

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 24 July 2014. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Milne, Chairperson; and Councillors Crockett (to article 3), Donnelly, and Jean Morrison MBE.

ORDER OF AGENDA

1. The Chairperson advised that it had come to light prior to the meeting that the application at item 2.1 (Wynford Farm) was incorrectly listed in the delegated report as being in the Kingswells, Sheddocksley, Summerhill ward, when in fact it should have been listed as the Dyce, Bucksburn, Danestone ward. As Councillor Crockett was a local member in the latter ward, he would be unable to sit on the Local Review Body for consideration of the Wynford Farm application. The Chairperson therefore proposed that the Local Review Body consider items 3.1 (7 St John's Terrace) and 4.1 (18 Esslemont Avenue) prior to consideration of the Wynford Farm application, in order that Councillor Crockett could assist in the determination of those applications before withdrawing from the meeting.

7 ST JOHN'S TERRACE - 140226

2. The Local Review Body of Aberdeen City Council met this day to review the decision taken by an appointed officer under the Council's Scheme of Delegation to refuse planning permission for the erection of a two storey rear extension, the proposed increase of the existing roof pitch and the extension of the front dormer at 7 St John's Terrace (P140226).

Councillor Milne, as Chairperson gave a brief outline of the business to be undertaken. The Chairperson indicated that the Local Review Body would be addressed by the Assistant Clerk, Mrs Dunsmuir, as regards the procedure to be followed and also, thereafter, by Mr Gavin 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 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 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 explained that the application which was the subject of the review was for the erection of a two storey rear extension, the proposed increase of the existing roof pitch and the extension of the front dormer at 7 St John's Terrace.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL
24 July 2014

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.

He explained that the applicant had asked that the LRB undertake a site inspection.

Mr Evans explained that the application related to 7 St John's Terrace, a 1½ storey detached granite dwelling house with a hipped slate roof with chimneys at either gable and a flat roof dormer to the front elevation. The application site was located to the north-west on St John's Terrace, and was situated across from the Mannofield Water Treatment Works.

In relation to the proposals Mr Evans outlined that planning permission was sought to extend the property, including a two storey mansard type extension to the rear; alterations to the existing hipped roof which included increasing the pitch to 60 degrees, with an area of flat surface on top; partial straightening of the hipped roof to the rear to accommodate the extension with a wall height of 6000mm; and an increase to the front dormer window. The proposed rear extension measured 9600mm wide and projected 6000mm into the rear garden to serve a new kitchen and family room on the ground floor of the property and a new master bedroom with en-suite and a further bedroom at the first floor. The side elevations were to be mainly solid with a single utility room window on the south west elevation of the original property and a velux roof light on each side elevation. The rear elevation had 3 wide arched head windows and a new rear external door. A new Juliet balcony was proposed for the first floor, and the extension was to be finished with a grey granite chip render, white PVC windows and doors and slate which would match the existing roof. The proposed extension to the front dormer window would increase it to 5200mm wide and the finish would match the existing window.

In relation to documents which the members of the Body should consider, Mr Evans outlined that all the following documents were accessible via web links, and available as set out in the papers:-

Development Plan – Aberdeen Local Development Plan (2012); D1 – Architecture and Placemaking: to ensure that high standards of design were achieved through a number of considerations, including context, to ensure that the setting of the proposed development and its design was acceptable; and H1 – Residential Areas: within existing residential areas, proposals for new residential developments and householder developments would be approved in principle, if they did not constitute over-development; did not have an unacceptable impact on the character or amenity of the surrounding area; and complied with supplementary guidance contained in the Householder Development Guidance.

The Supplementary Guidance – Householder Development Guide was relevant, particularly the sections on:-

Rear extensions – the general principles relating to such extensions expect that they should be architecturally compatible in design and scale with the original

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

24 July 2014

house and surrounding area; materials should be complementary; and the extension should not overwhelm or dominate the original form or appearance of the dwelling;

Dormer extensions – the dormer extension should not appear to dominate the original roof space and flat roofed dormers on more traditional hipped roof houses should not breach hips.

In relation to consultations, Mr Evans explained that no consultees had raised any objections and no letters of objection or support had been received.

