

## LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 18 May 2015. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Milne, Chairperson; and Councillors Crockett and Lawrence.

**The agenda and reports associated with this minute can be found at:-**  
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=284&MIId=3770&Ver=4>

### **64 QUEENS ROAD - 141393**

1. 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 a request for planning permission.

Councillor Milne, as Chairperson, gave a brief outline of the business to be undertaken. He indicated that the Local Review Body would be addressed by the Assistant Clerk, Mrs Stephanie Dunsmuir, as regards the procedure to be followed and also, thereafter, by Ms Lucy Greene, 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 Local Review Body was then addressed by Mrs Dunsmuir 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 application which was the subject of the review was for retrospective planning permission for the formation of five car parking spaces to the front of the property at 64 Queens Road (Planning Reference 141393). The proposal also included the retrospective formation of small areas of landscaping to the front and side of the parking area and the formation of granite setts to the front of the property.

The property at 64 Queens Road was a two and a half storey detached property located in the west end which was currently used as offices. The property was finished in granite, with a slate roof and was Category B listed and was located within the Albyn Place / Rubislaw Conservation Area. The surrounding area was mixed use in nature and included offices, hotels and residential properties. An area of parking had been formed to the front of the property, and garden ground located to the rear.

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In relation to documents which the members of the Local Review Body should consider, the following documents were accessible via web links and available as set out in the papers:-

Development Plan – Aberdeen Local Development Plan (2012); B13 (West End Office Area) – the development of associated front gardens to car parks and driveways, and the subsequent erosion of associated landscaping would not be permitted. The reinstatement and restoration of car parks to front gardens would be encouraged by the Council; and D5 (Built Heritage) – that proposals affecting Conservation Areas and Listed Buildings would only be permitted if they complied with Scottish Planning Policy.

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) 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.

In relation to the proposed Aberdeen Local Development Plan – D4 (Historic Environment) – that the Council would protect, preserve and enhance the historic environment in line with Scottish Planning Policy, Scottish Historic Environment Policy, its own Supplementary Guidance and Conservation Area Character Appraisals and Management Plan. It would assess the impact of proposed development and support high quality design that respected the character, appearance and setting of the historic environment and protected the special architectural or historic interest of its listed buildings, conservation areas, archaeology, scheduled monument, historic gardens and designed landscapes; and B3 (West End Office Areas) – that the redevelopment of front gardens to provide car parks and driveways, and the subsequent erosion of associated landscaping would not be permitted. The Council would support the principle of reinstating and restoring front gardens and cast iron railings.

The case officer had determined that the Supplementary Guidance on Transport and Accessibility was also a relevant consideration, as it stated that the conversion of front gardens would only be permitted where the site was outwith the West End office area; where the rear garden was not an option; and where on-street parking was not available within the vicinity.

In relation to consultations, the Roads Projects Team had requested that the applicant justify the additional car parking spaces for the site; and that clear directional arrows or signage should be installed and shown should the application be approved. The Communities, Housing and Infrastructure Flooding team had recommended changing the tarmac surface to porous paviour in order not to create an additional run-off water flow. One letter of objection had been received which stated that the proposal was contrary to the policies of the Aberdeen Local Development Plan and would set an undesirable precedent for future development, and also suggested that the hedge should be reintroduced to soften the frontage.

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Ms Greene advised that the stated reasons for refusal were as follows:-

- (1) The proposal failed to accord with Policy B13 (West End Office Area) of the Aberdeen Local Development Plan, or Policy B3 (West End Office Areas) of the emerging Local Development Plan, which advised that the formation of car parking and the erosion of associated landscaping would not be permitted;
- (2) The proposal failed to accord with Scottish Planning Policy, Policy D5 (Built Heritage) of the Aberdeen Local Development Plan or Policy D4 (Historic Environment) of the emerging Local Development Plan, in that the proposal would have a negative impact on the character and appearance of both the Category B listed building and the wider conservation area; and
- (3) The proposal failed to accord with the Transport and Accessibility Supplementary Planning Guidance as it was located within the West End Office Area; the applicant could locate car parking to the rear of the property; and adequate on-street parking could be provided on Queens Road.

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

Following discussion of the application, Members unanimously agreed that the proposal was contrary to Policy B13 of the Aberdeen Local Development Plan, and B3 of the emerging Local Development Plan, which advised that the formation of car parking and the erosion of associated landscaping would not be permitted. The Local Review Body therefore unanimously agreed to **uphold** the decision of the appointed officer and **refuse** the application.

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 on which the Local Review Body based this decision were as follows:-**

- (1) The proposal failed to accord with Policy B13 (West End Office Area) of the Aberdeen Local Development Plan, or Policy B3 (West End Office Areas) of the emerging Local Development Plan, which advised that the formation of car parking and the erosion of associated landscaping would not be permitted;
- (2) The proposal failed to accord with Scottish Planning Policy, Policy D5 (Built Heritage) of the Aberdeen Local Development Plan or Policy D4 (Historic Environment) of the emerging Local Development Plan, in that

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the proposal would have a negative impact on the character and appearance of both the Category B listed building and the wider conservation area; and

- (3) The proposal failed to accord with the Transport and Accessibility Supplementary Planning Guidance as it was located within the West End Office Area; the applicant could locate car parking to the rear of the property; and adequate on-street parking could be provided on Queens Road.

The Local Review Body heard that a report would be submitted to a future meeting of the Planning Development Management Committee with a view to obtaining approval to serve an enforcement notice.

**- COUNCILLOR RAMSAY MILNE, Chairperson**