

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 4 November 2020. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Boulton, Chairperson (for item 2); Councillor Stewart, the Depute Provost, Chairperson (for item 1) and Councillors Bell (for item 2), Cameron (for both items) and Macdonald (for item 1).

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

OLDTOWN FARM - DETAILED PLANNING PERMISSION FOR THE ERECTION OF DOG BOARDING KENNELS AND OFFICE SPACE WITH ASSOCIATED SOLAR PANELS, FENCING AND CAR PARKING AND OTHER ASSOCIATED WORKS - 191717

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 application for the erection of a dog boarding kennels and office space with associated solar panels, fencing and car parking and other associated works at Oldtown Farm, Station Road Aberdeen, 191717/DPP.

Councillor Stewart as Chair, gave a brief outline of the business to be undertaken, advising that the LRB would be addressed by the Assistant Clerk, Mrs Lynsey McBain 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 Mrs McBain, 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 the Appointed Officer, Aberdeen City Council; (2) an application dated 14 November 2019; (3) the decision notice dated 13 August 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 and (6) comments received from consultees.

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.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

4 November 2020

Mr Evans then described the site advising that Oldtown Farm was an existing farm complex which comprised a substantial two-storey granite and slate farmhouse, a pair of semi-detached one and a half storey dwellings, a converted bothy, and various large agricultural buildings all set around an informal area of hardstanding and surrounded by agricultural land, to the north, south, east and west.

The farm was set in a rural location in the Green Belt and accessed via a narrow single-track road. The Peterculter Golf Club course runs to the east of the farm, although separated by fields, with the club house and parking area located to the north east of the farm steading. The town of Peterculter is approximately one mile to the north.

The application site comprises a rectangular area of grass field extending to some 1309m², delineated by means of a post and wire fence, and forming the south-east corner of a larger field in agricultural use which extends to some 2.4ha.

In regards to the proposal, Mr Evans explained that detailed planning permission had been sought for the erection of a 1.5 storey building for dog boarding kennels and office space with associated solar panels, fencing and car parking and other associated works.

In relation to relevant planning history to the site, Mr Evans advised that there was an extensive history, and noted that Planning Permission in Principle was sought for the erection of a farm workers dwellinghouse in 2016. The application was refused under delegated powers in May 2016, however the decision was upheld by the Local Review Body in September 2016.

Mr Evans indicated that the Appointed Officer's reasons for refusal stated in the decision notice was as follows:-

- The proposal would result in development within an area of agricultural land forming part of a wider farming operation and would be for a use which is deemed to be neither essential for agriculture, nor associated with an existing activity. The proposed development would therefore be contrary to the expectations of Scottish Planning Policy (SPP) and would clearly fail to comply with the requirements of Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan (ALDP).
- The proposed development does not reflect the existing development pattern, nor is it of a form, scale, massing or have the design characteristics appropriate for a rural setting and therefore does not address the expectations of Policy D1 (Quality Placemaking by Design). Whilst deemed to be partially compliant with the requirements of Policy T2 (Managing the Transport Impact of Development), the proposed development has failed to demonstrate suitable compliance with the requirements of Policy T3 (Sustainable and Active Travel) and Policy NE6 (Flooding, Drainage & Water Quality) of the ALDP. Mitigation measures which have been identified as being necessary to address noise issues relating to the proposed development and suitably protect existing residential amenity cannot

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

4 November 2020

be reasonably secured, therefore the proposal also failed to comply with the requirements of Policy T5 (Noise) of the ALDP; and

- The proposal would set an undesirable precedent for applications of a similar nature which would result in the proliferation of sporadic development, which in turn would lead to the erosion of the character of the Green Belt and adversely affect the landscape setting of the City.

Mr Evans outlined the key points from the appellant's Notice of Review advising that:-

- The site most recently used as a paddock, but now surplus to daily working of the farm;
- They felt that inadequate opportunity was given to address the reasons for refusal prior to a decision being made;
- Contend that the final response from the Community Council was submitted outwith consultation period.
- Highlights that a marked downturn in farm's profitability in recent years, with this proposal offering a means of supplementary income in line with Scottish Planning Policy;
- Contends that the design and materials are in keeping with the surroundings;
- States that policy T3 (Sustainable and Active Travel) was not relevant due to the nature of the business;
- On water supply, notes that no further evidence was requested by the planning authority;
- Considers that the planning authority has accepted the findings of the Community Council over its own Environmental Health team as regards noise impacts and mitigation;
- Highlights that mitigation measures have been included to address noise impact affecting occupants of Oldfold Farm, despite them operating the business and accepting related noise;
- Suggests that no precedent would be set as all applications considered on their own merits;
- Points to the nearby development of stables recently as demonstrating that development of this nature is acceptable in this context.

