

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 23 November 2016. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Milne, Chairperson; and Councillors Cameron and Jean Morrison MBE.

The agenda and reports associated with this minute can be found at:-

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=284&MIId=4519&Ver=4>

BLEACHFIELD HOUSE, GRANDHOLM DRIVE ABERDEEN, AB22 8AA - EXTEND EXISTING RESIDENTIAL BUILDING TO FORM 2 ADDITIONAL FLATS - P160813

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 extension of the existing residential building to form two additional flats at Bleachfield House, Grandholm Drive, Aberdeen, AB22 8AA (P160813).

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 Easton, 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 Mr Andrew Miller, Planning Officer; (2) the decision notice dated 19 August 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) letter of representation and consultation responses.

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 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

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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, previous planning history of the site and reason for refusal.

He advised that one letter of representation had been received, and it along with consultation responses received were detailed in the report and copies contained in the agenda. Mr Easton then took Members through the plans showing the existing building and the proposed development.

The statement from the applicant's agent which accompanied the Notice of Review expressed the following points:

- The refusal notice stated that the proposed development would result in an unjustified and unsustainable urban sprawl, however the statement explained why they believed that the proposed development did not constitute urban sprawl and did not spread into what used to be countryside;
- Although within the Greenbelt (NE2) and Green Space Network (NE1), the land on which the proposed building footprint was sited had no inherent ecological or agricultural value, it currently consisted of a gravel driveway and two profiled metal sheet sheds;
- The land was privately owned and not accessible to the public;
- The existing building was underused and in need of repair;
- The proposed extension comprised of a traditional building form, with reference taken from the existing building. Traditional materials had been proposed which were to match the existing on a like for like basis;
- The proposal did not dominate the existing appearance as stated in the refusal, in contrast, it was believed that the proposed extension was subservient to the existing building. The proposed dimensions relating to height, width and length of the extension were less than those of the existing building;
- SEPA had no objection to the planning application on flood risk grounds. There were records of flooding in the area, although there were no records of flooding at the site;
- With reference to the Aberdeen Local Development Plan and SEA Environmental Report, there were sites that have been identified for Greenfield Development. There were Greenfield Development Housing Allowances located in Grandhome. The proposed site was to the north of the River Don. It was noted that significant land allocations had been made to the area north of the River. The Plan allocated sites for more than 7,000 homes in Bridge of Don and Grandhome; and
- The existing building was in poor condition and in need of repair. The proposals provided an opportunity to repair and develop the site and add real value. There were allocations for Greenfield development in the area; and

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On the basis of the above points, the applicant's agent believed that the proposals should be welcomed and supported.

The delegated report advised that the stated reason for refusal of planning permission was as follows:-

The extension of this building, to provide two additional flats, within a Green Belt setting would result an unjustified and unsustainable urban sprawl out with appropriate locations (including brownfield land) as designated in the Aberdeen Local Development Plan (ALDP) 2012. The proposal would also result in the inappropriately designed extension of an existing traditional building that would sit uncomfortably with the existing form and dominate its appearance, detracting from its setting. The proposal therefore does not comply with Policies NE2 (Green Belt) and D1 (Architecture and Placemaking) of the ALDP 2012 and Policies NE2 (Green Belt) and D1 – Quality Placemaking by Design of the Proposed ALDP 2015. In addition, a Flood Risk Assessment was requested but not provided and due to the unknown impact of flooding on the proposed development, the proposals were considered to fail to comply with policy NE6 (Flooding and Drainage) of the ALDP 2012, and NE6 (Flooding, Drainage and Water Quality) of the Proposed ALDP 2015.

Mr Easton 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 Easton regarding the proposed development, namely: the design of previous planning applications for the property; whether a flood risk assessment had been submitted; and how far the building was from the river in light of the consultation response from SEPA.

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, all three Members agreed that the extension of the building, to provide two additional flats, within a Green Belt setting would result an unjustified and unsustainable urban sprawl out with appropriate locations (including brownfield land) as designated in the Aberdeen Local Development Plan (ALDP) 2012. The proposal would also result in the inappropriately designed extension of an existing traditional building that would sit uncomfortably with the existing form and dominate its appearance, detracting from its setting. The proposal therefore did not comply with Policies NE2 (Green Belt) and D1 (Architecture and Placemaking) of the ALDP 2012 and Policies NE2 (Green Belt) and D1 - Quality Placemaking by Design of the Proposed ALDP 2015.

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In addition, Members noted that a Flood Risk Assessment had been requested but not provided and therefore agreed that due to the unknown impact of flooding on the proposed development, the proposals were considered to fail to comply with policy NE6 (Flooding and Drainage) of the ALDP 2012, and NE6 (Flooding, Drainage and Water Quality) of the Proposed ALDP 2015.

