

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 3 February 2016. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Milne , Chairperson; and Councillors Cameron and Jaffrey.

The agenda and reports associated with this minute can be found at:-
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=284&MIId=4113&Ver=4>

FOGGIE COTTAGE, BAILLIESWELLS ROAD, BIELDSIDE - 151542

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 three requests 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 Lynsey McBain, 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.

At this juncture, the Local Review Body had a short adjournment.

Thereafter, Mrs Swanson, Assistant Clerk, raised a preliminary matter that it been brought to officers' attention that additional documents had been submitted directly to today's three Local Review Body Members in respect of the review.

She advised Members that in accordance with the Scottish Government's Planning series Circular 5/2013: Schemes of Delegation and Local Reviews, all matters that the applicant intended to raise in the review should be set out in, or, accompany the notice of review, as should all documents, material and evidence on which the applicant intended to rely. The applicant on this occasion had not submitted a statement along with the notice of review.

Also, Regulation 9(5) of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, made it clear that, apart from information in the notice of review and accompanying documents, the applicant would only be able to raise matters or submit further documents to the extent permitted by the Regulations. That was either where the Local Review Body request further written evidence or where requested as part of a hearing session. These requirements were intended to ensure that the relevant matters and items of information were provided efficiently at the start of the review process, rather than at varying points throughout the process and also provided all parties with fair notice of the documents/information lodged.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

3 February 2016

Should the Local Review Body today determine that it required further written evidence, or a hearing, in order to determine the application, Regulation 15 allowed them to request information from the applicant or any other body or person by sending a written notice. Mrs Swanson emphasised that Members would require to be specific about the nature of the information/representations sought and by whom it should be provided and thereafter adjourn to enable the clerk to contact all parties to advise of the position and request the required information.

At this point, the Chairperson advised that he required a written submission, by way of a statement from the applicant / agent setting out the applicant's reasons for requiring the review and all matters they considered should be taken into account in determining the review. He emphasised that the applicant's statement should not however, raise any new material which was not before the appointed person at the time the application was decided (or at the time of expiry of the period of determination) unless they could demonstrate:

- that the new material could not have been raised before that time; or
- that it not being raised before that time was a consequence of exceptional circumstances.

Councillors Cameron and Jaffrey concurred with the Chairperson's view.

The Local Review Body resolved:-

to defer consideration of the application and to request a written submission, by way of a statement from the applicant / agent setting out the applicant's reasons for requiring the review and all matters they considered should be taken into account in determining the review, and that the Local Review Body reconvene on a date suitable for all members and all interested parties, as per the legislation and guidelines governing meetings of Local Review Bodies.

FORMER POLICE STATION - 151253

2. The Local Review Body then considered the second request for a review. The Chairperson advised that the LRB would now be addressed by Mr Robert Forbes and reminded members that Mr Forbes 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. Mr Forbes 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 formation proposed conversion and extension of the former Police Station at Midstocket Road to form a one, two bedroom dwellinghouse. Mr Forbes explained that he had checked the submitted Notice of Review and found it to be valid and submitted within the relevant timeframes.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

3 February 2016

Mr Forbes explained that the site referred to comprised a single storey flat roofed building covering 51 square metres, which was formerly used as a Police Station. The existing walls were of granite block construction, with white Upvc windows, and cast iron rainwater goods (painted grey). The property was located within the Rosemount Conservation Area towards the eastern end of Midstocket Road, near its junctions with Beechgrove Terrace, Argyll Place, Craigie Loanings, and Rosemount Place. In respect of neighbouring property, there was a small area of unused ground to the east, with 1 ½ storey properties beyond containing a mix of retail and residential flats. To the south was a bank at ground floor level, with two storeys of residential accommodation above. To the west was the four storey flatted development of Midstocket Mews, while to the north were the rear gardens and garages associated with Argyll Place.

Mr Forbes explained that planning permission was sought for the change of use of this former Police Station to form a two bedroomed residential unit. The submitted plans showed the premise would comprise a living room, bathroom, and a kitchen at ground floor level, with two bedrooms (covering approximately 28 square metres) at first floor level, leading out onto a small roof terrace. As an amendment to the previously approved developments, the accommodation at first floor level would now be enclosed by a hipped slated roof covering the majority of the current roof area, apart from the roof terrace of approximately 8.3 square metres at the western end towards Midstocket Mews.