Mr Evans further explained that it was also important to point out that within the Statement of Reasons, submitted with the notice of review, the applicant indicated that:

- (1) the proposal was for an extension and alterations which would be similar in size and design to the extension that had recently been completed at the adjoining site at 8 St John's Terrace; and
- (2) the reason for the design was that it would reflect the similar adjacent design.

Mr Evans explained that the planning authority had considered that elements of the proposed rear extension were acceptable – the footprint was subservient to the existing dwelling and plot size, and the total site coverage would rise to 24 percent which was considered to be acceptable. The proposal to change to the pitch of the roof to 60 degrees with a flat top surface was also considered acceptable, and the extended front dormer met requirements in terms of design and scale. However, Mr Evans advised that it had been considered that there was the potential for policy conflict whereby the design of the 2 storey extension was not considered to be architecturally compatible with the design of the original 1.5 storey hipped roof dwelling. It was considered that the scale, mass and proportions of the overall 2 storey extension permitted the development to visually overwhelm and dominate the original character of the house and the relationship between the two was not thought to be justifiable.

He advised that for information the stated reason for refusal of planning permission was as follows:

The proposed rear extension would breach both Policy D1 (Architecture and Placemaking) and the supplementary guidance contained in Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2012, as the design would overwhelm and dominate the original form and appearance of the dwelling. The proposal, if implemented, would establish an undesirable precedent for similar applications which would be difficult to resist, leading to erosion of the character, to the detriment of the visual and residential amenity of the area.

Finally, Mr Evans advised that although the notice of review cited a similar approved application at 8 St John's Terrace, the planning authority had considered that the size of the proposed extension at no 7 was much larger, and in terms of the Householder Development Guide, previous decisions in respect of other applications could also not be taken into consideration.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL
24 July 2014

The Local Review Body then asked a number of questions of Mr Evans.

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. The members of the Local Review Body therefore agreed that a site visit was not required, as members were familiar with the site in question.

Councillor Donnelly stated that he was in agreement with the decision taken by the case officer, for the reasons set out in the report in relation to Policies D1 and H1. Councillor Morrison and Councillor Crockett concurred. The Chairperson advised that he would also recommend refusal, for the reasons outlined in the report.

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 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:-

The proposed rear extension would breach both Policy D1 (Architecture and Placemaking) and the supplementary guidance contained in Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2012, as the design would overwhelm and dominate the original form and appearance of the dwelling. The proposal, if implemented, would establish an undesirable precedent for similar applications which would be difficult to resist, leading to erosion of the character, to the detriment of the visual and residential amenity of the area.

18 ESSLEMONT AVENUE, ROSEMOUNT - 140065

3. The Local Review Body of Aberdeen City Council then reviewed the decision taken by an appointed officer under the Council's Scheme of Delegation to refuse planning permission for the replacement of two windows at 18 Esslemont Avenue, Rosemount (P140065).

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

24 July 2014

The Chairperson indicated that the Local Review Body would be addressed by Mr Robert Forbes, who would be acting as the Planning Adviser to the Body in the case under consideration this day.

The Chairperson stated that although Mr Forbes 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.

Mr Forbes explained that the application which was the subject of the review was for the replacement of two windows at the property at 18 Esslemont Avenue, Rosemount. Mr Forbes 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 Forbes advised that the application related to 18 Esslemont Avenue, Rosemount, a second floor flatted property within a traditional four storey granite tenement block on the corner of Esslemont Avenue and Northfield Place. The block of flats formed part of a terrace of similar tenement blocks on the eastern side of Esslemont Avenue. There were a variety of different window designs and fenestration patterns on Esslemont Avenue, although it was noted that the corner block to which the application property belonged had a uniformity of window design, and all the windows were white-framed 1 over 1 casement units with central horizontal transom bars which mimicked the appearance of a traditional sash and case window, with the exception of the upper sash being stepped out above the lower sash. Mr Forbes advised that the application site was within the Rosemount and Westburn Conservation Area.

