

## LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 6 February 2019. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Boulton (articles 2 and 3 only) and Councillor Stewart (article 1 only), Chairpersons; and Councillors Cameron and Macdonald.

The agenda and reports associated with this minute can be viewed [here](#)

### 20 COLTHILL ROAD - ERECTION OF 2 STOREY GABLE END EXTENSION AND SINGLE STOREY EXTENSION TO REAR - 181370DPP

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 erection of a two storey gable end extension and single storey extension to rear of 20 Colthill Road, Aberdeen, Planning Reference 181370/DPP.

Although Councillor Boulton was present for the first review, she did not take part in the proceedings in any way.

Councillor Jennifer Stewart gave a brief outline of the business to be undertaken, advising that she would be chairing the first review and Councillor Boulton would then replace her on the LRB and would chair the following two reviews. She indicated that the LRB would be addressed by the Assistant Clerk, Mr Mark Masson with regards to the procedure to be followed and also, thereafter, by Mr Gavin Evans who would be acting as the Planning Adviser to the Body in the cases 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 Mr Masson, 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 more general aspects relating to the procedure.

In relation to the application, the LRB had before it (1) a delegated report by Roy Brown, Planning Technician; (2) the application dated 1 August 2018; (3) the decision notice dated 9 November 2018 (4) links to the plans showing the proposal and planning policies referred to in the delegated report; (5) the Notice of Review submitted by the applicant's agent along with an accompanying statement with further information relating to the application; and (6) consultee responses from the Roads Development Management Team, Aberdeen City Council.

**LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

6 February 2019

The LRB was then addressed by Mr Evans who advised that the review had been submitted with all necessary information within the time limit of three months following the decision of the appointed officer.

Mr Evans then described the site advising that it was a modern gable roofed 1½ storey dwelling and its associated front and rear curtilage within an established residential area. The dwelling had a north facing principal elevation and a garage attached on its west side. The site was bounded by Colthill Road to the north, 22 Colthill Road to the east, 69 and 71 Colthill Circle to the south and 18 Colthill Road to the west. The south and west boundaries had two to three metre high hedges.

Mr Evans made reference to the history of the site and outlined the appointed Officer's reasons for refusal as follows:-

- not architecturally compatible with the original dwelling in terms of design and scale;
- the two-storey flat-roofed form and steeper roof pitch (of side extension) would overwhelm the 1½ storey gable roofed form of the dwelling - thus it would not appear subservient in terms of height, mass and scale;
- adverse impact on the visual character of Colthill Road - side extension readily visible in the streetscape;
- adversely affect the character and visual amenity of the surrounding area; and
- conflict with Policies H1 – Residential Areas and D1 – Quality Placemaking by Design of the Aberdeen Local Development Plan; and the Supplementary Guidance: 'The Householder Development Guide'.

In relation to the appellants case, Mr Evans highlighted the following:-

- that the proposal accords with policies H1 and D1 of the Aberdeen Local Development Plan, as well as the associated Householder Development Guidance (Supplementary Guidance), and that there were no material considerations that would support refusal;
- that reasons for refusal related only to visual impact of side extension, and that the report acknowledged compliance with respect to over-development, footprint of building as extended and no impact on sunlight, daylight and privacy etc;
- that the side extension would be a permitted development, if it were more than 10 metres from the boundary;
- pointed out mix of house styles and types, with many extended or altered, in surrounding area – highlighting the lack of a single defining architectural style;
- that the proposal would be better described as a 1.5 storey extension, rather than 2 storey;
- that there were differences from the previous refusal at no.24, which was referred to in the officer's report as being similar.

Mr Evans made reference to the Consultee response advising that the Roads Development Management team had no objection following the submission of a site

**LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

6 February 2019

plan indicating a double driveway in the front of the property and provided that the driveway was implemented in accordance with their comments in that:-

- it was at least 5m in width and 5.5m in depth within the existing property;
- the gradient was no greater than 1:20;
- it was internally drained with no surface water discharging onto the public road/footpath; and
- it was not surfaced with loose materials over the first 2m of the driveway adjacent to the footpath.

Mr Evans intimated that Roads Development Management Team had recommended refusal unless three off-street car parking spaces were provided, and if the LRB was minded to approve the application, a condition would be required in this regard.