In terms of consultee responses, Mr Evans advised the following:-

- An objection was received from the Culter Community Council and also Environmental Health in relation to Private Water Supply Suitability concerns; and
- One letter of objection was also received, with concerns relating to noise impact, requirement for another kennel and also the proposed design and layout.

Mr Evans advised that the applicant had expressed the view that a site visit should take place before a determination be made.

At this point, the LRB considered whether they had sufficient information before them to proceed to determine the review.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

4 November 2020

The Chairperson and Councillors Cameron and Macdonald all indicated in turn that they each had enough information before them and that the review under consideration should be determined without further procedure.

Mr Evans then outlined the relevant policy considerations, making reference to:-

- Aberdeen Local Development Plan 2017;
 - NE2: Green Belt;
 - T2: Managing the Transport Impact of Development;
 - T3: Sustainable and Active Travel;
 - T5: Noise;
 - NE6: Flooding Drainage and Water Quality;
 - R6: Waste Management;
 - R7: Low and Zero Carbon Building and Water Efficiency

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.

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.

Mr Evans responded to various questions from members.

The Chairperson and Councillors Cameron and Macdonald each advised in turn and agreed by majority to uphold the decision of the appointed officer to refuse the application. The Chairperson felt that the application should be approved and Councillors Cameron and Macdonald felt that the appointed officers decision be upheld, therefore the application refused.

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:-

By a majority of two to one, the Local Review Body felt that:-

1. The proposal would result in development within an area of agricultural land forming part of a wider farming operation, and would be for a use which is deemed to be neither essential for agriculture, nor associated with an existing activity. The proposed development would therefore be contrary to the expectations of Scottish Planning Policy (SPP) and would clearly fail to comply

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

4 November 2020

with the requirements of Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan (ALDP);

2. The proposed development does not reflect the existing development pattern, nor is it of a form, scale, massing or have the design characteristics appropriate for a rural setting and therefore does not address the expectations of Policy D1 (Quality Placemaking by Design). Whilst deemed to be partially compliant with the requirements of Policy T2 (Managing the Transport Impact of Development), the proposed development has failed to demonstrate suitable compliance with the requirements of Policy T3 (Sustainable and Active Travel) and Policy NE6 (Flooding, Drainage & Water Quality) of the ALDP. Mitigation measures which have been identified as being necessary to address noise issues relating to the proposed development and suitably protect existing residential amenity cannot be reasonably secured, therefore the proposal also fails to comply with the requirements of Policy T5 (Noise) of the ALDP.

30 WEST MOUNT STREET - DETAILED PLANNING PERMISSION FOR THE ERECTION OF 1.5 STOREY EXTENSION TO REAR - 200502

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 detailed planning permission for the erection of a 1.5 storey extension to the rear, at 30 West Mount Street Aberdeen, 200502/DPP.

The Chairperson advised that the LRB would again be addressed by Mr 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.

Mr Evans advised that in relation to the application, the LRB had before it (1) a delegated report by the Appointed Officer, Aberdeen City Council; (2) an application dated 24 April 2020; (3) the decision notice dated 17 July 2020; (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.

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 site comprised a late 19th century granite-built 1½ storey mid-terraced dwelling and its front and rear curtilage in a residential area. The dwelling had a southeast facing principal elevation that fronts West Mount Street. To its rear, it has an original single storey annexe projecting along its northeast boundary and a later single storey extension along its southwest

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

4 November 2020

boundary. The dwelling adjoins 28 West Mount Street to the northeast and 40 View Terrace to the southwest. The application site is also located in the Rosemount and Westburn Conservation Area. A shared access, serving the terrace, runs along the rear boundary, entered from View Terrace to the west.

In regards to the proposal, Mr Evans explained that planning permission was sought for the erection of a 1½ storey extension to the (northwest) rear of the dwelling. The extension would comprise two elements:

- A flat roofed single storey element that would be flat roofed in form, have a height of c.3.1m, be 3.8m in width, and would project c.5.5m to the rear of the dwelling along the east boundary.
- A pitched roofed two-storey element that would be 2.8m in width, have eaves heights of c.5.5m and a ridge height of c.6.3m. It would project c.5.5m along the west boundary.

The walls of the extension would be finished in timber cladding on its northwest (rear) and northeast elevations and render on its southwest elevation. It would have grey uPVC framed windows and sliding doors; the pitched roof would be finished in slate; and the flat roof would be finished in rubber roofing. The materials of the fasciae have not been specified.

In relation to planning history of the site, Mr Evans advised that in June 2019, an application was approved for a single storey extension to the property. However the difference with this application was the 0.5 storey proposal element on top. The single storey extension in that application replicates the single storey element in this application.

