

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 27 May 2021. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Boulton and Councillor Stewart, the Depute Provost, Chairperson; and Councillors Duncan and Reynolds.

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

LAND AT BAILLIESWELLS ROAD - ERECTION OF A DETACHED TWO STOREY DWELLINGHOUSE, DETACHED DOUBLE GARAGE, STABLE BLOCK, WALLED GARDEN AND ASSOCIATED LANDSCAPING WORKS INCLUDING CREATION OF POND, ORCHARD AND DRIVEWAY - PLANNING REF 200818/DPP

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 detached two storey dwellinghouse, detached double garage, stable block, walled garden and associated landscaping works including creation of a pond, orchard and driveway at Land at Baillieswells Road, Aberdeen, Planning Reference number 200818/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, Mr Mark Masson with regards to the procedure to be followed and also, thereafter, by Ms Aoife Murphy 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, she had not been involved in any way with the consideration or determination of the application under review and was present to provide factual information and guidance to the Body only. She emphasised that the officer would not be asked to express any view on the proposed application.

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 Jamie Leadbeater, Planner; (2) two applications dated 17 July and 20 August 2020; (3) the decision notice dated 10 March 2021; (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 responses and letters of representation.

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

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

27 May 2021

She explained that the applicant had indicated that no new matters had been raised as part of this application for review, however on reviewing the information submitted it was considered that new information in respect to the third reason for refusal had been provided, which was not before the appointed officer when undertaking their assessment. Therefore, it would be for members to decide whether they would want to view this information.

The legal adviser outlined the process for accepting new information, following which the members unanimously agreed not to accept the new information into proceedings.

Ms Murphy then described the site advising that the area related to agricultural land located to the west of Bailieswells Road (C129C). The site extended to approx. 1.8Ha and was accessed off a private road to the south of the site. The site itself gradually rises from its western boundary towards the eastern boundary and was directly bound by four residential properties, Drydykes, Birken Lodge, Netherton Lodge and Littleways located to the south west, east and north east respectively, with both Drydykes and Birken Lodge gaining access from the existing private track. Two further dwellings could be found further north along the public road. The site itself was designated as Green Space Network and was located in the Greenbelt, while Foggieton a Local Nature Conservation Site lay to the west and south.

Ms Murphy outlined the proposal for Detailed Planning Permission (DPP) which was sought for the erection of a two storey dwelling with associated double garage, garden area as well as the erection of a walled garden and stable block with associated landscaping works including creation of pond, orchard, driveway and a paddock for horses. The proposed dwellinghouse, garage, walled garden and orchard would be sited in the north-eastern corner of the site. Garden ground would also be located to the north and west of the dwelling with a large pond created to the south west of the garden. Access to the site would be via a new driveway which would connect to the existing private road to the south of the site. The stables would be located along the southern boundary, beside the existing trees while the remainder of the site would be used as a paddock and grazing area. Regarding the Proposed Context Plan – she intimated that the area of land associated with Drydykes, would extend beyond what would be considered the curtilage of the dwelling, but rather included all land which was included in the sale particulars of the dwelling, which was approximately 19/20 acres of land.

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

- Policy NE2 (Greenbelt) made no provision for new/additional dwellinghouses in the countryside, unless it had been demonstrated as being essential for an existing agriculture or forestry enterprise, which had not been done in this case and did not accord with any of the 'exceptions' within the policy. In addition, the proposal was at odds with Scottish Planning Policy which sought the implementation of 'green belts' to protect the landscape setting of cities and towns;

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

27 May 2021

- The site would be located outwith a 400m radius of a bus stop, within a rural/greenbelt area, and therefore it was likely that occupants of the development would be unduly dependent on use of the private vehicle to transport themselves from the site to other parts of the city/essential supporting services. The proposal, therefore, would conflict with the policy objectives of Policy T2 (Managing the Transport Impact of Development) and Policy T3 (Sustainable and Active Travel) and Transport and Accessibility supplementary guidance. Furthermore, the proposal would not accord with the Scottish Planning Policy expectation of sustainable development;
- The proposed scale of the development would harm the open character of the rural landscape and its visual qualities to the west of Baillieswells Road, which would be particularly evident from western viewpoints by further extending residential development out into the countryside/greenbelt. As such, the proposal would not comply with policies NE2 (Greenbelt) and D2 (Landscape).

