

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 30 September 2020. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Boulton, Chairperson; and Councillors Bell, Duncan and Mason.

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

25 WESTFIELD TERRACE - ERECTION OF GARAGE EXTENSION TO SIDE AND FRONT AND ASSOCIATED ALTERATIONS TO BOUNDARY WALL AND FORMATION OF HAND SURFACE ACCESS/DRIVEWAY; AND FORMATION OF TWO WINDOWS TO REAR - 191897 (PRESENTATION)

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 garage extension to the side and front and associated alterations to the boundary wall and formation of a hard surface access/driveway; and formation of two windows to the rear of 25 Westfield Terrace, Aberdeen, Planning Reference 191897/DPP.

Councillor Boulton as Chair, gave a brief outline of the business to be undertaken, advising 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 following 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 Mr Masson, Assistant Clerk in regard 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 Trainee; (2) the application dated 20 December 2019; (3) the decision notice dated 26 June 2020; (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) a letter of representation submitted by the Roads Management Team.

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. He made reference to the notice of review and

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL
30 September 2020

review statement, wherein a new matter was raised by the applicant in terms of an assertion that the proposed garage would accommodate an electrical vehicle and associated charging infrastructure, and remove access to the rear of the property if the application was approved. In this regard, as these matters were not covered within the original application but only referred to in informal discussions with the case officer, the LRB members would be required to decide whether they take these new matters into consideration as part of the review, having regard to the relevant legal tests.

The LRB members received legal advice, thereafter members agreed unanimously that there was no good reason or exceptional circumstances provided by the applicant to consider the new matter, therefore they declined to consider the additional information as part of the review submission.

Mr Evans then described the site advising that it comprised a detached dwelling house on a corner plot, which was two storeys at the front and 3 storeys to the rear due to a change in ground levels. The building had a pitched slate roof, and its walls were finished in a wetdash render. The principal frontage faced north-west onto a section of Westfield Terrace which was a dead end to the west, abutting the rear gardens of properties on Whitehall Terrace.

Mr Evans indicated that it had been previously extended, with a 1½ storey extension added to the western elevation. The garden grounds to the side and rear were enclosed by a granite rubble wall of approximately 2m in height, with a lower rendered 'dwarf' wall at the front and east side of the property stepping up beyond the rear wall of the house itself. He intimated that the photographs included in the applicants' submission showed that in some sections, the height of the wall had been increased through the use of brick (though not the section to be altered for the proposed works). The higher section of wall to the east of the property frontage was rendered on its street-facing side. Off-street parking was available to the rear of the property, however the applicants' statement referred to issues with this due to the presence of on-street parking directly opposite and ground level changes made it unsuitable for vehicles with low ground clearance.

Mr Evans highlighted that the application site was located within the Rosemount and Westburn Conservation Area.

Mr Evans outlined the Planning History of the site and also the proposed detailed planning permission which was sought from the applicant.

The Appointed Officer's reasons for refusal stated in the decision notice made reference to the following:-

Design, Scale & Impact on Conservation Area

- Would detract from historic character of the building and its surroundings;
- Principally resulting from projection forward of principal elevation of dwelling;
- Excessive width also noted as unbalancing symmetry of elevation;
- Materials would not complement wet-dash render of dwelling;

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

30 September 2020

- Proposal would result in the loss of a historic granite boundary wall, with limited re-use of doughtings proposed, contrary to policy D5 (Our Granite Heritage); and
- Would adversely affect special character and appearance of the Rosemount and Westburn Conservation Area, contrary to Scottish Planning Policy, Historic Environment Policy for Scotland (HEPS) and policies D1, H1 and D4 of the Aberdeen Local Development Plan (ALDP), as well as equivalent policies in Proposed Local Development Plan, Householder Supplementary Guidance, relevant Historic Environment Scotland (HES) 'Managing Change' publication and the aims of Rosemount and Westburn Conservation Area Character Appraisal.

Impact on Public Safety

- Proportions of driveway area do not comply with 'Transport and Accessibility' Supplementary Guidance;
- If parked at right angles to road (as recommended in Supplementary Guidance for best visibility), cars would overhang footway; and
- If parked parallel to road, driver visibility would be inadequate.