Mr Evans indicated that there were no representations submitted.

Mr Evans advised that the applicant had expressed the view that a site inspection would be useful prior to the LRB taking its decision.

Councillor Macdonald indicated that a site visit may be useful, however the Chairperson and Councillor Cameron advised in turn that they each had enough information before them therefore the LRB agreed by majority that a site visit was not required and that the review under consideration should be determined without further procedure.

Mr Evans outlined the relevant policy considerations, making reference to the following in the Aberdeen Local Development Plan 2017:-

- H1 – Residential Areas: Householder Development should particularly:-
  - (1) not constitute overdevelopment;
  - (2) not result in an unacceptable impact on the character and amenity of the surrounding area; and
  - (3) comply with Supplementary Guidance (Householder);
- D1 – Quality Placemaking by Design: Requires development to be of a high standard of design, which demonstrates an understanding of its context;
- Supplementary Guidance (Householder) General principles
- section 3.1.5 stated that the maximum dimensions of any single-storey extension will be determined on a site-specific basis.

Mr Evans advised that the officer's report of handling appeared to accept the increase in footprint and the appearance of the rear extension, but highlighted the siting relative to the bedroom window at no 37 as giving rise to a loss of light.

Mr Evans explained that in determining the appeal, members should also take into consideration any material considerations they feel were relevant to the application that would point to either overturning the original decision or dismissing the review. In addition to the relevant policies from the development plan, the Scottish Planning Policy would be material considerations.

**LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

6 February 2019

He indicated that should members wish to overturn the decision of the appointed officer, consideration should be given to any conditions which would be appropriate in order to make the proposal acceptable, however all conditions must meet the six tests set out by Scottish Government policy.

He suggested that an appropriate condition could be that no development to which this planning permission relates should take place unless details of the finishing materials of the proposed dormer had been submitted to and approved in writing by the Planning Authority. Thereafter, the development should be constructed in accordance with the agreed details.

The Local Review Body then asked questions of Mr Evans, specifically regarding the width of the flat roof section, the parting wall between no18 and no20 and the number of houses within the street.

**Following discussion, Members agreed by a majority of two to one to uphold the decision of the appointed officer to refuse the application.**

Councillors Cameron and Macdonald supported the appointed officer's reasons to refuse the application.

The Chairperson indicated that she was minded to overturn the officer's decision and to approve the application as she did not believe that it constituted overdevelopment or have a negative visual impact. She advised that there were a variety of different styles of properties in the area and also intimated that there were no objections received and no privacy issues to address.

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 proposal would not be architecturally compatible with the original dwelling in terms of its design and scale. The two-storey flat-roofed form and roof steeper pitch of the proposed side extension would overwhelm the 1½ storey gable roofed form of the dwelling and thus it would not appear subservient in terms of height, mass and scale. As the side extension would be readily publicly visible on the streetscape, it would have an adverse impact on the visual character of Colthill Road. The proposal would therefore adversely affect the character and visual amenity of the surrounding area. The proposal would therefore conflict with Policies H1 - Residential Areas and D1 - Quality Placemaking by Design of the Aberdeen Local Development Plan; and the Supplementary Guidance: 'The

**LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

6 February 2019

Householder Development Guide'. There are no material considerations that warrant the grant of planning permission in this instance.

**At this juncture, Councillor Jennifer Stewart left the meeting and Councillor Marie Boulton chaired the following two reviews.**

**25 GRAY STREET - REPLACEMENT WINDOWS TO FRONT - 181632DPP**

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 application for replacement windows to front of the property at 25 Gray Street, Aberdeen, Planning Reference 181632/DPP.

The Chairperson advised that the LRB would again be addressed by Mr Gavin Evans and reminded Members that although Mr Evans 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 Sheila Robertson, Planning Technician; (2) the application dated 17 September 2018; (3) the decision notice dated 16 November 2018 (4) links to the plans showing the proposal and planning policies referred to in the delegated report; and (5) the Notice of Review submitted by the applicant along with an accompanying statement with further information relating to the application.

The LRB was then addressed by Mr Evans who advised that the review had been submitted with all necessary information within the time limit of three months following the decision of the appointed officer.