On this basis, 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 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.

18-19 BON ACCORD CRESCENT, ABERDEEN, AB11 6XY - CHANGE OF USE FROM OFFICES (CLASS 2) TO 14 FLATS AND ASSOCIATED ALTERATIONS - P160105

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 for the change of use from offices (class 2) to 14 flats and associated alterations at 18/19 Bon Accord Crescent, Aberdeen, AB11 6XY (P160105).

The Chairperson advised that the LRB would be addressed by Ms Lucy Greene and reminded members that Ms Greene 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. Ms Greene 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 Ng'ambwa, Planning Officer; (2) the decision notice dated 19 October 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) consultation responses.

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

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Thereafter, Ms Greene referred to the delegated report wherein a description of the site was provided, along with detail of the relevant planning policies, and reasons for refusal.

Ms Greene advised that no public representations had been received and explained that copies of the consultation responses from the Roads Development Management, Developer Obligations Team and Waste Team which had been received were contained in the agenda and referred to in the delegated report.

Ms Greene then took Members through the plans showing the existing building and the proposed development.

The statement from the applicant's agent which accompanied the Notice of Review made the following points from the applicant's perspective:

- The policies in the current Local Development Plan, or how they were interpreted, were no longer consistent with what the Council wanted to achieve in City Centre Master Plan;
- The levels of amenity proposed was entirely consistent with the levels of amenity in other city centre flats and on the basis of precedent, the level of amenity proposed, could not be deemed to be sub standard;
- The appraisal of residential amenity was purely subjective as there were no clearly stated criteria or guidance in any planning policies;
- In all cases the head of the windows sat above the level of the pavement level beyond and in all, or most, cases they either had a reasonable distance to any wall which formed the lightwell where they were located, namely 2.7m to the front (south west orientation) and 1-2m to the rear where rooms overlooked an enclosed private garden;
- The property would have been in residential use when it was built some 130 years ago and that some parts of the lower ground floor accommodation would have been used for habitable use;
- Strongly disagreed that the creation of flats to the Coach House would have a detrimental impact on prospective residents as if there were to be any situations where there were a clear apartment window to window clashes they could reasonably be dealt with by the of opaque glass;
- Strongly disagreed that the proposals did not comply with Policy D2 for the reason that this Policy sets no specific tests;
- The application of Supplementary Guidance; Sub-division and Re-development of Residential Curtilages was simply wrong; and
- Strongly disagreed that the proposal would not make a positive contribution to the Bon Accord/Crown Street conservation area.

The delegated report advised that the stated reason for refusal of planning permission was as follows:-

In principle, the conversion of the two office buildings to residential units was acceptable according to Policy H2 (Mixed Use Areas) of both the adopted and

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Proposed Aberdeen Local Development Plans. However, the proposed residential development was not considered to be satisfactory as it would provide an unacceptable level of residential amenity for several of the flatted units. Flat 3 and bedrooms one and two in flat 1 and bedroom one in flat 2 would have very limited access to natural light as they were located well below pavement level and would look out onto an internal lightwell. In addition, the development of flats in the coach house with access from the back lane was unacceptable. The creation of these two flats would have a detrimental impact on the residential amenity of the prospective residents at 18-19 Bon Accord Crescent, as well as providing insufficient amenity for the future occupants of the flats in the coach house. The proposal therefore failed to comply with Policy D2 (Design and Amenity) of the Aberdeen Local Development Plan and the Council's Supplementary Guidance: The Sub-division and Redevelopment of Residential Curtilages.

Although some of the proposed external alterations on the north east elevation of No.18 Bon Accord Crescent and the coach house would be acceptable, this was not the case for taking down part of the boundary wall on this elevation. Insufficient detail had been provided to justify the removal of part the boundary wall, which would not contribute positively to the area's setting. Consequently, the proposal failed to comply with Policies D1 (Architecture and Placemaking), D4 (Aberdeen's Granite Heritage) and D5 (Built Heritage) of the Aberdeen Local Development Plan. It also contravened national policy: Scottish Planning Policy, Scottish Historic Environment Policy and Historic Environment Scotland's Guidance on Boundaries.

It was believed that approval of the proposal would not make a positive contribution to the Bon Accord/Crown Street Conservation Area, and it would set a precedent for similar proposals which would erode the character of the wider Area. On the basis of the above, and following on from the evaluation under policy and guidance, it was deemed that the proposal did not accord with the provisions of the Development Plan and that there were no material planning considerations – including the Proposed Aberdeen Local Development Plan – that would warrant approval of the application.