Excessive Off-street Parking

- When considered in context of existing and previously approved parking;
- Notes also the availability of on-street parking; and
- Conflict with 'Transport and Accessibility' Supplementary Guidance and aims of policy T2 (Managing the Transport Impact of Development) of the Aberdeen Local Development Plan.

The appellant had submitted a statement in support of the application for Local Review, and Mr Evans referred directly to the reasons for refusal and the main points put forward were as follows:-

- Highlighted that the stated reasons for refusal did not refer to the proposed new windows – only the garage extension (report also clarified that the windows were considered acceptable);
- Contended that the proposals comply with ALDP and its Supplementary Guidance, and was supported by other material considerations including Scottish Planning Policy, HEPS, HES Extensions guidance, Conservation Area Character Appraisal and earlier planning decision at 4 Westfield Terrace. (ref 182030/DPP);
- Respected the historic character of the Conservation Area, having regard for the reason behind its designation;
- Would facilitate use of electric vehicle through installation of charging infrastructure and encourage sustainable travel by allowing space for bike storage;
- Would deliver a net improvement in road safety, compared with current situation; and
- Would use materials appropriate to the building and its setting (happy for conditions to be used to ensure appropriate materials).

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL
30 September 2020

In relation to consultee and representation submissions, Mr Evans made reference to the following:-

- Queen's Cross & Harlaw Community Council – No response received.
- ACC Roads Development Management – Objected. Area between garage and pavement should be no more than 1m, unless it can achieve standard 6m driveway length. (3m length proposed). Their response otherwise highlighted that a parking survey had demonstrated that the loss of 2no on-street spaces was acceptable in this instance. Noted also that only one footway crossing per property was permitted, and therefore the existing driveway to the rear should be closed off/removed at the applicants' expense (presumably the removal of the pavement crossing itself).

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

Mr Evans highlighted the relevant policy considerations, making reference to the following:-

- the Aberdeen Local Development Plan 2017 - H1 – Residential Areas: Householder Development; D1 – Quality Placemaking by Design; D4 – Historic Environment; D5 – Our Granite Heritage;
- Supplementary Guidance - Householder Development Guide (Extensions);
- Windows and Doors Supplementary Guidance;
- Transport and Accessibility Supplementary Guidance;
- Scottish Planning Policy;
- Historic Environment Scotland - Managing Change Guidance: Extensions; and
- Rosemount & Westburn Conservation Area - Character Appraisal.

Mr Evans advised that members should have regard to the Local Development Plan and any other material considerations they feel were relevant to the application that would point to either overturning the original decision or dismissing the review.

Mr Evans 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.

The Local Review Body then asked questions of Mr Evans, specifically regarding the granite, specifically whether it would be reused and the process of applicants complying with a condition in this regard.

The Chairperson and Councillors Bell and Duncan each advised in turn and unanimously agreed to uphold the decision of the appointed officer to refuse the application.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

30 September 2020

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:-

Design, Scale and Impact to the Conservation Area

The proposed garage would significantly detract from the special historic character of the original building and the surrounding area in terms of its design, siting, proportions, massing and scale. This is primarily because of its projection forward of the principal elevation of the original dwelling which would dominate the principal elevation and would not be compatible with the established pattern of development on the streetscape; its excessive width which would unbalance the symmetry of the principal elevation; and the finishing material of the walls of the extension would not complement the wet dash render walls of the original building. The formation of the large opening in the original boundary wall, and the formation of a parking area at the front of the property would detract from the established pattern of development and the character of the surrounding area.

The proposal would result in the loss of a historic granite boundary wall, and would re-use an insufficient volume of granite down-takings, in conflict with Policy D5 – Our Granite Heritage of the adopted Aberdeen Local Development Plan and Policy D7 - Granite Heritage of the Proposed Aberdeen Local Development Plan 2020. The proposal would therefore adversely affect the special character and appearance of the Rosemount and Westburn Conservation Area. The proposal would therefore conflict with Scottish Planning Policy; Historic Environment Policy for Scotland; Policies D1 - Quality Placemaking by Design, H1 - Residential Areas and D4 - Historic Environment of the adopted Aberdeen Local Development Plan 2017; Policies D1 - Quality Placemaking, H1 - Residential Areas, D6 - Historic Environment of the Proposed Aberdeen Local Development Plan; the Supplementary Guidance: 'The Householder Development Guide'; Managing Change in the Historic Environment: Extensions; and the aims of the Rosemount and Westburn Conservation Area Character Appraisal.