Mr Evans then described the site advising that it was a 2 storey, end terraced dwelling of a traditional style, incorporating granite walls and a slate roof. The property is located on the North East side of Gray Street. The front elevation to Gray Street included 2-storey bay windows, with a further window above the front door. These existing windows were formed in white painted timber, and were divided horizontally with the lower panes fixed and a smaller top-opening window above. The upper pane swings outward from the top. The property is situated within the Great Western Road Conservation Area.

In terms of the Appointed Officer's reasons for refusal, Mr Evans made reference to the following factors:-

- there would be a loss of a traditional material (timber);

## LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

6 February 2019

- it failed to demonstrate due regard for historic context, which would warrant reinstatement of a traditional window style in order to maintain and enhance the character of the conservation area;
- the use of UPVC was not appropriate to this historic building, and would adversely affect appearance of the surrounding conservation area;
- conflict with principles of Scottish Planning Policy and Historic Environment Scotland Policy Statement;
- conflict with Aberdeen Local Development Plan policies H1, D4 and D1 and associated Supplementary Guidance on Window Repair/Replacement;
- conflict with the aims of the Great Western Road Conservation Area Character Appraisal and Historic Environment Scotland Managing Change publication relating to Windows;
- risk of setting an unwelcome precedent that could lead to significant erosion of the conservation area's character and appearance; and
- that it does not accord with the Development Plan, and that material considerations of national policy do not support, it was concluded that there are no MCs that would outweigh this.

In terms of the appellant's case, Mr Evans referred to the Notice of Review, Statement and other documentation, including photos of the area and details of previous application approvals which were all available via the website portal, and highlighted the following:-

- that there were leaks to existing window frames;
- stated that the upstairs windows were dangerous in the event of fire;
- that the existing windows are non-original, and that the proposed replacements are a more appropriate style;
- that replacements comply with aims of Historic Environment Scotland Managing Change guidance;
- noted that 74% of addresses in conservation area had uPVC (76% on this side of road);
- contended that uPVC windows were a more sustainable option and accurately replicate the appearance of a timber window;
- cited past planning approvals, the last four of which were for UPVC to replace timber windows, including neighbours at no23 and opposite at no34 and no36; and
- that precedent had been set and the proposal was not materially different from those previously supported by the Council.

Mr Evans intimated that there were no representations submitted and no response had been received from the Ashley and Broomhill Community Council.

Mr Evans revealed that the applicant had expressed the view that further procedure was required, and that the review might best proceed with the benefit of a site inspection in order to see first-hand local context.

**LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

6 February 2019

The Chairperson and Councillors Cameron and Macdonald all indicated in turn that they each had enough information before them and therefore agreed that a site visit was not required and that the review under consideration should be determined without further procedure.

Mr Evans outlined the relevant policy considerations, making reference to the following in the Aberdeen Local Development Plan 2017:-

- D1 – Quality Placemaking by Design: Required development to be of a high standard of design, which demonstrates an understanding of its context;
- H1 – Residential Areas: Householder Development should particularly;
  - (1) did not constitute overdevelopment;
  - (2) did not result in an unacceptable impact on the character and amenity of the surrounding area;
  - (3) that it complied with Supplementary Guidance (Repair and Replacement of Windows and Doors);
- D4 – Historic Environment: ACC will protect, preserve and enhance the historic environment in line with Scottish Planning Policy, Scottish Historic Environment Policy and its own Supplementary Guidance and Conservation Area Character Appraisals and Management Plan.

Mr Evans also referred to the Windows and Doors Supplementary Guidance and Householder Supplementary Guidance General Principles.

Mr Evans advised that in determining the appeal, members should also take into consideration any material considerations they feel were relevant to the application that would point to either overturning the original decision or dismissing the review. In addition to the relevant policies from the development plan, the following would be material considerations:-

- Scottish Planning Policy (Conservation Areas);
- Historic Environment Scotland Policy Statement;
- Aberdeen City Council's Great Western Road Conservation Area Character Appraisal and the overarching Management Plan for Aberdeen's Conservation Areas; and
- Historic Environment Scotland Managing Change guidance on 'Windows'.

Mr Evans intimated that should members wish to overturn the decision of the appointed officer, consideration should be given to any conditions which would be appropriate in order to make the proposal acceptable. However, all conditions must meet the six tests set out by Scottish Government policy.