Ms Murphy outlined the key points from the appellant's Notice of Review advising that the applicant had firstly responded to Reasons 1 and 3 of the decision notice together and advised that the Green Belt was intended to direct planned growth to the most appropriate locations and support regeneration, as well as providing access to open space. The statement advised that the development had been specifically designed to be contained within existing landscape features so that it would not result in any coalescence. Additionally, the development would be well screened, albeit accepted that the landscaping would take time to mature as noted in the officer's report. The applicant had noted that they would be happy to review the proposed landscaping to include mature elements.

Furthermore, in terms of views from Hillhead Road, the applicant disputed this and advised that the site would only be partially visible from a short stretch of Hillhead Road. In relation to the paddock area, the applicant advised that this would be well screened. Regarding the size of the residential plot this was not considered to be inconsistent with neighbouring properties. The applicant considered that the proposed development would have no adverse impact on the landscape setting of the city and therefore did not undermine the purpose of the Green Belt. In addition, the extensive proposed new planting would help to clearly define the boundary of the Green Belt. Although it should be noted that this site did not form the boundary of greenbelt. As the primary objective of Policy NE2 was to protect the underlying aims of the Green Belt, the proposed development was consistent with these underlying aims.

Ms Murphy advised that the applicant referred to specific applications and she outlined these in detail.

She explained that the applicant also considered the proposal to be of the highest quality in terms of siting, scale, design and materials, to this the appointed officer had advised that the proposed house and detached garage would incorporate a mixture of traditional and contemporary features and finishes which were considered suitable for the site's rural context. Turning to reason 2, the applicant recognised the

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

27 May 2021

Supplementary Guidance target of 400m but advised that this was dependent on the needs of the site, the scale of the proposal and its likely impact. With regards to this application, the single dwelling house that was proposed would generate minimal new traffic, particularly when it was taken into account the allocated site at Countesswells.

Ms Murphy intimated that members should note the wording of the guidance, which stated that “All new developments should be accessible by public transport, suitable to the needs of the site. Sites should be designed to allow for public transport penetration and ideally public transport should be available within 400 metres of the origins and destinations of trips within the development.”

Additionally, the site was in close proximity to a number of core paths providing safe and attractive walking and cycling routes for residents to both Cults and Countesswells, with aspirational core path AP10 also close by. Core Path 89 was located along Hillhead Road approximately 588m from the sites entrance to the west. Core Paths 54 and 55 were located approximately 580m from the sites entrance to the east. AP-10 was located 280m from the sites entrance to the south. All measurements were as the crow flies.

Ms Murphy indicated that other factors the applicant considered material were outlined and associated with the Proposed Development Plan 2020, such as WB1 – Healthy Developments which required developments to provide healthy environments, reduce environmental stresses, facilitate physical activity and promote physical and mental wellbeing, all of which were key elements of the proposed development. Food growing – although this was not a food growing project and would just be for private purposes and also the benefits of good landscape design and the role of green infrastructure in adapting to climate change and sustainability with the proposed Policy D5 – Landscape Design.

She advised that overall, the applicant considered that the proposed development would contribute to a sustainable future, providing a home targeting zero carbon design standards, which would ensure it did not contribute towards climate change during its life as well as enabling its residents to be self-sufficient in terms of food growing; and the proposed development would provide significant broadleaf tree planting, protecting the landscape setting of the site and delivering a carbon positive benefit to the environment and benefit indigenous biodiversity.

