approach to interpreting the relevant considerations, but in effect considers that the material circumstances associated to this proposal outweigh the provisions of the Development Plan. These include: the office space needs of the prospective occupier and the fact that they already occupy the upper three floors of the building and wish to see all their headquarters operation remain in one location; the benefits to their business operation of staying in one location; the impact that the additional staffing numbers would have to the local street economy; that these additional staff would bridge the gap until more significant employment generating developments (Capitol Theatre and Bells Hotel developments) saw additional levels of footfall in the locality, and the fact that the proposed change of use would be temporary only.

At this point, the Local Review Body considered whether they had sufficient information before them to proceed to determine the review.

The Local Review Body thereupon agreed that the review under consideration should be determined without further procedure and agreed that a site visit was not required.

The Local Review Body then proceeded to ask detailed questions of Mr Smith. Questions related to whether any legal agreements or conditions would have to be drafted to ensure that restoration work was completed to a satisfactory manner, if the application was to be approved.

Councillor Milne explained that he thought the application, if approved would help with the regeneration of the area and would contribute to the enhancements of the City Centre. Therefore the application would adhere to Policy C2 in the Local Plan.

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Councillor Donnelly explained that he thought that the application would contribute to the enhancements in the City Centre and would help with the regeneration of the West End.

Councillor Lawrence echoed the views expressed by the other members and explained that the application would enhance the area compared to the current situation where there are empty retail units. He explained that the application would help with the regeneration of the area.

Members therefore unanimously agreed the decision of the appointed officer to refuse the application be reversed and the application be approved subject to the following conditions:

In coming to their decision, the Local Review Body had regard to the provisions of the development plan as required by Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (as amended) and other material considerations in so far as these were pertinent to the determination of the application.

More specifically, the reasons on which the Local Review Body based this decision were as follows:-

It has been demonstrated that there is a lack of demand for retail use in the locality and that the proposed Class 4 use would contribute to the wider aims for city centre enhancement. The Class 4 use would also adequately maintain daytime vitality in the locality and retain an acceptably active street frontage. It is not considered that the Class 4 use would conflict with the amenity levels enjoyed in the locality.

As such the proposed change of use would comply with the requirements of Policy C2 (City Centre Business Zone and Union Street) of the adopted Aberdeen Local Development Plan, and along with the other exhibited material considerations justify approval of the application, subject to conditions: limiting the duration of the consent, that works be undertaken to revert the two units back to Class 1 retail units at the end of such a period; and that provision is made for 4 secure cycle parking spaces.

Conditions

1. The hereby approved change of use is time limited and shall expire on 31st December 2016, unless otherwise agreed in writing by Aberdeen City Council as Planning Authority. At the end of such period the Class 4 use shall cease and the premises revert to Class 1 use and works to reinstate suitable shop fronts shall be undertaken within a timescale to be agreed and in line with details to be submitted to and approved in writing by Aberdeen City Council as Planning Authority - In the interests of maintaining and supporting the retail offer and function of the City Centre.
2. Prior to the implementation of the hereby approved Class 4 use a detailed scheme for the provision of 4 cycle stands located within an enclosed secure lockable compound, or a suitable location within the building, shall be submitted to and approved in writing by Aberdeen City Council as Planning Authority.

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Such approved details shall be implemented and made available for use prior to the first use of the premises for Class 4 purposes - In the interests of supporting sustainable modes of transport.

44 BEDFORD ROAD - 140090

3. The Local Review Body then considered the decision taken by an appointed officer under the Council's Scheme of Delegation to refuse planning permission for the application (140090) for an 8 flatted development with associated car parking at 44 Bedford Road, Aberdeen.

Councillor Milne, as Chairperson, advised that the Local Review Body would be addressed by Ms Lucy Greene, Senior Planner who would be acting as the Planning Adviser to the Body in the case under consideration this day.

The Chairperson stated that although the Planning Adviser was employed by the planning authority she had not been involved in any way with the consideration or determination of the application under review and was present to provide factual information and guidance to the Body only. He emphasised that the officer would not be asked to express any view on the proposed application.

The Planning Adviser explained that the decision which was the subject of the review was for an 8 flatted development with associated car parking at 44 Bedford Road, Aberdeen. Ms Greene addressed the Body and explained that she had checked the submitted Notice of Review and found it to be valid and submitted within the relevant timeframes.

Ms Greene explained that the applicant had asked that further procedures take place, being: one or more hearing sessions; and a site inspection. However it was for members of the LRB to determine the requirement for further procedures, if they deem them necessary.

Any further procedures will require that the case is deferred to allow due process to take place, relative to such necessary procedures.