He concluded by indicating that if members were minded to overturn the decision then he would advise on a condition relating to the installation of an approved cross-section to the windows.

**LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

6 February 2019

The Local Review Body then asked questions of Mr Evans, specifically regarding the deterioration of the windows, the conservation area, the design of the neighbour's windows and the supplementary Guidance for window.

**Members agreed unanimously that the proposal was acceptable and therefore the Local Review Body's decision was to overturn the decision of the appointed officer and approve the application conditionally.**

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 Local Review Body (LRB) recognised that the proposal does not accord with the Council's Supplementary Guidance on the 'Repair and Replacement of Windows and Doors due to its introduction of UPVC as a replacement for timber windows. Nevertheless, it was noted that, whilst the application site is located in a Conservation Area, uPVC windows are common in the surrounding area, as recognised by the Council's Great Western Road Conservation Area Character Appraisal. In that context, it was considered that the proposal to replace existing non-traditional windows with UPVC sash and case replicas would not result in an adverse impact on the character and amenity of the area or the character and appearance of the Great Western Road Conservation Area, but rather that they would better replicate the proportions of a traditional window than the existing timber casement frames. On that basis, it was concluded that the proposal would represent an improvement, and would comply with policies D1 (Quality Placemaking by Design), H1 (Residential Areas) and D4 (Historic Environment) of the Aberdeen Local Development Plan, as well as Historic Environment Scotland's Windows guidance from the Managing Change series.

**CONDITION**

- (1) that the window(s) hereby approved shall be constructed in full accordance with the detailed cross section(s) submitted and approved with the application and that the visible part of the outer frame of the front windows hereby approved shall not exceed 25 mm in width at the top and sides of the window opening with the remainder of the frame being concealed behind the masonry window check, unless the planning authority has given prior written approval for a variation-in order to preserve the character of the conservation area.

**MUNDURNO, TARVES ROAD - ERECTION OF TWO DWELLING HOUSES - 181513PPP**

**LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

6 February 2019

3. 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 refuse the application for the erection of two dwelling houses at Mundurno, Tarves Road, Aberdeen, Planning Reference 181513/PPP.

The Chairperson advised that the LRB would be addressed by Ms Aoife Murphy and reminded Members that although Ms Murphy was employed by the planning authority she 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 Dineke Brasier, Planner; (2) the application dated 24 August 2018; (3) the decision notice dated 18 October 2018 (4) links to the plans showing the proposal and planning policies referred to in the delegated report; (5) consultee comments from the Environmental Health Team, Flooding and Coastal Protection Team, Roads Development Management Team and Waste Services Team and also a representation which objected to the planning application; and (6) the Notice of Review submitted by the applicant along with an accompanying statement with further information relating to the application.

The LRB was then addressed by Ms Murphy who advised that the review had been submitted with all necessary information within the time limit of three months following the decision of the appointed officer.

Ms Murphy then described the site advising that it related to an area of ground to the west of the B999, north of Aberdeen City and within the designated Green Belt. At present, the site lay vacant and mostly unused. It was stated that the site previously accommodated 2 buildings, the locations of which were noted on the existing site plans, but these buildings no longer stand on the site. While the footprint of the building to the east of the site was visible, there appeared to be little evidence of the building that extended to the south of the bothy.

Ms Murphy indicated that the site was bounded to the east and south by agricultural land, to the west by land associated with the existing dwellinghouse and to the north and north west by the existing dwelling, steading and outbuildings currently undergoing conversion works. In terms of planning history, an application for the extension of the existing dwellinghouse was granted in December 2015. While a subsequent application, within which this site was included was granted November 2016 for the conversion of a steading to four residential units, erection of detached garage and conversion of existing bothy under 161159/DPP.

In terms of the appointed officer's reasons for refusal, Ms Murphy made reference to the following factors in the decision notice:-

**LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

6 February 2019

- the proposal would be contrary to the overriding aims protecting the Green Belt from development in terms of Policy NE2, which are in place to maintain a distinct identity and clear physical boundary around Aberdeen; direct growth to the most suitable locations and prevent urban sprawl;
- the proposal was not submitted with the necessary information, such as a Tree Survey Report, to assess the impact of the proposal on the existing trees as per the criteria of Policy NE5 – Trees and Woodland. In addition, it was considered by the officer that the location of the trees may have an impact on the amenity of the proposed dwelling to the west; and
- the proposal was considered to be located in an unsustainable location, that was not easily accessible by public transport and was not connected to safe walking and cycling routes. As such, the development would be entirely reliant on the private car, which was not in compliance with criteria of Policy D1 – Quality Placemaking by Design, Policy T2 – Managing the Transport Impact of Development and Policy T3 – Sustainable and Active Travel.

