

## LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 29 May 2019. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Jennifer Stewart, the Depute Provost, Chairperson; and Councillors Donnelly and Avril MacKenzie.

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

### PROPOSED HOUSE ALTERATIONS & EXTENSION TO FORM ANNEX ACCOMMODATION - INVERCRAIG, SKENE ROAD ABERDEEN - 180980

1. The Local Review Body considered the request for a review for the proposed house alterations and extension to form an annex accommodation at Invercraig, Skene Road Aberdeen, 180980.

The Chairperson advised that the LRB would 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 Jane Forbes, Planning Technician; (2) the application dated 14 June 2018; (3) the decision notice dated 5 February 2019 (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 agent 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 indicated that within the Notice of Review, new matters were raised, which were not before the appointed officer at the time of the original decision. This new information related to the size of the original house, and the applicant indicated that this information was not available at the time of the appointed officer's determination. The LRB agreed unanimously not to accept this additional information as it was historic information and could have been readily available to give to the original appointed officer.

Mr Evans then described the site advising that the application site was located on the southern side of Skene Road, approximately 150m east of the A944/Land Stracht roundabout junction, and was one of 6 properties served by a short curve of service road. The generous plot extends to approximately 2100sqm, and featured mature trees along its southern and eastern boundaries.

**LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

29 May 2019

Mr Evans advised that Invercraig, which was the easternmost of those 6 south-facing plots, was a detached granite dwelling of a traditional style, incorporating bay windows, dormer windows and a slated roof with clay ridge tiles. It was noted that this property was not representative of the others in this group, which were mid-20<sup>th</sup> century bungalow style dwellings. Invercraig presented a 1.5 storey face to the service road, but due to the ground level dropping away to the north, also included a basement level. The western gable features a lean-to style extension which wraps around the North West corner of the building and onto the rear elevation at basement level. A pitched roof double garage was constructed off the eastern gable, constructed in granite and slate. The property had an open southern aspect, looking out across the neighbouring farmland.

In terms of consultee responses, Mr Evans advised that the flooding team had requested further information.

Mr Evans indicated that the applicant had expressed the view that a site visit was required before determination.

At this point, the LRB considered whether they had sufficient information before them to proceed to determine the review. Councillor McKenzie stated that she wished a site visit be held prior to determining the review. The Local Review Body then agreed that the review under consideration should be adjourned in order for a site visit to be conducted in due course.

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

**ERECTION OF DWELLINGHOUSE WITH ASSOCIATED INFRASTRUCTURE AND LANDSCAPING - LAND TO NORTH OF BROOKDEN - 181993**

2. The Local Review Body then considered a 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 the erection of a dwellinghouse with associated infrastructure and landscaping, at land to the north of Brookden, 181993.

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.

**LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

29 May 2019

In relation to the application, the LRB had before it (1) a delegated report by Mr Jamie Leadbeater, Planner (2) the application dated 22 November 2018; (3) the decision notice dated 22 January 2019 (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 and (6) consultee comments.

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 the application sought Planning Permission in Principle (PPP) for the erection of a new detached dwellinghouse with associated infrastructure and landscaping. A tree survey accompanying the application recommended the removal of 36 individual trees for reasons of good arboricultural management and Mr Evans advised there were no trees present on the indicative site of the dwelling, however detailed consideration of impacts could be undertaken on assessment of MSC applications.

Mr Evans also advised that the application site extended to approximately 0.8ha and was located on the east side of Murtle Den Road, a private road which branched off north from North Deeside Road, between established settlements at Bielside and Milltimber. Murtle Den Road was an attractive tree-lined avenue of approximately 800m, which offered no through route and provided access to approximately 13 properties. The houses accessed via Murtle Den Road were generally large detached dwellings, set within generous plots. The current application site sits approximately 400m along this private road, to the north of an existing dwelling at Brookden and south of the large plot of Pinelands. Murtle Dam was located to the west of Murtle Den Road, and sits within 20m to the North East of the current application site. The site, which slopes steeply from West to East, was an area of grassland, with mature trees around its perimeter, with particularly strong tree belts along the western and southern boundaries. To the west of Murtle Den Road there was an area of 49ha which was allocated for development through the 2017 Aberdeen Local Development Plan. The OP48 allocation identified an opportunity for the development of 550 homes along with 5ha of employment land. An associated Development Framework and Masterplan had been approved in connection with that allocation, and Planning Permission in Principle was granted in 2015 for the development of 550 homes, commercial uses, primary school and associated infrastructure. Mr Evans finally explained that the site itself was zoned as green belt, where policy NE2 shall apply.