Ms Greene provided a brief description of the application, as follows:

That the application seeks detailed planning permission for the construction of a new 4-storey building within the rear garden of 44 Bedford Road, for the provision of 8 new 2-bed flats. The building would face onto Bedford Place, with 8no car parking spaces provided beneath the building in a sub-level and private garden grounds laid out to the north-western side of the building. The building's walls would be finished with a combination of natural granite and wetdash-style render, with the roof finished in grey concrete roof tiles.

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In terms of parking issues, the Roads Project Team of the Council had identified a shortfall of 8 car parking spaces, likely to give rise to parking in the area, where demand for residential parking was particularly high at night. The Roads Team noted that the specifications of the access to the car park, the aisle width and parking bay dimensions did not meet the necessary standards. They further noted that no swept-path analysis had been provided. Further information was required in relation to drainage arrangements. The proposed development, if granted planning permission, would be required to make financial contributions towards the Strategic Transport Fund, at a rate of £1,652 per unit, totalling £13,216. It was explained that unless these matters were addressed, the Council's Roads Projects Team would object to the proposal.

Ms Greene explained that no letters of representation had been received in relation to the application.

Ms Greene outlined relevant planning policies and considerations as follows:

National Policy and Guidance

Scottish Planning Policy (SPP)

Paragraph 82 of SPP highlights the important contribution that infill sites within existing settlements can make to the supply of housing land. It further states that infill sites should respect the scale, form and density of the surroundings and enhance the character and amenity of the community.

Aberdeen Local Development Plan (ALDP)

I1: Infrastructure Delivery and Developer Contributions

Sets out that development shall be accompanied by infrastructure, services and facilities required to support new or expanded communities. Where development would place additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, the Council will require the developer to meet or contribute to the cost of providing or improving such facilities or facilities as necessary.

Policy T2: Managing the Transport Impact of Development

New developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated. Maximum car parking standards are set out in Supplementary Guidance on Transport and Accessibility and detail the standards that different types of development should provide.

Policy D1: Architecture and Placemaking

To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, orientation, details, the proportions of building elements, together with the spaces around buildings, including streets, squares, open space, landscaping and boundary treatments, will be considered in assessing that contribution.

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Policy D2: Design and Amenity

Policy D2 sets out a series of criteria for new development, intended to ensure that an appropriate level of amenity can be secured for residents of both that new development and neighbouring land and buildings. These criteria include residential development being designed with a public face to a street and a private face to an enclosed garden or court; appropriate privacy being provided for; the provision of areas for sitting out, such as private gardens, communal gardens, balconies etc; and that development proposals should include measures to 'design out' crime and 'design in' safety.

D3: Sustainable and Active Travel

New development will be designed in order to minimise travel by private car, improve access to services and promote healthy lifestyles by encouraging active travel.

Policy H1: Residential Areas

The site lies within a designated Residential Area (H1), as defined in the Aberdeen Local Development Plan. Within such areas Policy H1 of the ALDP will apply, requiring that residential development will be acceptable in principle provided it satisfies certain specified criteria. The criteria relevant to assessment of this proposal are as follows:

1. It does not constitute over-development
2. It would not have an unacceptable impact on the character or amenity of the surrounding area
3. It would not result in the loss of valuable and valued areas of open space
4. It would comply with the Council's Supplementary Guidance in relation to the Sub-division and Redevelopment of Residential Curtilages.

It is further stated that non-residential uses will be refused unless (a) they are considered complementary to residential use; or (b) it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

Policy H3: Density

The City Council will seek an appropriate density of development on all housing allocations and windfall sites.

H5: Affordable Housing

Housing Developments of five units or more are required to contribute no less than 25% of the total number of units as affordable housing. Further guidance was available in the relevant Affordable Housing Supplementary Guidance.

R6: Waste Management Requirements for New Development

Housing developments should have sufficient space for the storage of residual recyclable and compostable wastes. 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 supermarkets and in other developments where appropriate. Details of storage facilities and means of collection must be included as part of any planning application for development which would generate waste.

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Further details are set out in Supplementary Guidance on Waste Management.

Policy R7: Low and Zero Carbon Buildings

All new buildings, in meeting building regulations energy requirements, must install low and zero carbon generating technologies to reduce the predicted carbon dioxide emissions by at least 15% below the 2007 building standards. This percentage requirement will be increased as specified in Supplementary Guidance.

Supplementary Guidance

'Low and Zero Carbon Buildings'; 'Transport and Accessibility', 'Waste Management' and 'Sub-division and Redevelopment of Residential Curtilages' documents are of relevance.

Ms Greene explained that the case officer had summarised the application in the following terms:

Whilst residential use was consistent with the character of the area in broad terms, the specific characteristics of the proposal, detailed above, were such that it would result in the overdevelopment of the site, and consequently an unacceptable impact on the character and amenity of the surrounding area, contrary to the provisions of policy H1 (Residential Areas) of the ALDP. It was further considered that the proposal would not be consistent with the established pattern of development in the wider area.

