

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 1 March 2017. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Milne, Chairperson; and Councillors Cameron and Donnelly.

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

<HTTP://COMMITTEES.ABERDEENCITY.GOV.UK/IELISTMEETINGS.ASPX?COMMITTEEID=284>

SOUTHFIELD, INCHGARTH ROAD - SUB DIVISION OF RESIDENTIAL CURTILAGE AND ERECTION OF DWELLING HOUSE - 161124

1. The Local Review Body of Aberdeen City Council met on this day to determine the application on the grounds of non determination for planning permission for the sub division of residential curtilage and erection of a dwelling house at Southfield, Inchgarth Road Aberdeen, planning reference 161124.

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 McBain, as regards the procedure to be followed and also, thereafter, by Mr Nicholas Lawrence, who would be acting as the Planning Adviser to the Body in the case under consideration this day.

The Chairperson advised that the LRB would again be addressed by Mr Lawrence and reminded members that Mr Lawrence 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. Mr Lawrence 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 Ms Lucy Greene, Senior Planning Officer; (2) plans showing the proposal; (3) planning policies referred to in the draft delegate report; (4) the Notice of Review submitted by the applicant's agent along with an accompanying statement; (5) additional information from the applicant; and (6) letters of representation and consultation responses.

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

Thereafter, Mr Lawrence referred to the draft delegate report wherein a description of the site was provided, along with detail of the relevant planning policies, and reason for refusal as stated in the report. The draft delegate report explained that the site was part of an existing residential plot within the Pitfodels Conservation area. There were

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mature trees principally along the southern boundary with Westerton Road and also centrally on the site. The trees along Westerton Road are covered by Tree Protection Order (TPO) and there was a change in levels of approximately 10m between the lowest point at the south east corner and the northern boundary, close to the driveway in front of the existing house.

Mr Lawrence provided a detailed description of the application, referring members to the plans available.

Mr Lawrence explained that two letters had been received in regards to the application, one of which was against it and one was neutral. In regards to statutory consultees, Waste Services, Roads Development Management Team and Environmental Policy had all submitted comments in regards to the application. Environmental Policy Team objected to the application.

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

That the removal of trees would, together with the view of the proposed house in conjunction with the existing houses, from the public street, would have a detrimental impact on the character of the Pitfodels Conservation Area. Approval of the application would risk setting a precedent for similar development that would cumulatively result in further damaging impact on the character of the conservation area. The proposal would be, thereby, contrary to:

- a) Scottish Planning Policy;
- b) Historic Environment Scotland Policy Statement;
- c) Managing Change in the Historic Environment guidance note on Setting;
- d) Local Development Plan 2017 policies:
 - i. Policy D4 – Historic Environment,
 - ii. Policy NE5 – Trees and Woodland,
 - iii. Policy D1 – Quality Placemaking by Design
- e) Interim guidance in 'Supplementary Guidance: The sub-division and redevelopment of residential curtilages' 2017

Mr Lawrence then referred to the statement from the applicant's agent which accompanied the Notice of Review which advised that the application had been submitted and validated on 3 August 2016 and therefore should have been determined within 3 months. However, the application had not been determined and no agreement with the Planning Officer had been made for this timeframe to be extended.

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

- The position of the house on the first application invited no comments by the neighbours. The neighbours at Roxlee, Romansleigh and Maroy were in favour and could appreciate the benefits of turning this disused, over grown piece of land into something which would actually look cared for and could only be viewed as a positive contribution to the environment. Furthermore, If the **first**

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footprint were to be accepted, then this would not interfere with the shared driveway which has been commented on by neighbours at Maroy.

- Precedence has been set at Robinhill with regard to a new opening in the boundary wall. Why is it acceptable for the Council to granted permission for a new boundary wall opening less than 25 metres away from our proposed opening.
- Furthermore, the density and size of the trees on the proposed site is out of proportion with their close proximity to housing and roads. Currently, an application has had to be submitted for the felling of two trees on the site which are large, overhanging the whole width of Westerton Rd and causing bulging and breakage to the boundary wall. The two trees that need to be felled for the application, the Larch (which looks dead) and the Noble Fir are the tallest and it is a constant concern that these trees will simply fall over because maintenance costs are so high. Thus, the application was a way of allowing the majority of trees to remain but for the land to be used more productively.
- Numerous trees have ben removed around the boundary wall at Inchgarth House (less than 100 metres away), so much so that a house that was barely visible 2 years ago is now easily seen from the road.

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 Mr Lawrence regarding the application, namely in regards to the driveway, the effect on the Conservation Area and the previous application relating to this application.

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. that the removal of trees would, together with the view of the proposed house in conjunction with the existing houses, from the public street, would have a detrimental impact on the character of the Pitfodels Conservation Area;
2. Approval of the application would risk setting a precedent for similar development that would cumulatively result in further damaging impact on the character of the conservation area;
3. The proposal would be, thereby, contrary to the following policies:
 - a) Scottish Planning Policy;
 - b) Historic Environment Scotland Policy Statement;
 - c) Managing Change in the Historic Environment guidance note on Setting;
 - d) Local Development Plan 2017 policies:
 - i. Policy D4 – Historic Environment,

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- ii. Policy NE5 – Trees and Woodland,
- iii. Policy D1 – Quality Placemaking by Design
- e) Interim guidance in 'Supplementary Guidance: The sub-division and redevelopment of residential curtilages' 2017

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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