In relation to the proposals Mr Forbes explained that planning permission was sought for the installation of replacement windows at the application site. It was proposed to replace the two existing units which had central transom bars with two modern uPVC window with an offset, lower transom. The windows would have a lower, 450mm high fixed pane, and a larger 1.6m high tilt and turn unit above.

In relation to documents which the members of the Body should consider, Mr Evans outlined that all the following documents were accessible via web links, and available as set out in the papers:-

Development Plan – Aberdeen Local Development Plan (2012); D1 – Architecture and Placemaking: to ensure that high standards of design were achieved through a number of considerations, including context, to ensure that the setting of the proposed development and its design was acceptable; D5 – Built Heritage: proposals affecting Listed Buildings or Conservation Areas would only be permitted if they complied with Scottish Planning Policy; and H1 – Residential Areas: within existing residential areas, proposals for new residential developments and householder developments would be approved in principle, if they did not constitute over-development; did not have an unacceptable impact on the character or amenity of the surrounding area; did not result

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

24 July 2014

in the loss of valuable and valued areas of open space (defined in the Aberdeen Open Space Audit 2010); complied with Supplementary Guidance on curtilage splits; and complied with Supplementary Guidance on house extensions.

The Technical Advice Note: Repair and Replacement of Windows and Doors was also cited, particularly:-

White uPVC vertical sliding windows may be acceptable as 'lookalike' replacements for windows in Conservation Areas provided that proposals with through / embedded astragals complied with original dimensions

On non-traditional, more modern, buildings in Conservation Areas a broader range of materials and designs may be permitted, depending on the individual building and surrounding area.

The planning authority had also advised that the Rosemount and Westburn Conservation Area Character Appraisal should be taken into consideration, and had considered that one of the major contributing factors to the character of any area was the uniform treatment of fenestration.

In relation to consultations, Mr Forbes explained that no consultees had raised any objections and no letters of objection or support had been received.

Mr Forbes further explained that it was also important to point out that within the Statement of Reasons, submitted with the notice of review, the applicant indicated that while the case officer had requested that windows be installed which matched the design of the existing windows, the current windows did not comply with building regulations, as there was no protective barrier in place for when the window was fully opened. The applicant advised that the case officer had suggested that a barrier could be installed inside the window, but they stated that this would render the window unopenable and so would also be non-compliant. The applicant also stated that there was a vast mix of differing styles in the entire block of flats and the wider conservation area, and argued that there was not one prominent window style.

Mr Forbes explained that it was the position of the planning authority that the proposed design was not necessary in order to comply with building regulations, and the situation could be resolved with an internal barrier. While the Rosemount and Westburn Conservation Area Character Appraisal acknowledged that the uniformity of fenestration treatments in streets such as Esslemont Avenue had been lost, the planning authority noted that the tenement block in question did have a uniformity of fenestration pattern. Although it would be impractical to demand the reinstatement of sash and case window units on Esslemont Avenue, the retention or reinstatement of windows which at least had a similar appearance through the use of central transom bars was felt to be an acceptable compromise in terms of maintaining and enhancing the visual character of the area. The planning authority argued that the proposed installation of tilt and turn units with a lower fixed pane, although seen elsewhere in the street, would be detrimental to the character of the area and especially the corner block to which the application property belonged, due to the existing uniformity within that

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

24 July 2014

block. The planning authority therefore considered that the proposed windows did not comply with Scottish Planning Policy, Scottish Historic Environment Policy, and Policies D1, H1 and D5 of the Aberdeen Local Development Plan.

He advised that for information the stated reason for refusal of planning permission was as follows:

The proposed replacement windows would be of a non-traditional design. Their installation would have a detrimental impact upon the visual character of both the block in which the application property is situated, as well as the Conservation Areas as a whole. The proposed installation of the replacement windows would therefore be contrary to Scottish Planning Policy, Scottish Historic Environment Policy and Policies D1 (Architecture and Placemaking), D5 (Built Heritage) and H1 (Residential Areas) of the Aberdeen Local Development Plan.

The Local Review Body then asked a number of questions of Mr Forbes.

At this point, the Local Review Body considered whether they had sufficient information before them to proceed to determine the review. Members agreed that the review under consideration should be determined without further procedure.