The proposal would also include a total of 3 conservation style rooflights, 2 of which would be located on the south facing roof plane, and 1 to the east facing roof plane. The new gable to the roof terrace would be clad with vertical timber linings, and would also include a white Upvc door.

The submitted plans also showed a further external change which would see the cill level of the windows at the frontage to Midstocket Road dropped. To the north elevation, the level of the windows would also be dropped to accommodate the additional accommodation at first floor level. On the west elevation, the existing door would be built up to form a window. The new windows and external door would be timber painted white.

He also highlighted the sites previous planning history, wherein it was advised that the site had two recent planning approvals, namely:

- A planning application (Ref: 131363) was considered by Members at the meeting of the Planning Development Management Committee (PDMC) on 28 November 2013. In that instance, the flat-roofed extension on the roof measured 4.2 by 2.1, thus covering approximately 8.8 square metres; and
- A subsequent application (Ref:141246) was considered by Members at the meeting of the PDMC on 6 November 2014. In that instance, an enlarged sun lounge (beyond that previously approved) was to be erected in the north eastern corner of the roof terrace. It was to cover approximately 16.8 square metres (Approximately 4.3 x 3.9m) which would also enclose the stair leading to the ground floor level.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

3 February 2016

On the basis of the previous planning approvals, Mr Forbes advised that the general principle of residential development had already been accepted.

In relation to documents which the Members of the Body should consider, Mr Forbes 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); RT3 (Town, District and Neighbourhood Centres) – proposals for the change of use from retail to non retail use in town, district and neighbourhood centres would only be allowed if in compliance with five set criteria); D1 (Architecture and Placemaking) – to ensure high standards of design, new developments must be designed with due consideration for context and make a positive contribution to its setting; D2 (Design and Amenity) – to ensure the provision of appropriate levels of amenity the following principles would be applied: (1) privacy should be designed into higher density housing; (2) residential development should have public face to the street and a private face to an enclosed garden or court; and (3) all residents should have access to sitting out areas – this could be provided by balconies, private garden, terraces, communal gardens or other means acceptable to the council etc; D4 (Aberdeen’s Granite Heritage) – encourage the retention of granite buildings throughout the city , even if not listed or in a conservation area. Conversion and adaption of redundant granite buildings will be favoured; and D5 (Built Heritage) – proposals affecting conservation areas or listed buildings would only be permitted if they complied with Scottish Planning Policy.

In relation to the proposed Aberdeen Local Development Plan, the following policies substantively reiterate policies in the adopted local development plan:- Placemaking by Design (D1), Historic Environment (D4), Our Granite Heritage (D5), Town, District, Neighbourhood and Commercial Centres (NC6), Managing the Transport Impact of Development (T2) and Sustainable and Active Travel (T3).

National Policy and Guidance – 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. Section 64 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas.

Mr Forbes added that the Supplementary Guidance on Transport and Accessibility and the Technical Advice Note: The Repair and Replacement of Windows and Doors were also a relevant consideration.

In relation to consultations, Mr Forbes explained that with regard to the suggestions that the amount of traffic noise and pollution would be unacceptable for anyone living in this

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

3 February 2016

accommodation, no objections were received from Environmental Health or Roads. Mr Forbes also, the general principle of residential development has already been accepted.

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

- (1) The proposed development does not comply with Policy D1 Architecture and Placemaking of the Adopted Local Development Plan in light of the scale and design of the proposed extension, and particularly the roof massing. This small building had significant limitations in respect of its potential for conversion and beneficial use. In this instance, considerable pressure was being put upon the building to accommodate an intensified residential occupation in comparison to previously approved applications. As such, the current proposals were in excess of what could realistically be achieved without having a detrimental visual impact upon the character of the wider area; and
- (2) It was considered that due to its inappropriate design, the proposal would have a detrimental impact upon the setting of the Rosemount Conservation Area and would therefore not comply with Policy D5 Built Heritage of the Adopted Local Development Plan. The proposal if approved, would draw attention to an over-complicated roof/massing arrangement which would not respect the character of the wider Conservation Area, and thus be contrary to Scottish Planning Policy.

Mr Forbes referred Members to large scale plans of the proposed development.

The Local Review Body then asked a number of questions of Mr Forbes and the Chairperson confirmed that Members had taken into consideration all of the documents which were before them today in respect of this review.

At this point, the Local Review Body considered whether it 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.

