

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 7 MARCH 2018. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Jennifer Stewart (for items 1 and 2), Chairperson; Councillor Boulton (for item 3) Chairperson; and Councillors Donnelly, the Depute Provost and Sandy Stuart.

The agenda and reports associated with this minute can be found at:-
<HTTPS://COMMITTEES.ABERDEENCITY.GOV.UK/IELISTDOCUMENTS.ASPX?CID=284&MID=6311&VER=4>

INCHGARTH HOUSE, INCHGARTH ROAD ABERDEEN - 170929/DPP

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 construction of an additional external chimney on the north west elevation, at Inchgarth House, Aberdeen, 170929/DPP.

Councillor Jennifer Stewart 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 Sepideh Hajisoltani, Trainee Planner; (2) the decision notice dated 15 November 2017; (3) copies of the plans showing the proposal; (4) links to the planning policies referred to in the delegated report; (5) and 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 was a large detached granite built house set within 1.9 ha wooded grounds. The house was category C listed and lies

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within the Pitfodells Conservation Area. It was noted that whilst it previously comprised one house and two flats, Inchgarth House had been significantly altered, extended and converted back into one house in recent years.

Mr Miller indicated that the application sought retrospective planning consent for the installation of a chimney on the north west elevation of the house, on the gable end of a recently completed two storey extension. The chimney was a dummy, with works implemented and completed following submission of the application. It is finished in Rannoch granite to match the existing house.

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 reasons for refusal were as follows:-

The proposed dummy chimney fails to comply with Policies D1 (Quality Placemaking by Design), D4 (Historic Environment) and NE2 (Green Belt) in that the design and scale of the proposal would not maintain the special architectural and historic interest of the listed building and would have a negative impact on the character of the conservation area and on the green belt. There are no material planning considerations that would outweigh the above policy position and warrant approval of the application.

In regards to consultees and objections, Mr Miller advised that no letters of objection were received.

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

- NE2 – Green Belt: Creates a presumption against development though there are exceptions. Development associated with existing activities in the green belt will be permitted if:
 - It is within the boundary of the existing activity
 - It is small scale
 - The intensity of the activity is not significantly increased
 - Any proposed built construction is ancillary to what exists.
- D1 – Quality Placemaking by Design: Requires development to be of a high standard of design.
- D4 – Historic Environment - development should comply with Scottish Planning Policy (SPP) and Historic Environment Scotland Statement (HESPS).
- Householder Supplementary Guidance – general principles for householder development.
- SPP and HESPS – Development should preserve and enhance the special interest of Listed Buildings.

In relation to the Notice of Review, the applicant highlighted that (a) it was accepted by the original planning officer that the principle of a chimney at the location was acceptable and the use of high quality materials were appropriate, (b) the main issue appeared to be the projection of the chimney from the gable end which was not

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considered appropriate, (c) the small projection was not of a scale to make a significant impact on the site, (d) the proposals respond to the site context, scale, massing, colour and proportions and was designed with quality design, materials and craftsmanship to match the existing house, (e) the dummy chimney was not on the original part of the house, instead it was located on a new gable wall and (f) the aim of the chimney was to break up the large expanse of wall, to provide interest, balance and symmetry which improves the overall appearance of the extension and front elevation to the house.

The Local Review Body then asked questions of Mr Miller in regards to the application.

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 unanimously to uphold the decision of the appointed officer to 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 in which the Local Review Body based this decision were as follows:-

The proposed dummy chimney fails to comply with Policies D1 (Quality Placemaking by Design), D4 (Historic Environment) and NE2 (Green Belt) in that the design and scale of the proposal would not maintain the special architectural and historic interest of the listed building and would have a negative impact on the character of the conservation area and on the green belt. There are no material planning considerations that would outweigh the above policy position and warrant approval of the application.

MURTLE DEN HOUSE - 171007/DPP

2. The Local Review Body then considered the second request for a review to evaluate the decision taken by an appointed officer under the Council's Scheme of Delegation to refuse the request for a proposed erection of a single storey extension on the rear (south east) elevation at Murtle Den House, 171007/DPP.

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The Chairperson advised that the LRB would again be addressed by Mr Andrew Miller and reminded members that although Mr Miller 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.

In relation to the application, the LRB had before it (1) a delegated report by Mr Roy Brown, Planning Technician; (2) the decision notice dated 14 November 2017; (3) copies of the plans showing the proposal; (4) links to the 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.

Mr Miller explained that the site subject to the review was for a replacement single storey conservatory to the rear of the dwelling house. The projection of the proposed conservatory would be double that of the existing conservatory, as it would project approximately 6m from the southeast elevation of the dwelling and it would have a length of approximately 12.4m. Mr Miller advised that the finishing details of the existing conservatory would broadly be replicated in the proposed conservatory, as it would have similar timber columns, timber windows and doors, and the existing slates would be reused and new slates would match the existing tiles. The patterned cast iron rainwater goods on the existing conservatory would be re-used on the proposed extension and similar rainwater goods which have been salvaged from previous works on the property would be incorporated in the proposed extension.

