

## LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 28 June 2016. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Milne, Chairperson; and Councillors Cormie and Sandy Stuart.

**The agenda and reports associated with this minute can be found at:-**  
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=284&MIId=4290&Ver=4>

### REVIEWS

#### MOSS-SIDE CROFT, CHARLESTON - P160131

1. The Local Review Body of Aberdeen City Council met on this day to review the decision taken by an appointed officer under the Council's Scheme of Delegation to refuse the request for planning permissions for the proposed change of use from class 9 (residential) to class 5 (general industrial), the erection of a workshop measuring approximately 31m in length, 19m in width, 6m to eaves height and 7m to ridge height, erection of a 1.8m high palisade fence to the perimeter of the site, widening of existing access, installation of security gates and the conversion of the existing garage to form an office at Moss-side Croft, Charleston (P160131).

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 Swanson, as regards the procedure to be followed and also, thereafter, by Mr Allison, 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 Mrs Swanson, 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.

In relation to the application, the Local Review Body had before it (1) a delegated report by Ms Readman, Planning Officer, dated 17 February 2016; (2) the decision notice dated 31 March 2016; (3) plans showing the proposal; (4) planning policies referred to in the delegated report; and (5) the Notice of Review submitted by the applicant's agent along with an accompanying statement.

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In respect of the Review, Mr Allison advised that he had checked the submitted Notice of Review and had found it to be valid and submitted within the relevant timeframes. Mr Allison highlighted that the applicant had asked that a site visit be undertaken by the Local Review Body prior to it determining the Review and explained that the Local Review Body was required to consider whether it had sufficient information before them to determine the review today.

Thereafter, Mr Allison referred to the delegated report wherein a description of the site was provided, along with detail of the proposal, relevant planning policies, previous planning history of the site and reason for refusal.

He advised that one letter of representation had been received which and consultation responses were detailed in the report.

Mr Allison advised that the site was designated as part of the green belt and therefore the proposal had to comply with policy NE2 of the Local Development Plan. He explained that policy NE2 stated that “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 landscape renewal.” However, he advised that the policy also included an exception which stated that “*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 within the boundary of the existing activity;*
- b) *The development is small scale;*
- c) *The intensity of activity is not significantly increased;*
- d) *Any proposed built construction is ancillary to what exists.”*

If it could be demonstrated that the proposed development complied with this exception, then the principal of development on this site might be acceptable, however the conclusion of the appointed planning officer as detailed in the delegated report was that the proposal did not comply with any of the essential activities and did not meet all of the criteria required in exception 1.

Mr Allison explained that the Local Review Body if determining the Review today, required firstly to determine whether the proposal complied with policy NE2, and if it did not, did it meet the exception 1 criteria. If the Local Review Body concluded that the principal of development be approved, he highlighted that other planning matters had been raised regarding the operation and design of the proposed development and would require to be considered by the Local Review Body.

Members asked questions of Mr Allison regarding the proposed development, namely: tree removal; intensity of activity should the proposal be approved; travel plan; road safety; scale of the proposed building and impact on character of the area.

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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.

On discussing the proposal, the Chair advised the he was of the view that an exception to the general principles of Policy NE2 'Green Belt' of the Aberdeen Local Development Plan, did apply to this proposal as the green belt nature of the application site had been significantly diminished due to previous development both within this site and the immediate areas surrounding the application site. He was also satisfied with the scale of the proposal and that it would not have an impact on the character of the area. The chair also expressed that the development would have an economic benefit to the area.

Councillor Stuart advised that he did not agree that the proposal met the requirements of the Policy NE2 or the exception and whether it had previously been brown field, or might be again, was not relevant on considering the Review as they had to consider it on the basis of the existing policies and green belt designation.

Councillor Jaffrey referred to the adjacent developments and activities and explained that she was also of the view that the exception to Policy NE2 did apply, highlighting that she was also satisfied that the nature and scale of the proposal for the area would not be out of keeping for its context.

Following discussion of the application, one Member agreed with the decision of the appointed officer that the proposed change of use would introduce a new use to a green belt site which was not deemed ancillary, small scale or within the boundary of an existing activity. The associated built development was not in keeping with the character of the green belt, being too large for its context and of no architectural merit. Therefore, that Member agreed that the proposal was contrary to Scottish Planning Policy, Aberdeen Local Development Plan Policies D1 – Architecture and Placemaking, D6 - Landscape, NE2 – Green Belt, and Proposed Local Development Plan Policies D1 – Quality Placemaking by Design, D2 – Landscape and NE2 – Green Belt.