The building would be unduly prominent from adjacent rear gardens, compromising the enjoyment of those amenity spaces, and the garden ground afforded to no.44 Bedford Road would be substantially diminished, to a level not characteristic of the wider area.

The proposal was considered to demonstrate fundamental inconsistencies with the principles set out in the Council's adopted supplementary guidance on 'The Sub-division and Redevelopment of Residential Curtilages', and through its failure to demonstrate due regard for its context, would be contrary to policy D1 (Architecture and Placemaking) of the ALDP. The limited daylight afforded to a number of bedroom windows was indicative of a residential environment below what was expected by policy D2 (Design and Amenity) of the ALDP.

Car parking provision was substantially deficient, and there appeared limited scope for adequate parking to be provided within the site. This was likely to encourage indiscriminate on-street parking and to further increase pressure on the available parking to serve residential needs in evenings. The proposal was contrary to the Council's 'Transport and Accessibility' supplementary guidance, and the associated policy T2 (Managing the Transport Impact of Development) of the ALDP.

Deficiencies in terms of 'designing out crime' and making appropriate provision for waste collection services had been identified, which were potentially resolvable and were not central to the principle of the proposal, however were such that currently the proposal would be contrary to the requirement of policy D2 (Design and Amenity),

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Policy R6 (Waste Management in New Developments) and the associated Waste supplementary guidance.

No material considerations of sufficient weight to warrant determination other than in accordance with the development plan had been identified.

Ms Greene explained to the Members that the applicant had submitted additional information. Ms Greene reminded members that this additional information could not be taken into account in terms of the legislation governing Local Review Bodies.

At this point, the Local Review Body considered whether they had sufficient information before them to proceed to determine the review.

The Local Review Body thereupon agreed that the review under consideration should be determined without further procedure and agreed that a site visit was not required.

The Local Review Body then proceeded to ask detailed questions of Ms Greene regarding neighbouring buildings and the style of the proposed roof on the property.

The Members noted that there were no objections from neighbouring properties and Councillor Donnelly concurred that in general the principle of the development was acceptable (in terms of use). The Chairperson asked the Planning Adviser for guidance on ways in which some of the issues could be addressed.

After receiving advice Councillor Lawrence stated that he agreed with the reasons which had been given by the case officer for refusal. He specifically said that the application represented overdevelopment of the site and therefore contravened Policy D2 of the Local Plan.

The Chairperson stated that he agreed with the reasons which had been given by the case officer for refusal. He specifically said that the application represented overdevelopment of the site and therefore contravened Policy D2 of the Local Plan. He further said that the massing of the development was unacceptable.

Councillor Donnelly, whilst agreeing that in general the principle of the development was acceptable (in terms of use), stated that he agreed with the reasons which had been given by the case officer for refusal. He specifically said that the application represented overdevelopment of the site and therefore contravened Policy D2 of the Local Plan.

Therefore the Local Review Body agreed unanimously to reaffirm the planning authority's decision to refuse planning permission.

In coming to their decision, the Local Review Body had regard to the provisions of the Development Plan as required by Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) which required that where, in making any

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determination under the planning acts, regard was to be had to the provisions of the development plan and that determination should be made in accordance with the plan, so far as material to the application, unless material considerations indicated otherwise.

More specifically, the reasons in which the Local Review Body based this decision were as follows:-

1. The proposed development represents an over-development of the site, resulting in an uncharacteristic arrangement of buildings and spaces and an unduly detrimental impact on the private garden of properties at 42 and 44 Bedford Road, contrary to policies H1 (Residential Areas) and H3 (Density) of the Aberdeen Local Development Plan (ALDP) and the associated 'Sub-division and Redevelopment of Residential Curtilages' Supplementary Guidance.

2. The design of the proposed building would not demonstrate due regard for its context, with the height to wall-head level and angle of roof pitch in particular giving rise to a striking contrast with the adjoining building at 57 Bedford Place. In failing to demonstrate due regard for its context and make a positive contribution to its setting, the proposal is contrary to policy D1 (Architecture and Placemaking) of the ALDP.

3. A number of windows into habitable rooms within the building would be poorly sited, with little opportunity for daylight and sunlight, contrary to the provisions of policy D2 (Design and Amenity) of the ALDP and the associated 'Sub-division and Redevelopment of Residential Curtilages' Supplementary Guidance.

4. A significant shortfall in car parking provision would contribute towards increased pressure on the available on-street car parking in the surrounding area, and may encourage discriminate parking as a result. In this regard, the proposal fails to comply with the Council's adopted 'Transport and Accessibility' Supplementary Guidance.

- RAMSAY MILNE, Chairperson