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 reasons for refusal were as follows:-

Whilst there are aspects of this proposal which would comply with the Supplementary Guidance: 'The Householder Development Guide' and Policy D1 – Quality Placemaking by Design of the Aberdeen Local Development Plan in terms of materials, the 6m projection from the southeast elevation would be significant in terms of its scale and massing and would serve to dominate the original form and appearance of the southeast elevation. The proposed extension would therefore not be architecturally compatible with the design and scale of the original building in its setting. The proposal would therefore be contrary to the principles of Scottish Planning Policy; Historic Environment Scotland Policy Statement; Policies D1 - Quality Placemaking by Design and D4 - Historic Environment of the Aberdeen Local Development Plan; the Supplementary Guidance: 'The Householder Development Guide'; and 'Managing Change in the Historic Environment: Extensions'. Although the proposed extension would comply with (a) - (d) of Policy NE2 – Green Belt of the Aberdeen Local Development Plan, the proposal would thus not be of a scale and design which would be of the highest quality, and which would be suitable to the character and setting of this part of the green belt. The proposal

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would therefore fail to comply fully with Policy NE2 - Green Belt of the Aberdeen Local Development Plan. There are no material planning considerations which would warrant the approval of planning permission in this instance.

In regards to consultees and objections, Mr Miller advised that no letters of objection were received, however comments were from Historic Environment Scotland in respect of associated Listed Building Consent.

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

- NE2 – Green Belt: Creates a presumption against development though there are exceptions. Development associated with existing activities in the green belt will be permitted if:
 - It is within the boundary of the existing activity
 - It is small scale
 - The intensity of the activity is not significantly increased
 - Any proposed built construction is ancillary to what exists.
- D1 – Quality Placemaking by Design: Requires development to be of a high standard of design.
- D4 – development should comply with SPP and HESPS.
- HH SG – general principles.
- SPP and HESPS – Development should preserve and enhance the special interest of LBs.
- Managing Change in Historic Environment: Extensions

In relation to the Notice of Review, the applicant highlighted that the reason for refusal was considered to be an unrealistic overreaction to comments made from Historic Environment Scotland who advised that in their response that the proposals did not raise historic environmental issues of national significance and therefore did not object.

There were no questions for Mr Miller from the Local Review Body.

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. He also highlighted a separate appeal to Scottish Ministers in respect of the associated Listed Building Consent for these works (ref 171006/LBC).

Members agreed by majority to overturn the decision of the appointed officer to refuse the application and therefore approve the application conditionally. Councillors Jennifer Stewart and Donnelly voted to approve the application

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conditionally, and Councillor Sandy Stuart voted to uphold the decision of the appointed officer to 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 in which the Local Review Body based this decision were as follows:-

The proposed replacement conservatory would be of a suitable scale and design and would not overwhelm the appearance of the category B listed building, itself a large detached house set in generous grounds. Accordingly, the proposal is considered to comply with Policy D1 - Quality Placemaking by Design of the Aberdeen Local Development Plan 2017 (ALDP), as well as policies NE2 - Green Belt and D4 - Historic Environment. The proposal preserves the character of the listed building, in line with the requirements of Scottish Planning Policy and Historic Environment Scotland Policy Statement.

CONDITIONS

1. No development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity.

LAURIE'S MOTEL, HARENESS ROAD ABERDEEN - 170950/DPP

3. **At this juncture, Councillor Jennifer Stewart departed the chair and the meeting and was replaced by Councillor Boulton.**

The Local Review Body then considered the third request for a review to evaluate the decision taken by an appointed officer under the Council's Scheme of Delegation to approve the application conditionally and wished to request the variation of condition 1 (Low and zero carbon buildings) for the erection of an office development with associated car parking and landscaping at Laurie's Motel, Hareness Road Aberdeen, 170950/DPP.

The Chairperson advised that the LRB would again be addressed by Mr Andrew Miller and reminded members that although the Planning Adviser was employed by the planning authority he had not been involved in any way with the consideration or

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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.

In relation to the application, the LRB had before it (1) a delegated report by Mr Matthew Easton, Senior Planner; (2) the decision notice dated 1 December 2017; (3) copies of the plans showing the proposal; (4) links to the planning policies referred to in the delegated report and (6) the Notice of Review submitted by the applicant's agent along with an accompanying statement.

Mr Miller explained that the site under review comprised a vacant area of ground but had consent for the erection of an office building with associated car parking. As way of background, Mr Miller advised that section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended) , provides a time limit of three years for planning permission to be implemented. It was noted that the planning authority may choose to vary this using a direction under section 58. In regards to this application that was approved conditionally, the application was approved with a direction that limited consent to 6 months rather than 3 years.

