

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 29 July 2020. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Boulton, Chairperson; and Councillors Allan and Mason.

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

16 DON TERRACE - 200036

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 formation of a driveway to the front of the dwellinghouse, at 16 Don Terrace Aberdeen, 200036/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, 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 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 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 Jamie Leadbeater, Planner; (2) the application dated 18 January 2020; (3) the decision notice dated 17 March 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 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 also noted that the applicant had indicated no new matters had been raised however he provided correspondence with his local Councillor in regard to vandalism in the area, which did not form part of the earlier application. Mr Evans indicated that it was for the Local Review Body to decide whether this information is taken in account when determining the application. Members agreed unanimously that the information should not be taken into account, as

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this would have been available previously and could have been submitted with the original application.

Mr Evans then described the site advising that the application site was located on the southern side of Don Terrace, and occupied by a detached 1 ½ storey granite building of a traditional style. The house was elevated approximately 1.1m above street level. The garden ground sits at the same level as the house, and was retained by a granite boundary walls to the street frontage (1m-1.3m high), topped with metal railings and gate. Mr Evans also noted there were single yellow line parking restrictions to both sides of Don Terrace (no parking between 8am and 5pm, Monday to Friday). Don Terrace rises from west to east, with the properties being set progressively higher above street level westwards.

In regard to the proposed application, Mr Evans advise that the application sought permission for the formation of a single car parking space within the front garden, positioned at a right-angle to the street. The formation of the parking space would require the removal of a section of existing boundary wall and railings, the excavation of part of the front garden and the formation of a new retaining wall between the lowered parking area and the remaining front garden.

Mr Evans advised that the plans indicated that the new retaining wall would re-use materials from the original wall in its construction, along with the railings, however a section of new railings would also be required. The proposal would necessitate the relocation of an existing gas service pipe, however this was something that would have to be arranged separately with the relevant service providers by the applicant.

Mr Evans also indicated that there had been two previous planning application at this address in recent years.

Mr Evans then outlined the applicant's proposal and outlined the appointed Officer's reasons for refusal as follows:-

- The proposed creation of a driveway within the front curtilage of the dwellinghouse would alter the pattern and appearance of development along Don Terrace, involving the removal of a historic granite front wall with cast iron railings which are intrinsic features to the narrow street's character;
- The subsequent loss of these features through breakage in the front boundary and substantial excavation of the front garden area resulting in the creation of unsympathetic eye-catching retaining walls with unsympathetic modern railings would disrupt the visual continuity of historic railings and walls along the street, thus adversely affecting the visual character and amenity of the Don Terrace streetscene; and
- As such, the proposal was not considered to be compliant with Policy H1 (Residential Areas) and Policy D1 (Quality Placemaking by Design) in the Aberdeen Local Development Plan 2017. Subsequently, overall, the proposal was not considered acceptable.

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

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- A single concession need not threaten Don Terrace streetscape – as echoed by Aberdeen City Council’s Roads comment;
- Number 16 was a special case for consideration, because neighbouring properties either have access to rear parking or have more convenient access to unrestricted on-street parking;
- Alternative options have been exhausted with no scope for parking to rear;
- On-street parking not practical due to the narrowness of Don Terrace and lack of pavement;
- Aberdeen City Council had recently added double-yellow lines to the closest section of Don Street, so that closest available parking was on Gordon’s Mills Road;
- It was reasonable for a family home to have a driveway and points to requirements for new-build homes;
- Recent incidences of vandalism to cars on Gordon’s Mills Road;
- Granite cope and iron railings would be re-used;
- Contends that the proposal was consistent with policy D1, relating to design quality and policy H1, relating to preserving the character and amenity of residential areas; and
- Need a dedicated space in order to provide for Electric vehicle charging point.

In relation to consultation, Mr Evans indicated that there was a neutral response received from Aberdeen Civic Society and that there was no objection from Roads Development Management.

Mr Evans indicated that the applicant had indicated on the Notice of Review that further procedure was required, and that a site visit should take place before determination.

The Chairperson and Councillors Allan and Mason advised in turn that they had enough information to determine the application and did not require any further procedures.