The Chairperson noted that Building Control had confirmed that the suggestion of the case officer in relation to a barrier being installed inside the window would be allowable, and added that alternatives were available to the applicant, therefore he was in agreement with the decision of the case officer, for the reasons set out in the report. The other members of the Local Review Body concurred with the Chairperson.

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 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.

The Local Review Body also had regard to the provisions of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 which placed a duty on planning authorities to preserve and enhance the character or appearance of conservation areas.

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

The proposed replacement windows would be of a non-traditional design. Their installation would have a detrimental impact upon the visual character of both the block in which the application property was situated, as well as the Conservation

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

24 July 2014

Area as a whole. The proposed installation of the replacement windows would therefore be contrary to Scottish Planning Policy, Scottish Historic Environment Policy and Policies D1 (Architecture and Placemaking), D5 (Built Heritage) and H1 (Residential Areas) of the Aberdeen Local Development Plan.

In terms of the legislation and regulations governing Local Review Bodies, Councillor Crockett declared an interest in the following article as local member and withdrew from the meeting.

WYNFORD FARM, KINGSWELLS - 130002

4. The Local Review Body of Aberdeen City Council then reviewed the decision taken by an appointed officer under the Council's Scheme of Delegation to refuse planning permission for the proposed extension to the existing playbarn at Wynford Farm, Kingswells (P130002).

The Chairperson indicated that the Local Review Body would now be addressed by Mr Gareth Allison, who would be acting as the Planning Adviser to the Body in the case under consideration this day.

The Chairperson stated that although Mr Allison 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.

Mr Allison explained that the application which was the subject of the review was for the extension to the existing playbarn at Wynford Farm, Kingswells. Mr Allison 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.

He explained that the applicant had asked that the LRB ask for further written submissions; and undertake a site inspection.

Mr Allison advised that the application related to Wynford Farm and Playbarn, Kingswells, which was located on the C93C (Borrowstone Road – Clinterty to Kingsford) to the west of Brimmond Hill. The farm complex comprised a 2 storey farmhouse and a converted and extended steading which formed the farm shop, café and playbarn. On the opposite side of the road were large modern agricultural storage buildings, associated to the operation of the farm. The BP Forties (Cruden Bay to Kinneil) pipeline crossed through the south eastern corner of the site, and the proposed works were within the inner notification zone of the pipeline, for the purposes of Health and Safety Executive consultations. The development area was also within the inner zone of the Shell Natural Gas Liquids pipeline.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL
24 July 2014

In relation to the proposals Mr Allison explained that planning permission was sought to extend the existing playbarn by a further 312 sqm. The extension would be to the front southern elevation of the converted and extended steading and would result in the loss of 13 existing car parking spaces. The proposal also covered replacement of the lost parking via an extension to the existing parking area to the south east. Part of this was the subject of a separate pending application (P120696). The proposed extension would continue the modern range which had been approved in 2010 and would match its scale, form and finishes. The extension would measure 16.8m x 18m x 7.8m. It was also proposed to create a projecting tower on the existing extension, west of the roof apex, which would have glazing to all four elevations and a pitched and double hipped dark grey clad roof. The tower would measure approximately 2.9m x 1.7m x 1.3m, which would give an approximate maximum height above ground level of 9.1m.

In relation to documents which the members of the Body should consider, Mr Allison outlined that all the following documents were accessible via web links, and available as set out in the papers:-

Development Plan – Aberdeen Local Development Plan (2012); T2 - Managing the Transport Impact of Development: new development required to demonstrate that sufficient measures had been taken to minimise the traffic generated; D1 – Architecture and Placemaking: to ensure that high standards of design were achieved through a number of considerations, including context, to ensure that the setting of the proposed development and its design was acceptable; D3 – Sustainable and Active Travel: new development should minimise travel by the private car and promote healthy lifestyles by encouraging active travel; D6 – Landscape: development would not be acceptable where it significantly adversely affected landscape character, sprawled onto important or necessary green spaces or buffered between spaces or communities; NE2 – Green Belt: no development would 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.