Impact to Public Safety

The proposed 3m long and 7.5m wide driveway/hard surface would adversely affect road safety and would directly conflict with the Supplementary Guidance: 'Transport and Accessibility' in that if cars were parked perpendicularly to the road they would overhang the footways, and if they were parked at a parallel to the road, it would not be possible for the driver to be able to see adequately, both to the detriment of the safety of pedestrians using the public footway, especially young children and those with a disability. The negative impact to the safe function of the local transport network would conflict with Policy T2 - Managing the Transport Impact of Development of the adopted Aberdeen Local Development Plan 2017 and Policy T2 – Sustainable Transport of the Proposed Aberdeen Local Development Plan 2020.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL
30 September 2020

Parking

In addition to the negative impact to character and appearance of the surrounding area which would result from the proposed parking provision at the front of the property, given the inner city location of the site, the availability of on-street parking provision in the surrounding area and the existing and approved parking provision at the rear of the site, the proposed parking provision at the front of the property would be excessive, would conflict with the Supplementary Guidance: 'Transport and Accessibility', and the aims of Policy T2 - Managing the Transport Impact of Development of the adopted Aberdeen Local Development Plan 2017, and Policies T2 - Sustainable Transport and T3 - Parking of the Proposed Aberdeen Local Development Plan 2020 in terms of encouraging sustainable and active travel. There are no material planning considerations that warrant the grant of planning permission in this instance.

In addition to restating the Appointed Officer's reasons for refusal, the Local Review Body did indicate that it was broadly supportive of the principle of extending the property in a different form, which would address matters of scale, projection and relationship with the existing property, whilst also ensuring that the property would maintain only one point of vehicular access and that granite downtakings would be appropriately re-used, potentially in the blocking up of the existing vehicular access to the east.

34 SEAVIEW PLACE - CHANGE OF USE FROM AMENITY LAND TO GARDEN GROUND - 200162

2. The Local Review Body (LRB) 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 the change of use from amenity land to garden ground at 34 Seaview Place, Aberdeen, Planning Reference number 200162.

At this juncture, Mr Evans advised that that there was a discrepancy in the submission of the location plan for the application site. He explained that two versions had been submitted by the applicant's agent. The original version outlined the location in red where planning permission was being sought with a blue outline depicting other land which was controlled by the applicant. Sometime later a revised plan had been received which swapped those around, so the red line was now enclosing the house and garden with the area of adjoining space shown in a blue outline. The effect of this means that there was a discrepancy in the description of the proposal and the submitted site plan, such that if permission had been granted by the appointed officer, or if the LRB today opted to reverse the appointed officer's decision to refuse, the applicant would still technically not have planning permission for the change of use for this area of ground adjacent to the house.

He intimated that the LRB did have powers to request further information in certain circumstances, but ultimately must consider the same proposal which was before the appointed officer in their earlier decision.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL
30 September 2020

The LRB received legal advice, thereafter they decided unanimously to defer consideration of the review and to request that a corrected version of the location plan be submitted by the applicant's agent.

LAND AT INTERNATIONAL GATE, DYCE - FORMATION OF CAR PARKING WITH ACCESS BARRIER INCLUDING CHANGE OF USE AND ASSOCIATED WORKS - 191456 (PRESENTATION)

3. The Local Review Body (LRB) 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 formation of car parking with access barrier including change of use and associated works at Land at International Gate, Dyce, Aberdeen, Planning Reference number 191456.

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 Matthew Easton, Senior Planner; (2) the application dated 23 September 2019; (3) the decision notice dated 18 May 2020 (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 agent along with an accompanying statement; and (6) letters of representation from Aberdeen City Council - Roads Development Management Team, Dyce and Stoneywood Community Council and Aberdeen International Airport.