Mr Evans outlined in detail, the relevant policy considerations, making reference to the Aberdeen Local Development Plan 2017, namely policy H1 (Residential Areas: Householder Development and Transport and Accessibility Supplementary Guidance.

Members asked a number of questions of Mr Evans in relation to the proposed application.

The Chairperson and Councillors Allan and Mason advised in turn and unanimously agreed to overturn the decision of the appointed officer to refuse the application 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.

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More specifically, the reasons on which the Local Review Body based this decision were as follows:-

The Local Review Body (LRB) noted that the proposed driveway would satisfy the relevant technical roads specifications from the Council's 'Transport and Accessibility' Supplementary Guidance, and that there was no objection from the Council's Roads Development Management Team on road safety grounds. The existence of some other properties with in-curtilage parking was noted, and members considered that approval of this application would not result in any harmful precedent.

Members noted that the proposal would involve the re-use of granite downtakings and existing railings within the new retaining wall around the driveway, which it was felt would mitigate any impact on the character or appearance of the area. It was noted that the property does not lie within a Conservation Area, and that various alterations and interventions to neighbouring properties had to some extent impacted on the historic character of the area. In that context, the re-use of materials was considered to be sufficient to preserve any historic interest. The proposal was considered to have been sympathetically designed, with a notable improvement on an earlier proposal considered by the LRB. Members recognised that in-curtilage parking would offer greater security for residents, and the potential for installation of an Electric Vehicle charging point was also supported. On balance, the LRB concluded that the proposal would accord with policies D1 (Quality Placemaking by Design), D5 (Our Granite Heritage) and H1 (Residential Areas) of the Aberdeen Local Development Plan.

CONDITIONS**Re-use of granite downtakings & railings**

That no development pursuant to this grant of planning permission shall be undertaken unless a detailed scheme for the re-use of granite downtakings and existing railings in the construction of the new retaining wall and enclosures has first been submitted to and agreed in writing by the planning authority. Thereafter, all works shall be carried out in full accordance with the scheme so agreed.

Reason - in order to ensure that existing downtakings and features are appropriately re-used, in accordance with policy D5 (Our Granite Heritage) of the Aberdeen Local Development Plan.

Materials/Finishes

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That no development pursuant to this grant of planning permission shall be undertaken unless full details of all materials and finishes has first been submitted to and approved in writing by the planning authority. For the avoidance of doubt, this scheme shall include details of the surfacing materials for the driveway surface and in the facing of the retaining wall in the event that granite downtakings are not sufficient, as well as a specification for the new railings to be installed (including details of means of fixing, materials, colouring and dimensions, in order to ensure that these complement the retained and re-used existing railings). Thereafter, all works shall be carried out in full accordance with the scheme so agreed.

Reason: In order to ensure that materials are appropriate to their context and respect the character of the area, as required by policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen Local Development Plan.

Drainage per plans

That the driveway hereby granted planning permission shall not be brought into use unless provision for surface water drainage has been made in full accordance with the approved site plan 110/3-Rev D, or any other such drawing as has been submitted to and approved in writing by the planning authority.

Reason: In order to ensure that the driveway is internally drained and does not shed water onto the public road, as required by the Council's 'Transport and Accessibility' Supplementary Guidance.

3 OSBORNE PLACE ABERDEEN - 200445

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 the formation of dormer windows to the existing first floor extension, replacement of conservatory, installation of replacement rooflights and a dormer to the rear of 3 Osborne Place Aberdeen, 200445.

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 Local Review 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 Alex Ferguson, Planner; (2) the application dated 4 April 2020; (3) the decision notice dated 11 May 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 along with an accompanying statement.

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The Local Review Body then heard from Mr Evans, who explained 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 as located on the southern side of Osborne Place, approximately 20m to the west of its junction with Albert Street and comprised a 1½ storey traditional mid-terraced dwellinghouse with associated garden grounds.

Mr Evans noted that historic maps appeared to indicate that the granite-walled, slate pitch-roofed terrace was constructed at some point in the late 19th Century. The terrace was not listed, but it does lie within the Albyn Place / Rubislaw Conservation Area.