Whilst, the remaining two Members agreed that the proposal was not to Scottish Planning Policy, Aberdeen Local Development Plan Policies D1 – Architecture and Placemaking, D6 - Landscape, NE2 – Green Belt, and Proposed Local Development Plan Policies D1 – Quality Placemaking by Design, D2 – Landscape and NE2 – Green Belt.. The Local Review Body therefore agreed by majority that the decision of the appointed officer to refuse the application be reversed and the application approved subject to the following conditions:

- (1) that, the proposed change of use hereby approved shall not be brought into use, and no development pursuant to the planning permission hereby approved shall be carried out, unless a further detailed scheme of landscaping for the site had been submitted to and approved in writing by the planning authority, and thereafter the development should be carried out in accordance with the details so agreed. The scheme should include indications of all existing trees and

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- landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area;
- (2) that, any tree work which appeared to become necessary during the implementation of the development should not be undertaken without the prior written consent of the Planning Authority; any damage caused to trees growing on the site should be remedied in accordance with British Standard 3998: 2010 "Recommendations for Tree Work" before the building hereby approved was first occupied - in order to preserve the character and visual amenity of the area;
  - (3) that all planting, seeding and turfing comprised in the approved scheme of landscaping should be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, were removed or became seriously damaged or diseased should be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as might be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area;
  - (4) that, the proposed change of use hereby approved should not be brought into use, and no development pursuant to the planning permission hereby approved should be carried out, unless a detailed scheme to show the existing adopted footway to the south of Wellington Road being extended and connected to the application site had been submitted to and approved in writing by the planning authority, and thereafter the development should be carried out in accordance with the details so agreed – in the interests of suitable pedestrian connectivity;
  - (5) that, the proposed change of use hereby approved should not be brought into use, and no development pursuant to the planning permission hereby approved shall be carried out, unless a Travel Plan Statement for the application site had been submitted to and approved in writing by the planning authority, and thereafter the development should be implemented in accordance with the details so agreed – in the interests of sustainable transport methods;
  - (6) that, the proposed change of use hereby approved should not be brought into use, and no development pursuant to the planning permission hereby approved shall be carried out, unless a Drainage Impact Assessment for the application site had been submitted to and approved in writing by the planning authority, and thereafter the development should be implemented in accordance with the details so agreed – in the interests of sustainable drainage methods; and
  - (7) that, the proposed change of use hereby approved should not be brought into use, and no development pursuant to the planning permission hereby approved should be carried out, unless a detailed boundary enclosure scheme has been submitted to and approved in writing by the planning authority, and thereafter the development should be implemented in accordance with the details so agreed – in order to preserve the character and visual amenity of the area.

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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:-

The principle of the proposed change of use was considered acceptable as an exception to the general principles of Policy NE2 'Green Belt' of the Aberdeen Local Development Plan, in that the current green belt nature of the application site had been significantly diminished due to previous development both within this site and the immediate areas surrounding the application site. Having direct regard for the existing development on adjacent sites, the proposed development was considered to be of an appropriate nature and scale for the area and would not be out of keeping for its context, as required by Policy D1 'Architecture and Placemaking' of the Aberdeen Local Development Plan. It would also enable economic benefit for the area in line with the provisions of Scottish Planning Policy 2014 and the Aberdeen City and Shire Strategic Development Plan.

**47 CRANFORD ROAD, MANNOFIELD - P151897**

2. The Local Review Body then considered the second request for a review of the decision taken by an appointed officer under the Council's Scheme of Delegation to refuse the request for planning permission to form a new garage at the far end of the rear garden at 47 Cranford Road, Mannofield (P151897).

The Chairperson advised that the Local Review Body would again be addressed by Mr Gareth Allison and reminded members that Mr Allison 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 Allison would not be asked to express any view on the proposed application.

In relation to the application, the Local Review Body had before it (1) a delegated report by Ms Thain, Planning Officer, dated 15 March 2016; (2) the decision notice dated 22 March 2016; (3) plans showing the proposal; (4) planning policies referred to in the delegated report; (5) the Notice of Review submitted by the applicant's agent along with an accompanying statement; and (6) a letter of representation.

In respect of the Review, Mr Allison advised that he had checked the submitted Notice of Review and had found it to be valid and submitted within the relevant timeframes. Mr Allison explained that the Local Review Body was required to consider whether it had sufficient information before them to determine the review today.

Thereafter, Mr Allison referred to the delegated report wherein a description of the site was provided, along with detail of the relevant planning policies, and reason for refusal. He advised that the proposed garage would measure approximately 6.6m long x 5.6m

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wide, with a mono-pitch roof would reach a height of 3.2m/3.8m. The building would project 1.7m/1.2m beyond the existing garages to either side. The materials proposed were roughcast to match the main dwelling, larch timber linings, slate blue roof cladding and a grey Fyfestone base course.

Mr Allison advised that one letter of representation had been received and a consultation response from Roads Development Management had been received and this recommended refusal on the basis that the proposed garage would project forward of the garages at either side and obstruct visibility along the lane. The letter of representation and the full consultation response were included with the agenda.