Mr Miller outlined that the request sought the review of the decision in regards to variation 1 of the planning permission, and the decision of the planning officer stated:-

A reasonable amount of time needs to be given for the applicant to implement the consent before it again expires. This time period should not be unreasonably long however, as the opportunity for a full review of the consent through a new planning application still needs to be maintained. Should the applicant wish to proceed with implementation, it is considered that a period of six months would be a reasonable time period for implementation of the consent.

In regards to the consultees and objections, Mr Miller advised that no letters of objection were received and also made reference to the relevant planning considerations.

In relation to the Notice of Review, the applicant highlighted that the time frame for implementation was insufficient in the current economic climate, there was a lack of demand and oversupply in the market at present and therefore it was not possible to implement the application within the six month period and a period of three years would be more appropriate.

Members asked various questions of Mr Miller in regards to the timescale and the condition which was attached to the planning permission.

The Local Review Body thereupon agreed that the review under consideration should be determined without further procedure. The member 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.

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Mr Miller highlighted that when determining the appeal, members should take into consideration any material considerations they feel would be relevant to the application.

Members agreed unanimously that the decision of the appointed officer to approve a six month period for the implementation of the planning permission, be changed to three years.

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, regards 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 their decision were as follows:-

That the prevailing economic circumstances within Aberdeen's office market would warrant a grant of consent for a period of three years.

CONDITIONS

(01) that the building hereby approved shall not be occupied unless a scheme detailing compliance with the low and zero carbon element of the Council's 'Resources for New Development (Part A - Density, Energy Use in New Buildings and Water Use Efficiency)' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full - to ensure that this development complies with requirements of Policy R7 - Low and Zero Carbon Buildings, and Water Efficiency.

(02) That no development shall take place unless a scheme of all drainage works (including calculations as necessary) designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the planning authority. Thereafter no part of the office building shall be occupied unless the drainage has been installed in complete accordance with the said scheme, unless a written variation has been granted by the planning authority – in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

(03) that no development (other than site preparation and ground works) shall take place unless a scheme of all external finishing materials to the roof and walls of the development hereby approved has been submitted to and approved in writing by the planning authority. Thereafter the development shall be carried out in accordance with the details so agreed - in the interests of the visual amenity of the area.

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(04) That no development (other than site preparation and ground works) shall take place until details of all boundary treatments have been submitted to, and approved in writing by the planning authority. Thereafter the development shall be carried out in accordance with the details so agreed – in the interests of visual amenity of the area.

(05) That no development (other than site preparation and ground works) shall take place until a scheme of all external finishing/ planting to the walls of the decked car park hereby approved has been submitted to, and approved in writing by the planning authority. Thereafter the development shall be carried out in accordance with the details so agreed – in the interests of the visual amenity of the area.

(06) That no development shall take place until a Construction Method Statement (CMS) has been submitted to, and approved in writing by the Planning Authority in consultation with SEPA. All works on site must be undertaken in accordance with the approved CMS unless otherwise agreed in writing with the Planning Authority – in order to minimise the impacts of necessary demolition/ construction works on the environment.

(07) that no part of the office building shall be occupied unless there has been submitted to and approved in writing a detailed occupier specific green travel plan which

(a) shall be in general accordance with the travel plan framework included within the Travel Plan and Transport Statement (May 2014 – Revision B)

(b) must outline sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets

- in order to encourage more sustainable forms of travel to the development.

(08) that no development (other than site preparation and ground works) shall take place unless a further detailed scheme for the landscaping for the site (which shall include (i) indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, (ii) tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting and (iii) the proposed materials to be used to surface areas of hard landscaping) has been submitted to and approved in writing by the planning authority - in order to satisfactorily integrate the development into it's surroundings and maintain the visual amenity of the area.

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(09) that all planting, seeding and turfing comprised in the approved scheme of landscaping shall 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, are removed or become seriously damaged or diseased shall 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 may be submitted to and approved in writing for the purpose by the planning authority - in order to satisfactorily integrate the development into its surroundings and maintain the visual amenity of the area.

(10) that no part of the office building hereby approved shall be occupied unless the vehicular parking, motorcycle parking and cycle parking has been constructed, drained, laid-out and demarcated in accordance with drawing A1-01-02 (Revision A), or such other drawings as may subsequently be approved in writing the planning authority. Thereafter such areas shall not be used for any purpose other than the parking of vehicles, cycles and motorcycles ancillary to the approved office development - in order to provide a suitable level of vehicle parking for the proposed office building, ensure the free flow of traffic in surrounding streets and encourage more sustainable modes of transport.

- **Councillor Marie Boulton, Chairperson**

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