The dwelling had a built footprint of approximately 110sqm, including a 28sqm single-storey lean-to extension along the mutual western boundary (which is either original or an addition from the early 20th Century) and a 20sqm modern (late 20th Century) conservatory which runs along the eastern mutual boundary. Both extensions project approximately 7.5m out from the rear elevation of the original dwellinghouse and the historic single storey rear extension incorporated a modern cat-slide dormer whilst the rear roof slope of the original dwelling incorporated a modern pitch-roofed dormer and two rooflights.

Mr Evans advised that the property had a circa 240sqm, 35m long rear garden area, which included a 67.5sqm detached garage at the southern end, facing onto Albert Lane. The application site lies within a residential area and is bound to the east and west by neighbouring terraced dwellings.

In regard to the proposal, Mr Evans explained that planning permission was sought for the enlargement and alteration of an existing rear extension in order to provide accommodation across 2 floors and this would involve the removal of an existing rear conservatory, alteration of the roof to the existing rear offshoot, including formation of new dormer windows and erection of a new lean-to style ground floor extension to replace the existing conservatory. Existing rooflights on the rear slope of the main roof would be enlarged, whilst an existing rear dormer would be reduced in size.

Mr Evans outlined the appointed Officer's reasons for refusal as follows:-

- Notes that some aspects of the proposal are acceptable, but nevertheless concludes that the scale, mass and design of the rear extension is not subservient or sympathetic to those of the original dwelling. The proposal was considered to be detrimental to the character of the area;
- The proposal did not comply with the Householder Development Guide supplementary guidance and Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan;
- The unsympathetic extension was considered to dominate the rear elevation of the property, which is prominently visible from Albert Street, where other alterations have generally been more sympathetic;

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- There would be an adverse impact on the character of the Conservation Area, and thus fails to comply with Scottish Planning Policy, Historic Environment Policy for Scotland and Policy D4 (Historic Environment) of the Aberdeen Local Development Plan;
- Insufficient detail to make a full assessment of the proposed replacement window to the rear dormer, which could also have a detrimental impact on the character and appearance of the conservation area; and
- Various policies of the Proposed Aberdeen Local Development Plan 2020 also supports refusal of the application.

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

- They disagreed that the proposal would effectively create a 2-storey extensions of an unsympathetic scale, design & form, and considered that the existing rear extension was already across 2 storeys;
- They did not consider that the proposal would dominate the rear elevation;
- Highlighted that the rear of the property was not highly visible and only seen from one spot on Albert Street and the visual impact was not significant;
- Points to other nearby properties which have large rear extensions and photos were provided in their statement.
- Clarifies that the reduced dormer and new dormer would have details to match existing, however a more traditional design is something the applicant could incorporate if essential.

In relation to the consultee response, Mr Evans advised that none were received.

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

The Chairperson and Councillors Allan 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 policy H1 (Residential Areas: Householder Development), D1 (Quality Placemaking by Design), D4 (Historic Environment), the Householder Development Guide Supplementary Guidance and Householder Development Guide (Dormer Windows). Mr Evans also made reference to Windows Supplementary Guidance, Scottish Planning Policy, Historic Environment Scotland Managing Change Guidance for Extensions and the Albyn Place and Rubislaw Conservation Area Character Appraisal.

The Local Review Body members asked questions of Mr Evans in regard to the application.

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The Chairperson and Councillors Allan and Mason advised in turn and unanimously agreed to overturn the decision of the appointed officer to refuse the application and approved 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) considered that the proposed works were acceptable and allow for the adaptation of a traditional granite property to support modern living. The reduction in the size of the non-original rear dormer window was welcomed, and it was noted that the proposed rooflights are of an appropriate size and style, in accordance with the guidance contained in the Council's Householder Development Guide Supplementary Guidance. Members also noted that the roofline of this proposal represented an improvement to an earlier refused scheme.

Members noted the varied scale and form of extensions to the rear of properties on Osborne Place, and felt that the proposed works would utilise sympathetic materials and an appropriate design, such that there would be no resultant harm to the character or appearance of the Albyn Place and Rubislaw Conservation Area. The LRB considered that the rear elevation of this property is not unduly prominent when viewed from Albert Street, and that its main contribution to the character of the Conservation Area is from its frontage to Osborne Place.