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.

Members asked questions of Mr Allison regarding the proposed development, namely: previous planning history and the potential for the proposed garage to be located further back.

All Members advised that they concurred with the concerns raised by Roads Development Management.

Following discussion, Members unanimously agreed that the planning application be refused due to the proposed garage being a potential road safety hazard due to lack of visibility. Vehicles emerging from the garage would not achieve national standards of visibility and the proposal would worsen the existing situation. In addition, the garage would protrude beyond the neighbouring garages resulting in a detrimental impact on the lane and on the character and amenity of the wider residential area. The garage was inappropriate with regard to siting and conflicted with Aberdeen Local Development Plan Policies H1 (Residential Areas) and D1 (Architecture and Placemaking) and did not comply with the related Householder Development Guide.

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.

**MOSSBRODIEPARK, PETERCULTER - P160180**

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3. The Local Review Body then considered the third request for a review of the decision taken by an appointed officer under the Council's Scheme of Delegation to refuse the request for planning permission for the construction of a two storey four bedroom dwelling in the northern part of the site at Mossbrodiepark, Peterculter (P160180).

The Chairperson advised that the Local Review Body would again 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.

In relation to the application, the Local Review Body had before it (1) a delegated report by Ms Brasier, Planning Officer, dated 21 March 2016; (2) the decision notice dated 23 March 2016; (3) plans showing the proposal; (4) planning policies referred to in the delegated report; (5) the Notice of Review submitted by the applicant's agent along with an accompanying statement; and (6) a letter of representation.

In respect of the Review, Mr Miller advised that he had checked the submitted Notice of Review and had found it to be valid and submitted within the relevant timeframes. Mr Miller highlighted that the applicant had asked that a site visit be undertaken by the Local Review Body prior to it determining the Review and explained that the Local Review Body was required to consider whether it had sufficient information before them to determine the review today.

Thereafter, Mr Miller referred to the delegated report wherein a description of the site was provided, along with detail of the proposal, relevant planning policies and reason for refusal.

Mr Miller advised the site was covered in predominantly rough grass and a cleared area where the footings of a former steading complex have recently been excavated. He confirmed that there was no building on the site at present.

He then advised as detailed in the delegated report that the application had been refused as the site was designated as green belt, and therefore policy NE2 (Green Belt) of the Aberdeen Local Development Plan (ADLP) applied. This policy did not permit development 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. In this case, the proposal would be for the construction of an additional, new dwelling on what was promoted as a vacant site. The planning officer had concluded that the dwelling would not be related to any existing activities within the green belt. As such, the proposal would introduce a further, additional dwelling in the green belt, increasing the amount of residential activity within this sensitive area, which was contrary to the principle of policy NE2 (Green Belt).

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He went on to highlight the planning officer's (a) response to the applicant's view, as contained in the Notice of Review documentation, that as the dwelling would be located within the area where the footings of a former farm complex had been discovered and excavated, the proposal should be considered under exceptions NE2(3) and NE2(4) as a conversion/ extension of an existing building in the Green Belt; and (b) subsequent conclusion that the principle of the development did not comply with the policy context which would allow for the development of new housing in the Green Belt.

He advised of the applicant grounds of appeal as detailed within the Notice of Review contained within the agenda, namely that the site fell within the definition of brownfield land as provided by Scottish Planning Policy. The site had no function and had no prospect of a return to an agricultural use given the current condition of the site. All policies of the Scottish Government and Aberdeen City Council supported the reuse of brownfield land as a scarce resource. Indeed Scottish Planning Policy 2014, which post dated the Aberdeen Local Development Plan, introduced a presumption in favour of development that contributed to sustainable development. The reuse of brownfield land was considered to contribute to sustainable development.

The appeal site was located in a discreet location and, with the proposed enhanced landscaping provided as part of the overall scheme, the proposed house would not have a detrimental impact on the Greenbelt. Indeed the development of a single, high quality, innovative family home, which had been designed to respond to the site and the surroundings, would result in a net environmental benefit through the reuse of derelict brownfield land which had been the subject of recent fly tipping. The house would continue the existing development pattern of the area, that being sporadic development of single houses which have developed organically over time. The proposed house would not have a detrimental impact on the landscape setting of the City and would not result in urban sprawl. As such the main function of the Greenbelt remained unaffected by the proposal. As such it was submitted that there were sufficient material planning justifications to set aside strict adherence to the Policy NE2 in this instance.