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

1. It failed to comply with policy NE2 (Green Belt), which does not allow for new dwellings unless replacing an existing dwelling or essential for the purposes of agriculture/forestry etc;

**LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

29 May 2019

2. There was a likelihood of tree loss along southern and western boundaries in order to reduce shade cast over site. Consequent impact on Green Space Network and conflict with policy NE1 (GSN);
3. There was a lack of sufficient evidence (e.g. Habitat Survey) to assess impact on Murtle Den Local Nature Conservation Site (LNCS) and to establish presence of or the potential impacts on protected species. Consequent failure to comply with policy NE8 (Natural Heritage);
4. The site was not within 400m of a bus stop, meaning that residents would be largely dependent on travel by car. This would have an associated conflict with policies T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel), along with the associated 'Transport and Accessibility' SG. The remoteness from a bus service was also not consistent with Scottish Planning Policy expectation of Sustainable Development.

In terms of the appellant's case, Mr Evans referred to the Notice of Review which was submitted from the appellant and noted the following:-

- The proposal was in keeping with the surrounding pattern of development;
- The site lends itself to a single dwelling, and has well-defined boundaries on all sides and a clear opportunity for access via Murtle Den Road. It is contended that this proposal represents 'infill' development of a left-over plot, and does not undermine the aims of policies NE1 (GSN) and NE2 (Green Belt);
- Traffic impacts from a single dwelling would be minimal, and it is highlighted that there was a bus stop 600m away on North Deeside Road. On this basis, it is contended that there is no conflict with policies T2 and T3; and
- No objections were made from members of the public or from consultees and they also stated that neighbours were supportive.

Mr Evans explained that there were no objections from consultees or neighbouring properties.

Mr Evans advised that the applicant had expressed the view that the hearing should proceed without any further procedure. Members all indicated in turn that they each had enough information before them and therefore agreed 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:-

- NE2 (Green Belt)
- NE5: Trees and Woodland
- NE8: Natural Heritage
- D1 – Quality Placemaking by Design:
- T2: Managing the Transport Impact of Development
- NE6: Flooding, Drainage and Water Quality

**LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

29 May 2019

- R6: Waste Management Requirements for New Development
- T3: Sustainable and Active Travel;
- R7: Low & Zero Carbon Buildings & Water Efficiency;

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 stated that the purpose of green belt designation is to:
  - direct planned growth to the most appropriate locations and support regeneration,
  - protect and enhance the quality, character, landscape setting and identity of towns and cities, and
  - protect and give access to open space within and around towns and cities.

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.

The Local Review Body then asked questions of Mr Evans, specifically regarding Greenbelt zoning, and the habitats that may be present on the site. Mr Evans highlighted that Environmental Health advised that a more involved survey was required.

**Following discussion, Members by majority agreed to overturn the decision of the appointed officer to refuse the application and therefore approved the application conditionally. The Chairperson and Councillor Donnelly voted to overturn the decision and approve the application conditionally. Councillor MacKenzie voted to uphold the decision of the original case 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 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 considered that this site, though zoned as green belt, relates well to existing residential development along Murtle Den Road, and noted that the nearby Oldfold (OP48) housing allocation to the west will alter the character of the surrounding area in future. In that context, it was concluded that

**LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

29 May 2019

the proposed new dwelling would not appear an incongruous addition to the area. Whilst it was recognised that policy NE2 (Green Belt) does not provide for new dwellings in green belt locations, other than in specified circumstances which are not applicable in this instance, it was nevertheless the view of the Local Review Body that a precedent had been set by a previous LRB decision at Pinelands on Murtle Den Road, and that this proposal would not undermine the function of the wider Green Belt. The site is considered to be within reasonable distance of North Deeside Road and the associated bus services. Supporting documentation relating to trees was noted, and it was accepted that some tree removal will be required for reasons of good woodland management, and it was considered that a new dwelling could reasonably be accommodated within the site without undue impact on existing trees, consistent with policy NE5 (Tree and Woodlands) and the associated supplementary guidance (SG). The lack of objection from members of the public and consultees, including the local community council, was noted. As regards Protected Species, members considered that the walkover survey provided was sufficient to satisfactorily demonstrate that there would be no impact on bats.