Members unanimously agreed that the proposal was contrary to Policy (1) D1 of the Aberdeen Local Development Plan, which advised that 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, would be considered in assessing that contribution; and (2) D5 of the Aberdeen Local Development Plan, which advised that that proposals affecting Conservation Areas or Listed Buildings will only be permitted if they complied with Scottish Planning Policy.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

3 February 2016

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 Scottish Planning Policy, Policy D1 (Architecture and Placemaking), in that the proposal to introduce a much heavier and dominant feature upon the roof would result in a significant alternation to the two previously approved plans; and
- (2) The proposal failed to accord with Scottish Planning Policy, Policy D5 (Built Heritage), in that whilst Members acknowledged that there were a number of other buildings within Rosemount, and the Conservation Area which had slated hipped roofs, the shape of the building at the corner of Midstocket Road and the rear lane, did not lend itself to putting a more standard traditional hipped roof solution on the property. Furthermore the creation of the gable to provide the small roof terrace of approximately 8.8 metres would introduce an awkward feature which would be incongruous with comparable properties. Overall, Members were of the view that the design had contrived, bulky and awkward appearance. As such, it did not make a positive contribution to the visual amenity or character of the Rosemount Conservation Area.

16 CRUICKSHANK CRESCENT BUCKSBURN - 151339

3. The Local Review Body then considered the third request for a review. The Chairperson advised that the LRB would now be addressed by Mr Andrew Miller and reminded members that Mr Miller 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. Mr Miller would not be asked to express any view on the proposed application.

Mr Miller indicated that the application that was the subject of the review was for retrospective planning permission for the erection of a sun house and decking at 16 Cruickshank Crescent Blackburn. Mr Miller explained that he had checked the submitted Notice of Review and found it to be valid and submitted within the relevant timeframes.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

3 February 2016

Mr Miller explained that the application site was located on the west side of Cruickshank Crescent on a corner plot adjacent to the junction with Marischal Gardens and the site consisted of a 2-storey end terrace dwelling house which has been extended from its south-facing gable. The property had front and rear gardens, both of which were finished with a hard surface. The rear garden was a narrow, 'V' shaped and enclosed with a timber fence of circa 1500mm high. It included a timber shed and drying area. A small area at the front of the house was paved while the remainder of the area to the front and side was formed as a driveway. The site was sloping and falls to the north. The east boundary fronting the road was enclosed with a privet hedge of 1600-1700mm high, while the north and west was bound by a wall of circa 1100mm. The current plot coverage was 7% of the total 368sqm plot.

Mr Miller advised that the stated reasons for the application being refused were as follows:-

- (1) The proposed sun house and raised deck do not comply with Aberdeen Local Development Plan Policy D1 (Architecture and Placemaking) and H1 (Residential Areas), nor with the related Household Development Guide, as the unduly prominent position of the structure relative to the existing house and its conspicuous presence in the wider streetscape was inconsistent with the existing character of the area;
- (2) The proposal did not demonstrate due regard for that existing context, and would not make a positive contribution to its setting, resulting in an unacceptable impact on the character and visual amenity of the surrounding area; and
- (3) The application did not comply with policy D1 (Quality Placemaking by Design) and H1 (Residential Areas) in the Proposed Aberdeen Local Development Plan.

Mr Miller also explained that no objections had been received from Environmental Health or the Roads department.

The Local Review Body then asked a number of questions of Mr Miller who showed members a power point presentation with photographs of the property, surrounding area and the sun house and decking. The Chairperson confirmed that Members had taken into consideration all of the documents which were before them today in respect of this review.

At this point, the Local Review Body considered whether it 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 Local Review Body therefore unanimously agreed to **uphold** the decision of the appointed officer and **refuse** the application.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

3 February 2016

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 proposed sun house and raised deck did not comply with Aberdeen Local Development Plan Policy D1 (Architecture and Placemaking) and H1 (Residential Areas), nor with the related Household Development Guide, as the unduly prominent position of the structure relative to the existing house and its conspicuous presence in the wider streetscape was inconsistent with the existing character of the area;
- (2) The proposal did not demonstrate due regard for that existing context, and would not make a positive contribution to its setting, resulting in an unacceptable impact on the character and visual amenity of the surrounding area; and
- (3) The application did not comply with policy D1 (Quality Placemaking by Design) and H1 (Residential Areas) in the Proposed Aberdeen Local Development Plan.

- **RAMSAY MILNE, Chairperson**