The Local Review Body then heard from Mr Evans explain 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 related to an undeveloped plot within ABZ Business Park. It extended to 1.58 hectares and comprised rough ground with scrub vegetation. It was located at the northern end of the business park, to the east of the Crowne Plaza and Holiday Inn Express hotels, with the road known as International Gate separating the site and the hotels. To the north beyond an area of vacant ground outwith the business park, is Aberdeen International Airport – the Terminal Building was circa 120m away to the north and to the south and east there were further vacant plots within the business park.

Mr Evans referred to the relevant planning history and outlined the proposal before members.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

30 September 2020

Mr Evans outlined the appointed Officer's reasons for refusal contained within the Decision Notice as follows:-

- The initial proposal was for a car park that would be available for use by a range of users, unrelated to any new development. Such a proposal would be a clear conflict with the Transport and Accessibility Supplementary Guidance and therefore in that regard the proposal would not be acceptable in principle;
- The proposal had also been considered on the basis that it could potentially be for airport users only, however it was considered that the provision of additional car parking capacity near the airport would hinder the ability to encourage modal shift towards the use of public transport;
- There was no evidence that there were capacity issues with the existing level of parking available to those using the airport and additional supply was likely to make driving to and parking at the airport more attractive; and
- This would be inconsistent with the aims of Scottish Planning Policy, the Regional Transport Strategy, Local Transport Strategy and Policies T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel) of the Aberdeen Local Development Plan.

Mr Evans highlighted the following key points from the appellant's review statement:-

- Main justification was that the proposal would address a qualitative and quantitative deficiency in parking to serve the airport, and by doing so it would support the airport's role as a strategic transport hub, vital to the regional economy;
- Offered greater convenience for passengers, who could park and walk circa 500m rather than be reliant on shuttle buses;
- Would double the number of electric vehicle charging points at Aberdeen Airport (12 proposed – airport only currently had 6 and those were all for short-stay use);
- Highlighted support from Dyce and Stoneywood Community Council;
- Provision of improved long-stay parking would reduce dependence on unsustainable drop-off traffic and taxi journeys;
- Argued that Aberdeen City Council had produced no evidence that restricting car parking at the airport would encourage public transport use;
- Pointed to Aberdeen Airpark's closure removing 750 spaces;
- Proposal allowed for development of a vacant site, in which there had been no interest despite marketing;
- Proposal was consistent with Local Development Plan zoning and earlier consents for commercial development/uses; and
- Applicants were willing to accept a condition to control the use as being specific to long-stay airport parking.

In relation to the consultee responses, Aberdeen International Airport had no objection. The proposed development had been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted was subject to a condition requiring a bird hazard management plan to be agreed and implemented.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL
30 September 2020

Aberdeen City Council - Roads Development Management Team – Objected to the proposal. The site was located in the outer city and not within an area of any form of controlled parking. After discussion with the Council's Transport Strategy Team and NESTRANS, collectively the opinion was that the proposal would be contrary to policies aimed at reducing private vehicular trips and undermined the viability of alternative sustainable transport modes. There were current targets (in the Regional Transport Strategy 2019 Monitoring Report) to increase the proportion of passengers accessing Aberdeen International Airport by public transport to 15% by 2021 and the proposal would harm the potential for achieving this aspiration. Additionally, although the applicant had provided a supporting statement, beyond referencing a need for airport related parking there was no actual evidence or sufficient justification to confirm such a claim. Construction of the access junction would require to be designed to Aberdeen City Council standards. The site should retain private drainage arrangements which was acceptable.

Dyce and Stoneywood Community Council supported the proposal. The community council agreed that the proposed car parking was consistent with Policy B4 (Aberdeen Airport) and that it did not diverge unacceptably from Policy B1 (Business and Industrial Land) given the lack of demand and oversupply of industrial and commercial space. Notwithstanding, the community council were not altogether convinced that the car park would be a sustainable travel option, although it would be convenient for users being within walking distance of the main terminal.