**CONDITIONS**

(1) No development shall be undertaken unless a further formal application for the Approval of Matters Specified in Conditions (AMSC) has been submitted to, and approved in writing, by the planning authority, which shall include full details of the proposed dwelling, including: siting, scale, design, external appearance, materials and finishes, and details of existing and proposed ground levels (including sections drawings). Thereafter, all works shall be carried out in accordance with the details so approved.

Reason: In order to allow assessment of the proposal in relation to policy D1 (Quality Placemaking and Design) and to ensure a high standard of design, appropriate to the site context.

(2) No development shall be undertaken unless a further formal application for the Approval of Matters Specified in Conditions (AMSC) has been submitted to, and approved in writing, by the planning authority, detailing car parking and turning areas within the site (including internal dimensions of garages where applicable). Thereafter, the approved dwelling shall not be occupied unless the car parking and turning areas so approved have been provided in full.

Reason: In order to ensure that appropriate provision is made for the parking of vehicles within the site, in accordance with the Council's 'Transport and Accessibility' Supplementary Guidance.

**LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

29 May 2019

(3) That the dwellinghouse hereby approved shall not be occupied unless provision has been made within the application site for refuse storage and disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority by means of a formal application for the Approval of Matters Specified in Conditions.

Reason: in order to preserve the amenity of the neighbourhood and in the interests of public health.

(4) That the building hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Resources for New Development' supplementary guidance has been submitted to and approved in writing by the planning authority by means of a formal application for the Approval of Matters Specified in Conditions, and any recommended measures specified within that scheme for the reduction of carbon emissions and promotion of water efficiency have been implemented in full.

Reason: to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Resources for New Development'.

(5) That no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Planning Authority by means of a formal application for the Approval of Matters Specified in Conditions, and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme.

Reason: in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

(6) That the dwellinghouse hereby granted planning permission shall not be occupied unless a scheme for the provision of foul sewerage and wholesome water facilities has been submitted to and approved in writing by the Planning Authority by means of a formal application for the Approval of Matters Specified in Conditions, and that the said scheme has been implemented in full

Reason: in the interests of public health.

(7) That no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority (by way of a formal application for the Approval of Matters Specified in Conditions) a further detailed scheme of landscaping for the site, which scheme shall include 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, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting.

**LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

29 May 2019

Thereafter, 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

Reason: in the interests of the amenity of the area.

(8) That no development shall take place unless a plan showing those trees to be removed and those to be retained, an assessment of the arboricultural impact of the proposals, and a scheme for the protection of all trees to be retained on the site during construction works has been submitted to and approved in writing by the Planning Authority by way of a formal application for the Approval of Matters Specified in Conditions, and any such scheme as may have been approved has been implemented.

Reason: in order to ensure adequate protection for the trees on site during the construction of the development.

(9) The dwelling pursuant to this grant of planning permission shall not be occupied unless a detailed scheme of site and plot boundary enclosures for the entire development has been submitted to and approved in writing by the Planning Authority (by way of a formal application for the Approval of Matters Specified in Conditions) and that the approved scheme has been implemented in full.

Reason: in order to preserve the amenity of the neighbourhood.

(10) That this planning permission in principle shall lapse unless a further application for approval of the matters specified in condition(s) attached to this grant of planning permission in principle has been made before whichever is the latest of the following;

(i) the expiration of 3 years from the date of this grant of planning permission in principle;

(ii) the expiration of 6 months from the date on which an earlier application for the requisite approval of matters specified in conditions was refused;

(iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed;

Reason: in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.



**LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

29 May 2019

(11) That this planning permission in principle shall lapse on the expiration of 2 years from the approval of matters specified in conditions being obtained (or, in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development to which the permission relates is begun before that expiration –

Reason: in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

- **Councillor Marie Boulton and Jennifer Stewart – Chairpersons**

**LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**  
29 May 2019