In relation to the appellant's case, Ms Murphy highlighted the following from the Review statement:-

- in terms of Policy NE2 – Greenbelt, the appellant had addressed all 6 criteria within the policy. The submission stated that the land within this application site, by virtue of its location in relation to the dwellings currently being constructed, would not be suitable for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction/quarry restoration or landscape renewal;
- with regards to the 5 exceptions allowed by Policy NE2, the submission states the following:-
  - (1) for development associated with existing activities in the green belt will be permitted, the appellant stated that the development was within the natural boundary of the residential site. The development was considered to be small scale. The erection of two further dwellings would not intensify the use of the area and that the development is ancillary to what already exists on the site;

Ms Murphy intimated that it was considered that this exception refers to development that would be ancillary to an existing use.

- (2) in terms of Essential Infrastructure, the appellant stated that all new connections were on site, with regards to drainage, utility services etc, and as such there would be no erosion of, or detrimental impact on the character of the Greenbelt;

Ms Murphy indicated that it was considered that this exception referred to communications infrastructure, electricity grid connections or transport proposals that could not be located elsewhere other than in the Green Belt. As such, the exception was not relevant to this proposal.

- (3) with regards to the exception for a Change of Use of existing buildings of historic or architectural interest, or otherwise a valuable traditional character, the appellant stated the buildings were of minimal architectural

**LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

6 February 2019

merit and the period of time that the development was on the market, the buildings fell into a state of disrepair;

Ms Murphy advised that this exception was not considered relevant as the proposal did not include a change of use of a building;

- (4) with regards to the exception allowing for the extension of existing buildings as part of a conversion/rehabilitation scheme, the appellant confirmed that the buildings could not be converted or extended to allow for the proposed use;

Ms Murphy explained that given that the buildings were no longer on site, it was considered that this exception did not apply.

- (5) in terms of the exception for a replacement dwellinghouse on a one-for-one basis, the appellant stated that the building was previously used as sleeping quarters in relation to the farm hub, however proof of this could not be provided. In addition, it is considered that the location of the dwellings can be improved allowing for views and daylight to be maximised and the final designs will be formed so that they are consistent with modern homes in the countryside.

Ms Murphy advised that as there were no existing dwelling houses on this site, this exception did not apply.

Ms Murphy intimated that with regards to the second reason for refusal, relating to the tree survey report, the appellant confirmed that this would be carried out and compensatory planting would be proposed. It was requested that this was conditioned.

Ms Murphy indicated that as for the third reason for refusal, relating to the development being located with an unsustainable location, the appellant stated that the site was located in a rural setting. The access track had been upgraded allowing for improved safety while accessing the site. In addition, the junction was large enough for drop off's and pick-ups by buses or taxis. Cycling or walking routes could not be accommodated as that would involve the full scale re-development of the B999, but it was noted that the level of traffic along the B999 should reduce as a result of the opening of the AWPR.

In terms of consultee responses, Ms Murphy advised (1) that the Roads Development Management Team outlined a number of queries relating to materials for the driveway, the number of dwellings being served by the Tarves Road, location of refuse collection and that the site was highly dependent on vehicles. It was also stated that parking on site was unlikely to be an issue and the number of spaces overall would be 6, 3 per dwelling; (2) that the Flooding and Coastal Protection Team had no objection to make; (3) that the Environmental Health Team considered that the connection to the mains water supply was appropriate, but required the applicant to show that a suitable connection could be established; and (4) that the Waste Services Team recommended that the proposed dwellings shared the communal waste and recycling facilities proposed for the development to the north.

## LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

6 February 2019

Ms Murphy intimated that one letter of objection had been received and the letter raised concerns over the proposals lack of compliance with Policy NE1 – Green Space Network and Policy NE2 – Green Belt.