Mr Evans indicated that the Appointed Officer's reasons for refusal stated in the decision notice was as follows:-

- The design, massing and form was incongruous due to the upper storey projecting c.1.5m above wallhead;
- Circa 5.5m projection to the rear was excessive;
- The extension would be readily visible from View Terrace to the west of the site, which would adversely affect the character and visual amenity of the streetscape and would be detrimental to the character and appearance of the Rosemount and Westburn Conservation Area;
- There would be a significant adverse impact on residential amenity at 40 West Mount Street, due to overbearing presence and significant impact on existing level of privacy;
- It would conflict with 'Householder Development Guide' SG, which does not support two storey extensions to mid-terrace property or projection of more than 3m along the boundary. No specific circumstances which would warrant departure;
- It conflicted with Scottish Planning Policy; Historic Environment Policy for Scotland; Policies D1 – Quality Placemaking by Design, H1 – Residential Areas and D4 – Historic Environment of the Aberdeen Local Development Plan 2017;

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

4 November 2020

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. • Conflict with equivalent policies in the emerging Proposed Aberdeen Local Development Plan 2020; and

- There were no material planning considerations that would warrant the grant of planning permission contrary to the development plan.

Mr Evans outlined the key points from the appellant's Notice of Review advising that:-

- they dispute the view that extension is not in keeping with the surroundings;
- highlights that the reasons for refusal refer to 5.5m projection, however a single-storey extension of the same projection was approved on this site;
- notes that ground floor projection simply matches that of adjoining neighbour's extension;
- contends that any impact on the streetscape and character of the Conservation Area would not be significant;
- highlights that no objections were received and that the proposed extension would only be seen from a small number of properties;
- highlights that View Terrace is a dead-end street, limiting the prominence of the extension;
- highlights that the application property currently had a full view of the garden at 40 View Terrace, and that the formation of the proposed extension would actually reduce the amount of overlooking by blocking views from the existing dormer window; and
- considers that the earlier LRB decision at 20 West Mount Street set a precedent for an extension of this scale.

In terms of consultee responses, Mr Evans advised that none were received.

Mr Evans advised that the applicant had expressed the view that a site visit should take place before determination.

At this point, the LRB considered whether they had sufficient information before them to proceed to determine the review.

The Chairperson and Councillors Bell and Cameron all indicated in turn that they each had enough information before them and that the review under consideration should be determined without further procedure.

Ms Greene outlined the relevant policy considerations, making reference to:-

- Aberdeen Local Development Plan 2017;
 - H1: Residential Areas; and
 - D1: Quality Placemaking by Design;
 - D4: Historic Environment;
- Supplementary Guidance: Householder Development Guide
- Scottish Planning Policy;
 - Historic Environment Scotland – Extensions

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

4 November 2020

- Rosemount and Westburn Conservation Area

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.

She 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.

Mr Evans responded to various questions from members.

The Chairperson and Councillors Bell and Cameron each advised in turn and unanimously agreed to overturn the decision of the appointed officer to refuse the application and therefore 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:-

Members of the Local Review Body (LRB) unanimously resolved to reverse the appointed officer's decision and grant planning permission. The LRB noted that the proposal is of a scale and design which is consistent with an extension recently approved at number 20 West Mount Street (180129/DPP - permission granted via LRB reversal of appointed officer's decision), and considered that this earlier decision established a precedent as regards appropriate scale and materials. Members also recognised that the ground floor portion of the proposed extension would match the scale of a single-storey extension previously consented on the application site (190592/DPP).

Members noted variety in the scale and form of extensions to the rear of properties on West Mount Street. This, along with the partial screening afforded by an existing extension to 40 view terrace was considered to mitigate any visual impact from the public vantage point on View Terrace, such that the character and appearance of this part of the Rosemount and Westburn Conservation Area would not be adversely affected. Members were also mindful that allowing historic buildings to be reasonably adapted and extended to allow for modern family living contributes to those buildings remaining in active use and noted that national policy and guidance relating to historic buildings would not necessarily require that extensions use the same materials as those of the original building. The LRB therefore resolved that the proposal would be consistent with policies

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

4 November 2020

D1 (Quality Placemaking by Design) and D4 (Historic Environment) of the Aberdeen Local Development Plan.

As regards residential amenity, members noted the presence of an existing dormer at the application property and accepted the applicant's case that the upper floor portion of the proposed extension would assist in reducing overlooking of neighbouring garden and would not result in any undue loss of privacy compared to the current situation.

On balance, members considered that the proposal would comply with the provisions of the Development Plan.

CONDITIONS

(1) That 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.

Reason: in the interests of visual amenity and to ensure compliance with policy D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan.

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Councillor Marie Boulton, Chairperson