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, unanimously, that the review under consideration should be determined without further procedure.

Members asked questions of Ms Greene regarding the proposed development, namely: listed building consent for the proposal; provision of a lightwell and access to natural light for the basement flats in particular; developer contribution; existing uses and character of the area; potential impact on privacy; car parking provision; principle of change; and quality of development.

Following discussion, Members unanimously agreed that the principle of the change of the use was supported, however the current design proposed was not acceptable, in particular the level of lighting available to the basement flats. Members suggested that

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the applicant review the current design, in particular the basement flats and the potential impact on privacy resulting from the redevelopment of the coach house.

The Local Review Body therefore unanimously agreed to **uphold** the decision of the appointed officer and **refuse** the application.

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

In principle, the conversion of the two office buildings to residential units was acceptable according to Policy H2 (Mixed Use Areas) of both the adopted and Proposed Aberdeen Local Development Plans. However, the proposed residential development was not considered to be satisfactory as it would provide an unacceptable level of residential amenity for several of the flatted units. Flat 3 and bedrooms one and two in flat 1 and bedroom one in flat 2 would have very limited access to natural light as they were located well below pavement level and would look out onto an internal lightwell. In addition, the development of flats in the coach house with access from the back lane was unacceptable. The creation of these two flats would have a detrimental impact on the residential amenity of the prospective residents at 18-19 Bon Accord Crescent, as well as providing insufficient amenity for the future occupants of the flats in the coach house. The proposal therefore failed to comply with Policy D2 (Design and Amenity) of the Aberdeen Local Development Plan and the Council's Supplementary Guidance: The Sub-division and Redevelopment of Residential Curtilages.

Although some of the proposed external alterations on the north east elevation of No.18 Bon Accord Crescent and the coach house would be acceptable, this was not the case for taking down part of the boundary wall on this elevation. Insufficient detail had been provided to justify the removal of part the boundary wall, which would not contribute positively to the area's setting. Consequently, the proposal failed to comply with Policies D1 (Architecture and Placemaking), D4 (Aberdeen's Granite Heritage) and D5 (Built Heritage) of the Aberdeen Local Development Plan. It also contravened national policy: Scottish Planning Policy, Scottish Historic Environment Policy and Historic Environment Scotland's Guidance on Boundaries.

It was believed that approval of the proposal would not make a positive contribution to the Bon Accord/Crown Street Conservation Area, and it would set a precedent for similar proposals which would erode the character of the wider Area. On the basis of the above, and following on from the evaluation under policy and guidance, it was deemed that the proposal did not accord with the provisions of the Development Plan and that there were no material planning considerations – including the Proposed Aberdeen Local Development Plan – that would warrant approval of 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

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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.

116 ROSEMOUNT PLACE, ABERDEEN - CHANGE OF USE, ALTERATIONS AND EXTENSION OF EXISTING BUILDING TO FORM 20 SERVICED APARTMENTS WITH ASSOCIATED PARKING - 160408

3. The Local Review Body then considered the third request for a review on the grounds of non-determination for planning permission for the change of use of the existing building to form 20 serviced apartments with associated car parking at 116 Rosemount Place, Rosemount, Aberdeen, AB25 2YW (P160408).

The Chairperson advised that the LRB would again be addressed by Ms Lucy Greene and reminded members that Ms Greene had not been involved in any way with the consideration of the application under review and was present to provide factual information and guidance to the Body only. Ms Greene 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 draft delegated report by Mr Lawrence, Planning Officer; (2) plans showing the proposal; (3) planning policies referred to in the delegated report; (4) the Notice of Review submitted by the applicant's agent along with an accompanying statement; and (5) four letters of representation and consultation responses.

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

Thereafter, Ms Greene referred to the draft delegated report wherein a description of the site was provided, along with detail of the relevant planning policies, and the reason why the application would have been refused. She advised that there had been some confusion regarding the description of the proposal, specifically the use of the term "services apartments". She explained, as detailed in the draft delegated report that the description on the Council's web site referred to serviced apartments. However; the description of the proposed development on the application form read "*Change of use, alterations and extension of existing building to form 20 No apartments with associated parking with associated internal alterations to adjoining building*". She confirmed that the assessment of the Planning Officer had been based upon the description of the development on the application form as it governed the extent of the permission sought and ancillary documents such as plans and drawings could not extend the description.

Ms Greene provided a detailed description of the application, referring members to the plans available.

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Ms Greene advised that four letters of public representation had been received and those along with the consultation responses from the Roads Development Management and Environmental Health were contained in the agenda and referred to in the delegated report.