Ms Murphy indicated that the applicant had expressed the view that a site inspection should be carried out to allow Members to view the proposal in context of the development site.

The Chairperson and Councillors Cameron and Macdonald all indicated in turn that they each had enough information before them and therefore agreed that a site visit was not required and that the review under consideration should be determined without further procedure.

Ms Murphy outlined the relevant planning policy considerations, making reference to the following from the Aberdeen Local Development Plan 2017:-

- Policy NE2: Green Belt;
- Policy NE5: Trees and Woodland;
- Policy D1: Quality Placemaking by Design;
- Policy T2: Managing the Transport Impact of Development;
- Policy T3: Sustainable and Active Travel;
- Policy NE6: Flooding, Drainage & Water Quality;
- Policy NE8: Natural Heritage;
- Policy D2: Landscape;
- Policy R6: Waste Management Requirements for New Developments;
- Policy R7: Low & Zero Carbon Buildings and Water Efficiency; and
- Policy CI1: Digital Infrastructure

She also referred to the Supplementary Guidance for Landscape, Transport and Accessibility and Trees and Woodland.

Ms Murphy intimated that in determining the appeal, members should also take into consideration any material considerations they feel were relevant to the application that would point to either overturning the original decision or dismissing the review. In addition to the relevant policies from the local development plan, the following would be material considerations:-

- Scottish Planning Policy - stated that the purpose of green belt designation was to:-
  - (1) direct planned growth to the most appropriate locations and support regeneration;
  - (2) protect and enhance the quality, character, landscape setting and identity of towns and cities; and
  - (3) protect and give access to open space within and around towns and cities.

Ms Murphy emphasised that should members wish to overturn the decision of the appointed officer, consideration should be given to any conditions which would be

**LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

6 February 2019

appropriate in order to make the proposal acceptable. However, all conditions must meet the six tests set out by Scottish Government policy.

In conclusion, Ms Murphy advised that if members were minded to overturn the decision of the appointed officer, then she would advise on conditions following deliberation of 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 of the Town and Country Planning (Scotland) Act 1997 (as amended) and other material consideration 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:-

- (1) The proposed development would not be essential for the types of development generally acceptable in the green belt, including agriculture; woodland/forestry; recreational uses compatible with an agricultural or natural setting, mineral extraction/quarry restoration; or landscape renewal. Neither would it be compliant with any of the exceptions listed in policy NE2, as the proposal would not facilitate the rehabilitation of existing buildings; nor would it comply with all criteria for proposals for development associated with existing activities in the green belt. As such, it is considered that the proposal would be contrary to the overriding aims of protection of the green belt, which include maintaining a distinct identity and clear physical boundary around Aberdeen; directing growth to the most suitable locations; and preventing urban sprawl. It would therefore be contrary to Scottish Planning Policy - paragraphs 49-52 and policy N2 (Green Belt) of the 2017 Aberdeen Local Development Plan;
- (2) Supplementary Guidance on Trees and Woodlands sets out that any proposal for planning in principle should be supported by a Tree Survey where any trees are within 15m of the site boundary. In this case, this information has not been provided, and it is therefore not possible to fully assess the impact of the proposal on the mature trees immediately to the west of the site. However, due to the limited distance between the trees and the proposed western most dwelling, it is likely that this will intrude into the zone of influence and root protection areas of these trees. Due to the proximity of the trees to the proposed dwellings, these could have an adverse impact on residential amenity due to loss of day light/ excessive overshadowing, which could result in a requirement to remove the trees in the future. Policy NE5 (Trees and Woodlands) carries a presumption against development that will have an adverse impact on mature trees, and as such, the proposal would not comply with this policy or with Supplementary Guidance on Trees and Woodlands; and
- (3) The site is located in an unsustainable location as it would not be easily accessible by public transport and is not connected to safe walking and cycling

**LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

6 February 2019

routes. As such, the proposal would be entirely reliant on the private car. Policies D1 (Quality Placemaking by Design), T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel) and Supplementary Guidance on Transport and Accessibility sets out that all new development should promote access to sustainable transport methods, and as such the proposal is considered contrary to the requirements of these policies.

- **COUNCILLORS JENNIFER STEWART AND MARIE BOULTON,**  
**Chairpersons**

**LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**  
6 February 2019