The following exceptions applied to this policy:-

Proposals for development associated with existing activities in the green belt will be permitted but only if all of the following criteria are met:-

- (a) The development is in within the boundary of the existing activity;
- (b) The development is small-scale;
- (c) The intensity of activity is not significantly increased; and
- (d) Any proposed built construction is ancillary to what exists.

Policy BI5 – Pipelines and Controls of Major Accident Hazards: in determining planning applications for development within consultation distances for hazardous installations, the City Council would take full account of the advice from the Health and Safety Executive and would seek to ensure that any risk to people's safety was not increased; and Policy B14 – Aberdeen Airport and Aberdeen Harbour: due regard would be paid to the safety and amenity impacts on and efficiency of uses in the vicinity of the airport.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

24 July 2014

In relation to consultations, Mr Allison explained that no consultees had raised any objections, but that BP had requested that the applicant liaise with their Wayleaves officer to ensure that appropriate pipeline measures were incorporated if the application was to be approved. Shell had also requested that a copy of any advice resulting from consultation with the Health and Safety Executive be forwarded to them. Two letters of objection had been received and related to the following matters (i) that car parking was not adequate for the site; (ii) that the safety of those using the Playbarn would be compromised by increased traffic to and from the site; (iii) that the safety of those using the Playbarn would be compromised by overcrowding; (iv) that there were potential safety issues with the siting of the extension and car park in relation to the BP gas pipeline; (v) that there would be a reduction in the amount of agricultural land in the Green Belt; and (vi) that there would be an increase in the amount of untreated sewage which would enter into the water course which ran between Wynford Playbarn and Wellside Croft. One letter of support had been received, but was outwith the timescale for representations to be made.

Mr Allison further explained that it was also important to point out that within the Statement of Reasons, submitted with the notice of review, the applicant had indicated that they felt that the case officer had failed to take sufficient account of Scottish Planning Policy and its strong support of development related to tourism and farm diversification and, in relation to Green Belt development, its support of intensification of established uses...subject to new development being of a suitable scale and form. The applicant also felt that officers had applied an inconsistent interpretation of Green Belt policy NE2 in their assessment of the proposal. The applicant advised that officers accepted that the proposal fell under the category of exception under policy NE2, but had objected on the grounds that the proposal failed to meet the 'small-scale' test set out within that part of the policy. The applicant considered the proposal to be small-scale in the context of the existing development at the site.

Mr Allison explained that it was the position of the planning authority that the proposed extension was of a significant size and would result in an increase in activity and therefore, while the proposal was in compliance with criterion (a) of NE2 as set out above, it was not in compliance with (b) and (c), nor did the authority feel that the proposal complied with Scottish Planning Policy in relation to the development being of a suitable scale. The authority had accepted that the proposed extension and car parking would be related to the existing operation and use at the site, and therefore the proposals satisfied the requirement of criterion (d).

The planning authority had considered that the proposal was of significant scale and would considerably increase the impact on that part of the green belt, in relation to visual impacts and intensity of use, thereby changing the character of the location, such that it was dominated by the large utilitarian forms. In terms of scale, massing and proportion, the case officer had stated that the structure would project out from the front of the property, and would be significantly higher and more imposing than the original steading. It was therefore considered that the proposal did not comply with Policy NE2 or D1.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL
24 July 2014

Similarly, the case officer had considered that the scale of the proposal meant that it would have a reasonably significant impact on the landscape character of the area and would erode the quality of the wider green belt to the detriment of its value. Therefore it was not considered to comply with the requirements of Policy D6.

It was considered that the location was relatively remote from the customer base, and coupled with the nature of the site use, led the authority to consider that the only reasonable mode of access to the location was the private car. It was therefore not considered that the location was particularly sustainable, and it had not been demonstrated that sufficient measures taken to minimise the traffic which would be generated. Therefore it was considered that the proposal failed to comply with Policies T2 and D3.