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

Mr Evans outlined in detail, the relevant policy considerations, making reference to the Aberdeen Local Development Plan 2017, namely B1 – Business and Industrial Land; B4 – Aberdeen Airport; NE6 – Flooding, Drainage and Water Quality; T2 – Managing the Transport Impact of Development; T3 – Sustainable and Active Travel; D1 – Quality Placemaking by Design; and Supplementary Guidance - Transport and Accessibility.

In addition to the relevant policies from the local development plan, Mr Evans referred to the Scottish Planning Policy; The Regional Transport Strategy for Aberdeen City and Shire; and the Local Transport Strategy.

The Chairperson and Councillors Duncan and Mason advised in turn and unanimously agreed to reverse the decision of the appointed officer and to 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.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL
30 September 2020

More specifically, the reasons on which the Local Review Body based this decision are as follows –

Members acknowledged the need to facilitate modal shift generally, but recognised that not all users can access the airport using existing public transport connections, and considered that there remains a need to ensure an adequate supply of on-site parking and choice for travellers. Members were also mindful of the economic benefits of a readily accessible airport to the region.

It was noted that the proposed site is conveniently located for the airport and, unlike some off-site car parks, would not be dependent on shuttle transfers.

The closure of an existing long-stay airport car park was a relevant factor and members considered that this proposal can ensure an adequate supply is maintained, preventing any shortage from adversely affecting nearby commercial premises and residential streets due to an overspill of airport parking demand. The Local Review Body also noted the applicants' reference to the growth in public transport use for airport trips in recent years, despite the opening of new airport car parks during that period.

Support was expressed for the incorporation of additional Electric Vehicle charging points as part of the proposal. Members also noted the importance of ensuring appropriate landscaping, details of which may be secured by condition, to provide screening and mitigate the visual impact of the proposal, consistent with policy D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan.

CONDITIONS

1. Drainage during construction

That no development pursuant to the planning permission hereby granted shall be undertaken unless a surface water management strategy (including measures to prevent surface water runoff from construction works discharging direct into watercourses) has first been submitted to and approved in writing by the planning authority. Thereafter all works shall be carried out in full accordance with the strategy so agreed.

Reason: In order to protect the water environment from pollution and ensure compliance with policy NE6 (flooding, Drainage and Water Quality) of the Aberdeen Local Development Plan.

2. Bird Hazard Management Plan

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority in consultation with Aberdeen Airport. The submitted plan shall include details of:

- Earthworks, soil stripping and excavation works; and
- Monitoring of any standing water within the site whether temporary or permanent.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL
30 September 2020

Reason: It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Aberdeen Airport.

3. Electric Vehicle (EV) spaces

That no development pursuant to the planning permission hereby granted shall be undertaken unless a scheme for the provision of 12no 'active' Electric Vehicle spaces and associated infrastructure has first been submitted to and agreed in writing by the planning authority. Thereafter, the approved use shall not be commenced unless the approved Electric Vehicle spaces and associated infrastructure have been constructed, drained, laid-out and demarcated as shown in the approved scheme.

Reason: in order to promote the decarbonisation of road transport and to ensure compliance with the Council's 'Transport and Accessibility' Supplementary Guidance.

4. Landscaping scheme

No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority.

Details of the scheme shall include:

- The location of new trees, shrubs, hedges and grassed areas;
- A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- Existing and proposed finished levels;
- The location, design and materials of all hard landscaping works including walls, fences, gates; and
- A programme for the implementation, completion and subsequent management of the proposed landscaping;

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape and mitigate its visual impact.

5. Car Park Management Plan

That the car park hereby approved shall not be brought into use unless a Car Park Management Plan (CPMP) has first been submitted to and agreed in writing by the planning authority. That CPMP shall include details of access controls to ensure that the car park remains for the exclusive use of airport patrons. Thereafter, the approved

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL
30 September 2020

use shall be undertaken in strict compliance with the terms of any Management Plan so agreed.

Reason: In order to ensure that the approved use caters specifically for airport passengers and does not undermine the promotion of sustainable travel options for non-airport travel.

- **COUNCILLOR MARIE BOULTON, Chairperson.**