Taking account of these factors, the LRB concluded that the proposal would accord with policies H1 (Residential Areas), D1 (Quality Placemaking by Design) and D4 (Historic Environment) of the Aberdeen Local Development Plan, as well as the relevant national policy and guidance.

CONDITIONS**Materials / Finishes**

That no development pursuant to the planning permission hereby granted shall be undertaken unless full details of the materials and finishes to be used in roof and walls of the development (including physical samples) have been submitted to and approved in writing by the planning authority. Thereafter, all works shall be carried out in full accordance with the details so agreed.

Reason: In order to ensure the use of high quality materials appropriate to the site context, as required by policy D1 (Quality Placemaking by Design) and to preserve the character and appearance of the Conservation Area.

Rooflight details

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That no development pursuant to the planning permission hereby granted shall be undertaken unless full details of the proposed rooflights have been submitted to and approved in writing by the planning authority. For the avoidance of doubt, this shall include details of materials and specification, along with section drawings to demonstrate any projection above the plane of the roof. Thereafter, all works shall be carried out in full accordance with the details so agreed.

Reason: In order to ensure that the new rooflights are sufficiently unobtrusive and do not result in any adverse impact on the character or appearance of the Albyn Place and Rubislaw Conservation Area.

LAND TO EAST OF IKEA, WELLINGTON CIRCLE - 191588

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 class 1 retail units, at land to the east of Ikea, Wellington Circle Aberdeen, 191588/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 Gavin Clark, Senior Planner; (2) the application dated 18 October 2019; (3) the decision notice dated 24 March 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 applicants agent along with an accompanying statement and (6) a letter of representation received. Mr Evans advised that an objection was received from Nigg Community Council but was not submitted within the correct timeframe so was not accepted.

The Local Review Body then heard from Mr Evans, who explained 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 and noted that the application site lay to the west of Wellington Road, between Wellington Circle and an existing car park which serves IKEA, Makro, PureGym and Starbucks and the site was presently an area of landscaping that bounded the southern edge of the IKEA car park, and sits between the IKEA and Starbucks units when seen from the adjoining part of Wellington Circle. The car park is accessed from its north-eastern corner, directly opposite the Shell service station.

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Mr Evans explained that the street view images that he displayed dated from March 2019 and they showed that the landscaping was not mature at that time, having been planted in connection with the development of the Starbucks immediately to the east. The surrounding area featured a mix of commercial uses, including the IKEA and Makro retail offerings, Starbucks (inc drive-thru service), a PureGym, a Shell petrol filling station, Royal Mail depot, Burger King restaurant with drive-thru facility, and office and industrial uses.

Mr Evans highlighted that the site falls within an area zoned in the Aberdeen Local Development Plan as Business and Industrial Land, where policy B1 applies, promoting office and industrial uses, however the site is also identified within an Opportunity Site, which provides support for change of use to retail use.

In regard to the proposal, Mr Evans explained that planning permission was sought for detailed planning permission for the erection of a single storey building containing two retail units on what is currently a landscaped buffer at the southern edge of the car park serving IKEA, Pure Gym etc and the building would be modern in style, with a monopitched roof and contemporary pallet of materials. Each retail unit would extend to approximately 92sqm, and would have a dedicated external service area. The building would be orientated to face north, addressing the car park, and lock-block paving would be used externally. A covered cycle store is shown on the proposed site plan, with 5 stands. External materials include horizontal timber linings and grey brick basecourse to walls, large floor-to-ceiling shop windows, set within grey aluminium framing, timber screen fencing around external service areas.

Mr Evans outlined the appointed Officer's reasons for refusal as follows:-

- had not been sited with due consideration for its context, having an uneasy relationship between the existing buildings and that proposed;
- would result in the loss of a recently re-planted landscaping strip that adds to the character and visual amenity of the surrounding area and is required under planning permission 160067; thereby failing to improve and enhance the setting and visual impact of the proposed development and detrimentally impact on the setting of existing buildings;
- therefore fails to comply with Policies D1 (Quality Placemaking by Design) and D2 (Landscape of the current Aberdeen Local Development Plan).
- fails to comply with corresponding policies in the Proposed Local Development Plan - D1 (Quality Placemaking) and D5 (Landscape Design)
- the principle of development not supported by the Proposed Aberdeen Local Development Plan. However, given that the Proposed ALDP is at the very early stages of consultation on its content, and the site's location within OP110 in the current local plan that still holds significant weight, it is not considered that the conflict with the Proposed LDP would warrant a further reason for refusing the application in this instance.