Mr Allison advised that for information the stated reason for refusal of planning permission was as follows:

That Policy NE2 (Green Belt) states that any proposed development should be small-scale and the intensity of the activity should not be significantly increased. Alongside this, Policy D1 (Architecture and Placemaking) states that consideration needs to be given to the context, setting, siting, scale and massing. It is not considered that the proposed extension is small in scale and as a result of this it is considered that the visual impacts and the intensity of activity would be significantly increased. In relation to context, setting and siting, the proposed extension would come forward of the building line into the existing car park, would be higher and more imposing than the original steading building, and although of the same height as the existing modern extension, the existing massing would be significantly increased and the character of the farm grouping altered such that it would appear out of context and dominant in this green belt location. The proposed extension would detract from the character of the original steading building which would lose its visual presence and be dominated by those more modern additions. The scale of the proposal is such that it will have a reasonably significant impact on the landscape character of the area and will erode the quality of the wider green belt to the detriment of its value, thus would not comply with Policy D6 (Landscape). Neither is the location sustainable and the intensification of the scale of development at this location would not be in compliance with the aims of Policy T2 (Managing the Transport Impact of Development) nor D3 (Sustainable and Active Travel). It is therefore considered that the proposal does not comply with Policies D1, D3, D6, T2 nor NE2 of the Aberdeen Local Development Plan.

The Local Review Body then asked a number of questions of Mr Allison.

At this point, the Local Review Body considered whether they had sufficient information before them to proceed to determine the review. Members agreed that the review under consideration should be determined without further procedure.

The Chairperson stated that in the context of the existing facility, he was satisfied that the proposal was not oversized and therefore was in compliance with exception (b) of

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL
24 July 2014

Policy NE2. Councillors Jean Morrison and Donnelly concurred. The Chairperson highlighted the explanation from the applicant that the extension was intended to improve the facilities for existing customers, rather than to attract new custom, and therefore stated that he was satisfied that the increase in the size of the facility would not intensify usage. Councillors Jean Morrison and Donnelly agreed, and stated that they therefore felt that the proposal was in compliance with exception (c) of Policy NE2.

Members also considered that the proposal was in keeping with the existing buildings on site, namely a farm-building / steading style, and therefore, given the previous decision in relation to the size of the extension, and they did not feel it would detract from the character of the area, and therefore was not against Policies D1 and D6.

Members then considered whether the application was in compliance with Policies T2 and D3, and noted that although some customers would use a private car to reach the site, the business did encourage group visits and travel by minibus, and therefore Members did not feel it was against either Policy. Members agreed however that a condition could be added in relation to the production of a Green Travel Plan.

Therefore, the Local Review Body agreed unanimously to over-turn the planning authority's decision to refuse planning permission, and granted approval to the proposal with the following conditions:-

- (i) that no development shall take place unless there has been submitted to and approved in writing a detailed Green Transport Plan, which outlines sustainable measures to deter the use of the private car, and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets - in order to encourage more sustainable forms of travel to the development;
- (ii) that no development pursuant to this planning permission shall take place unless a detailed scheme of the car-parking area hereby approved has been submitted to and approved in writing by the Planning Authority. Such a scheme shall clearly show the car-parking area to be enclosed by a boundary wall; surfaced in appropriate asphalt or other suitable material as agreed with the planning authority; and car-parking spaces delineated with white paint. Thereafter no part of the development hereby approved shall be occupied unless the approved scheme has been implemented in its entirety, with such areas not thereafter being used for any purpose other than the parking of cars ancillary to the development and use thereby granted approval - in the interests of public safety and the free flow of traffic;
- (iii) that none of the development hereby granted planning permission shall be occupied unless a scheme detailing cycle and motorcycle storage provision has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme - in the interests of encouraging more sustainable modes of travel;
- (iv) that no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Planning Authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme - in order to

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

24 July 2014

safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

Informatives

1. As the proposed development is within the Consultation Distance of a major hazard pipeline, the applicant should consider contacting the pipeline operator before deciding the case. There are two particular reasons for this:

- The operator may have a legal interest (easement, wayleave etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline.
- The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline. Consequently there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds.

2. As the proposed car-park alterations associated with the development will extend over the BP Forties Pipeline wayleave, the applicant should liaise with the BP Wayleaves Office to ensure that appropriate pipeline protection measures are incorporated within the specification for its construction.

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 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.

- **RAMSAY MILNE, Chairperson**