He advised that one letter of representation had been received and was included within the agenda which raised the following matters:

1. The site was located within the green belt and the new house would detrimentally affect the landscape setting of the green belt and be contrary policy NE2 (Green Belt) of the ADLP;
2. There was no existing building on the site, so the proposal could not be considered as a rehabilitation of an existing farmstead;
3. The site was identified as Green Space Network, therefore its development would erode the wildlife and landscape character of the site and would fail to comply with policy NE1 (Green Space Network) of the Aberdeen Local Development Plan (ALDP); and
4. The proposal would result in a loss of open space and would be contrary to policy H1 (Residential Areas) of the ALDP.

No consultation responses had been received.



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Mr Miller explained that the Local Review Body if determining the Review today, required firstly to determine whether the proposal complied with policy NE2. If the Local Review Body concluded that the principal of development be approved, he highlighted that other planning matters as detailed in the delegated report had been raised regarding the design and operation of the proposed development and would require to be considered by the Local Review Body, namely: policies D1 (Quality Placemaking by Design), D2 (Landscape), NE1 (Green Space Strategy), NE6 (Flooding, Drainage and Water Quality) and T2 (Managing the Transport Impact of Development).

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.

Members asked questions of Mr Miller regarding the proposed development, namely: the remains of the previous dwelling on the site; elevations of the proposed development; and level of housing supply.

All Members advised that they concurred with the concerns raised by Roads Development Management.

Following discussion, Members unanimously agreed that the site is located in the green belt where the principal of the construction of an additional dwelling would be contrary to the types of development suitable under the terms of policy NE2 (Green Belt) of the Aberdeen Local Development Plan and policy NE2 (Green Belt) of the Proposed Local Development Plan. The proposal was therefore considered to be contrary to the main functions of the Green Belt, which were to preserve the landscape setting of the city and to resist urban sprawl.

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.

**14 CALEDONIAN COURT, FERRYHILL TERRACE - P151844**

4. The Local Review Body then considered the final request for a review. The Local Review Body then considered the final request for a review of the decision taken by an appointed officer under the Council's Scheme of Delegation to refuse the request to

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replace all windows/glazing, to the front and rear elevations with double glazed units in white PVC at 14 Caledonian Court, Ferryhill Terrace, Ferryhill (P151844).

The Chairperson advised that the Local Review Body would again be addressed by Mr Matthew Easton and reminded members that Mr Easton 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 Easton would not be asked to express any view on the proposed application.

In relation to the application, the Local Review Body had before it (1) a delegated report by Ms Robertson, Planning Officer, dated 15 April 2016; (2) the decision notice dated 5 May 2016; (3) plans showing the proposal; (4) planning policies referred to in the delegated report; and (5) the Notice of Review submitted by the applicant's agent along with an accompanying statement.

In respect of the Review, Mr Easton advised that he had checked the submitted Notice of Review and had found it to be valid and submitted within the relevant timeframes. Mr Easton explained that the Local Review Body was required to consider whether it had sufficient information before them to determine the review today.

Thereafter, Mr Easton referred to the delegated report wherein a description of the site was provided, along with detail of the proposal, relevant planning policies and reason for refusal was provided.

Mr Easton advised, as detailed within the delegated report, that the design and opening mechanism of the windows and fixed glazing to the front elevation would generally replicate existing windows, but with planted on astragals rather than true astragals. The lower windows would be converted to French doors. To the rear the replacement windows would fully replicate existing in terms of design and dimensions. The entrance door would be replaced by a composite door with a vertical glazed panel and letterbox at low level. He also explained that the property was located within the Marine Terrace Conservation Area and referred to the relevant planning policies, namely: Policy D5 – Built Heritage and Policy H1 - Residential Areas of the current Aberdeen Local Development Plan, Scottish Historic Environment Policy (SHEP); Technical Advice Note: The Repair and Replacement of Windows and Doors; 'Windows' guidance note from Historic Scotland's 'Managing Change in the Historic Environment' series; Marine Terrace Conservation Area Appraisal and the Proposed Aberdeen Local Development Plan.

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Mr Easton advised that no letters of representation or consultation responses had been received.

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.

Members asked questions of Mr Easton regarding the proposal, namely: clarification of the Council's policy in respect of UPVC windows and the potential impact on the character of the conservation area.

Following discussion, Members unanimously agreed that the proposal was contrary to Scottish Planning Policy, Scottish Historic Environment Policy and Policy D5 of the Aberdeen Local Development Plan 2012 as it neither preserved nor enhanced the character of the Conservation Area. The proposed window design was insensitive and its detailing would impact negatively on the current uniform fenestration of the terrace and the wider character of the Conservation Area, contrary to the guidance contained in the Technical Advice Note – The Repair and Replacement of Windows and Doors and with Historic Scotland's guidance - Managing Change in the Historic Environment Document. Approval of the application could create an undesirable precedent for similar proposals resulting in further erosion of the character of the Conservation Area.

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.

- **COUNCILLOR RAMSAY MILNE, Convener**

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