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

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- Highlighted that the officer's report considered that the OP designation supporting retail use overrides any tension with policy B1, and that the principle of retail use is supported by the plan;
- Agrees with the officer's conclusion that the scale of retail use does not warrant retail impact or sequential assessment;
- Points to the submitted Transport Statement and Aberdeen City Council's Roads conclusions on the adequacy of car parking, surface water drainage, scope for sustainable travel and access/servicing arrangements;
- Notes there were no objection from consultees;
- States that the retail unit could not be sited within the car park due to existing restrictions within the lease arrangements with current tenants which prevent further loss of parking ;
- Describes the siting within an area of perimeter landscaping as being a natural infill site which would sit comfortably alongside the neighbouring Starbucks unit;
- Questions the value of this landscaped strip and highlighted that approval of the Starbucks involved loss of landscaping as well; and
- Contends that the economic benefits of the proposal, creation of new jobs and role in supporting the existing retail park accord with strategic aims as expressed in the Strategic Development Plan and Scottish Planning Policy, and significantly outweigh the small loss of perimeter landscaping.

In relation to the consultee response, a response was received from Ikea who objected to the lack of additional parking spaces, lack of disabled parking spaces for retail units, concerns with the conflict between delivery vehicles and customer traffic and queried the methodology used for traffic modelling. A response was also received from Roads Development Management, who advised that they accepted the submitted evidence of capacity in the existing car park and notes inclusion of dedicated disabled bays and covered cycle parking adjacent to the proposed retail units. The assessment also took into account the other application for a drive-through restaurant within the car park, concluding that there would be sufficient parking to accommodate both proposals and the associated parking demand within the existing car park. They indicated that submission and agreement of a travel plan would be required prior to the use being commenced. Finally they noted that servicing/deliveries would be undertaken from within the car park, and that this must take place outwith operational business hours to avoid conflict.

Mr Evans then advised that the applicant had expressed the view that further procedure was required before determination in the way of a site visit.

The Chairperson and Councillors Allan 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 policy B1 (Business and Industrial Land), B4 (Aberdeen Airport), D1 (Quality Placemaking by Design), D2 (Landscape), T2

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(Managing the Transport Impact of Development), T3 (Sustainable and Active Travel), R6 (Waste Management Requirements for New Development) and R7 (Low & Zero Carbon Buildings & Water Efficiency). Mr Evans also made reference to Supplementary Guidance on Transport and Accessibility.

The Local Review Body members asked questions of Mr Evans in regard to the application.

The Chairperson and Councillors Allan and Mason advised in turn and unanimously agreed 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 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 proposed development has not been sited with due consideration for its context, having an uneasy relationship between the existing buildings and that proposed. The proposal would also result in the loss of a recently re-planted landscaping strip that adds to the character and visual amenity of the surrounding area and is required under planning permission 160067; thereby failing to improve and enhance the setting and visual impact of the proposed development and detrimentally impact on the setting of existing buildings. The proposal would therefore fail to comply with Policies D1 (Quality Placemaking by Design) and D2 (Landscape of the Aberdeen Local Development Plan. The proposal would therefore also fail to comply with related Policies D1 (Quality Placemaking) and D5 (Landscape Design) of the Proposed Aberdeen Local Development Plan.

The principle of development is not supported by the Proposed Aberdeen Local Development Plan 2020, namely Policy B1 (Business and Industrial). However, given that the Proposed LDP is at the very early stages of consultation on its content, and the site's location within OP110 in the current local plan that still holds significant weight, it is not considered that the conflict with the Proposed LDP would warrant a further reason for refusing the application in this instance.

- **Councillor Marie Boulton, Convener**