

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 1 November 2017. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Boulton , Chairperson; and Councillors Cameron, Copland, Duncan and Nicoll.

The agenda and reports associated with this minute can be found at:-
<HTTP://COUNCILCOMMITTEES.ACC.GOV.UK/IELISTDOCUMENTS.ASPX?CID=284&MID=5933&VER=4>

38-40 MERKLAND ROAD - DEMOLITION OF EXISTING WORKSHOP AND ERECTION OF 2 SEMI-DETACHED DUPLEX APARTMENTS - 161451

1. The Local Review Body (LRB) 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 permission for the proposed demolition of the existing workshop and the erection of 2 semi-detached duplex apartments, at 38-40 Merkland Road Aberdeen, 161451.

Councillor Boulton as Chairperson gave a brief outline of the business to be undertaken. She indicated that the LRB would be addressed by the Assistant Clerk, Mrs Lynsey McBain as regards the procedure to be followed and also, thereafter, by Mr Andrew Miller 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. She 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 McBain, Assistant Clerk in regards to 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 LRB had before it (1) a delegated report by Ms Sepi Hajisoltani, Planner; (2) the decision notice dated 10 July 2017; (3) copies of the plans showing the proposal; (4) links to the planning policies referred to in the delegated report; (5) comments from consultees and (6) the Notice of Review submitted by the applicant's agent along with an accompanying statement.

The LRB was then addressed by Mr Miller who advised that the submitted Notice of Review was found to be valid and submitted within the relevant timeframes.

Mr Miller explained that the site subject to the review formed a single storey workshop building and it is located to the rear of a row of three storey tenements. The surrounding

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area is largely residential though there are some commercial uses to the west and north.

Mr Miller advised that the application sought consent for the erection of two houses with one parking space each and garden ground. Both houses would have a balcony.

Mr Miller outlined that the request sought the review of the decision of the appointed officer to refuse the application under delegated powers and the stated reason for refusal was as follows:-

- The proposed replacement semi-detached properties would have a detrimental impact on residential amenity of neighbouring properties in terms of overshadowing their rear private garden and also fails to provide an acceptable level of residential amenity for future residents [of the proposed development]. Accordingly it is considered that the proposal fails to accord with provisions of policy H2 (Mixed Use Areas).
- The proposal also fails to comply with policy D1 (Quality Placemaking by Design) due to an overwhelming visual impact for the adjacent residents of the tenement to the north and unacceptable form and scale of development in relation to the plot size and lack of provision of a safe and welcoming pedestrian entrance to the development.
- The proposal does not provide adequate visibility splays for vehicles and pedestrians and fails to accord with policy T2 (Managing the Transport Impact of the Development) and relevant Supplementary Guidance of Transport and Accessibility.

Mr Miller highlighted that members should not take the “Reasons for Seeking Review” which formed the first part of the Notice of Review Statement into consideration, as this related to how the application was determined and was not for the LRB to deliberate.

In regards to consultees and objections, Mr Miller advised that no letters of objection were received, however in regards to statutory consultees, Roads Development Management objected due to the lack of visibility for the proposed driveways and the walls were on 3rd party land.

Mr Miller also made reference to the relevant planning considerations, as follows:-

H2 – Mixed Use Areas:

Development should take account of the existing uses and character of the surrounding area, and should avoid undue conflict with adjacent land uses and amenity.

D1 – Quality Placemaking by Design

Requires all development to be of a high standard of design.

T2 – Managing the Transport Impact of Development

Development should minimise traffic generated and maximise opportunities for sustainable and active travel.

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In relation to the Notice of Review, the applicant highlighted that (a) the level of external amenity space was sufficient, (b) they considered the design to be high quality and not overwhelming, (c) the form was small scale, domestic and in keeping with the location, (d) access arrangements were safe and functional, (e) there would be an improvement in terms of parking provision, general access and overall amenity of the surrounding area compared to the current industrial use and (f) they stated that the development would improve the impact on neighbouring properties in terms of overshadowing and this was demonstrated as part of the application.

The Local Review Body then asked a number of questions of Mr Miller.

The Local Review Body thereupon agreed that the review under consideration should be determined without further procedure. The members of the Local Review Body therefore agreed that a site visit, a hearing session nor further written representations were required, as members felt they had enough information before them.

Mr Miller highlighted that when determining the appeal, members should take into consideration any material considerations they feel would be relevant to the application that would point to either overturning the original decision or dismissing the review.

Members agreed by majority to uphold the decision of the appointed officer to refuse the application.

The Convener and Councillor Cameron and Nicoll voted to uphold the decision of the appointed officer to refuse the application and Councillors Copland and Duncan voted to overturn the decision of the appointed officer and approve 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 in which the Local Review Body based this decision were as follows:-

The proposed replacement semi-detached properties would have a detrimental impact on residential amenity of neighbouring properties in terms of overshadowing their rear private garden and also fails to provide an acceptable level of residential amenity for future residents [of the proposed development]. Accordingly it is considered that the proposal fails to accord with provisions of policy H2 (Mixed Use Areas).

The proposal also fails to comply with policy D1 (Quality Platemaking by Design) due to an overwhelming visual impact for the adjacent residents of the tenement to the north and unacceptable form and scale of development in relation to the

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The proposal does not provide adequate visibility splays for vehicles and pedestrians and fails to accord with policy T2 (Managing the Transport Impact of the Development) and relevant Supplementary Guidance of Transport and Accessibility.

- **Councillor Marie Boulton, Chairperson**

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