The draft delegated report advised that the planning permission for the application would have refused on the following grounds:-

1. The proposed development by reason of its design, form, design, height, scale, mass, and roof treatment would harm the character and appearance of the area, the Conservation Area and setting of the listed building was contrary to policies D1 (Architecture and Placemaking) and D5 (Built Heritage) of the Aberdeen Local Development Plan 2012; policy D1; (Quality Placemaking by Design) of the Proposed Aberdeen Local Development Plan 2015; and advice set within Scottish Planning Policy;
2. The proposed development would adversely affect residential amenity afforded local residents as such the development was contrary to policy D1 (Quality Placemaking by Design) of the Proposed Aberdeen Local Development Plan 2015; and advice set within Scottish Planning Policy;
3. The proposed development failed to provide for adequate open space as required by policies D2 and NE4 of the Aberdeen Local Development Plan 2012;
4. The proposed development failed to make provision for affordable housing as required by policy H5 of the Aberdeen Local Development Plan 2012; and
5. The proposed development failed to provide adequate car parking arrangements as required by and Supplementary Guidance on Transport and Accessibility to the Aberdeen Local Development Plan 2012.

Ms Greene then referred to the statement from the applicant's agent which accompanied the Notice of Review which advised that the application had been submitted on 31 March 2016 following the withdrawal of previous applications and was subsequently validated on 4 April 2016 and therefore should have been determined by 1 June 2016. However, the application had not been determined and no agreement with the Planning Officer had been made for this timeframe to be extended, nor had there been any communication from the Planning Officer.

In response to the draft delegated report, the applicant's agent had stated the following:

- The Roads Departments had not objected to the proposals. They had had no detailed discussions with the Roads Department and although their response stated that the use of a car hoist was not acceptable there were no policies or guidance that inhibited such use;
- They were confident that following discussion with the Roads Department, they could provide car, cycle and motorcycle spaces that the Roads Department would find acceptable; and

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- Refuse vehicles would not enter the site as it was impracticable and unnecessary for them to do so and therefore a strategy for the storage and collection of refuse would be discussed and agreed with Aberdeen City Council's Waste Management Team.

In response to the letters of representation, the applicant's agent had stated:

- Parking – the building had no parking provision therefore whatever use the building generated the need for some level of parking which would have an effect on the surrounding streets and this might occur at differing times of the day;
- Overlooking – the proposal has removed any dormers to what was the north elevation and the rooms behind were now served by roof lights and they were placed at a high level to the rooms to eliminate this specific issue. In their view any person within a room which faced north could not peer over these gardens as they would have to be standing on a chair or ladder. In addition, there were only two bedrooms which would rely on these roof lights as the only source of natural light with all other rooms on that elevation having windows to the east and west; and
- Height – the overall height of any part of the building was no greater than the ridge height of the existing building. Whilst the pitch of the roof was increased to the north elevations the eaves height had not changed and the roof would cause no overshadowing to the gardens beyond. Where the proposal had a perceived increase in height along the lane the view of this was barely seen from Rosemount Place and there were no amenity issues as there were no private gardens to the east which could be affected.

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, unanimously, that the review under consideration should be determined without further procedure.

Members asked questions of Ms Greene regarding the proposed development, namely: the pitch of the roof; mechanism for the basement car parking provision; ventilation within the car park; materials to be used; potential impact on the character of the area; existing and proposed elevations; and potential impact on privacy.

Following discussion, the Local Review Body therefore unanimously agreed to **refuse** the application.

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

1. The proposed development by reason of its design, form, design, height, scale, mass, and roof treatment would harm the character and appearance of the area, the Conservation Area and setting of the listed building contrary to policies D1 (Architecture and Placemaking) and D5 (Built Heritage) of the Aberdeen Local

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- Development Plan 2012; policy D1; (Quality Placemaking by Design) of the Proposed Aberdeen Local Development Plan 2015; and advice set within Scottish Planning Policy;
2. The proposed development would adversely affect residential amenity afforded local residents as such the development is contrary to policy D1 (Quality Placemaking by Design) of the Proposed Aberdeen Local Development Plan 2015; and advice set within Scottish Planning Policy;
 3. The proposed development fails to provide for adequate open space as required by policies D2 and NE4 of the Aberdeen Local Development Plan 2012;
 4. The proposed development fails to make provision for affordable housing as required by policy H5 of the Aberdeen Local Development Plan 2012; and
 5. The proposed development fails to provide adequate car parking arrangements as required by and Supplementary Guidance on Transport and Accessibility to the Aberdeen Local Development Plan 2012.

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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