Ms Murphy advised that the Council’s Roads Development Management Team had no objection although the development required a maximum of three car parking spaces and either a passing place to be formed to a parking space standard or provided a swept path analysis to demonstrate that two cars could pass. The installation of a Electric Vehicle charging point would also be needed.

The Council’s Waste & Recycling Team had no objection although there was a requirement of four bins which would need to be presented on Baillieswells Road kerbside for collection.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

27 May 2021

She advised that Cults, Bielside and Milltimber Community Council had submitted an objection indicating that the site was located within the Greenbelt and Green Space Network and therefore the development would be contrary to policies NE1 and NE2 of the current and proposed Aberdeen Local Development Plans.

In terms of representations, four had been received in response to the application, these were raise the following concerns:-

- Proposed use of land not being consistent with Policy NE2 (Green belt);
- Proposed dwelling would change the character of the distinctive semi-rural area;
- No other material considerations justify non-compliance with the local development plan;

Ms Murphy intimated that two further representations had been received in response to this review, these raised concerns similar to those raised in the initial representations. The letters also directly responded to the Review Statement and highlighted their concerns regarding the application stating that the proposal was not consistent with the requirements of Policy NE2. In response to these letters the applicant had submitted a response, which again had been included within the agenda pack.

Ms Murphy advised that the applicant had expressed the view that no further procedures were required.

The Chairperson and Councillors Duncan and Reynolds advised in turn that they each had enough information before them and agreed that the review under consideration should be determined without further procedure.

Ms Murphy outlined in detail, the relevant policy considerations, making reference to the Aberdeen Local Development Plan 2017 advising that all policies were relevant to the determination of this application and all were used by the appointed officer in assessing the proposal, as follows:-

- Supplementary Guidance, all relevant guidance associated with the current Local Development Plan and Scottish Planning Policy, which stated the purpose of green belt designation;
- Policy NE1 - Green Space Network – the site was designated as Green Space Network and as such the Council's aim was to protect, promote and enhance the wildlife, access, recreation, ecosystem services and landscape value of the Green Space Network;
- Policy NE2 - Green Belt – set out the aim of the Green belt and advised of development that would be acceptable;
- Policy D1 - Quality Placemaking by Design – required high standards of design that meets the six essential qualities;
- Policy D2 - Landscape – required strong landscape framework which improved and enhances the setting and visual impact of the development;
- Policy T2 - Managing the Transport Impact of Development and Policy T3: Sustainable and Active Travel; Transport and Accessibility Supplementary Guidance;

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

27 May 2021

- Policy NE5 - Trees and Woodland;
- Policy NE6 - Flooding, Drainage & Water Quality;
- Policy NE8 - Natural Heritage;
- Policy R6 - Waste Management Requirements for New Developments;
- Policy R7 - Low & Zero Carbon Buildings & Water Efficiency;
- Policy CI1 - Digital Infrastructure; and
- Supplementary Guidance - Landscape Trees and Woodland.

Ms Murphy responded to questions from members relating to the proximity of the core paths, the digital infrastructure policy, the suitability of the land and the impact on greenbelt.

Members in turn, agreed unanimously to uphold the decision of the appointed officer to refuse the application.

In coming to their decision, the Local Review Body had regard to the provisions of the development plan as required by Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (as amended) and other material 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:-

- (1) The application site lies within the Green Belt on the Aberdeen Local Development Plan (ALDP) Proposals Map 2017. Policy NE2 (Greenbelt) in the ALDP 2017 makes no provision for new/additional dwellinghouses in the countryside, unless it has been demonstrated as being essential for an existing agriculture or forestry enterprise, which the applicant has not been done in this case and does not accord with any of the 'exceptions' within the policy. In addition, the proposal is at odds with Scottish Planning Policy (SPP) which seeks the implementation of 'green belts' to protect the landscape setting of cities and towns. Therefore, collectively the principle of development is unacceptable;
- (2) The site would be located outwith a 400m radius of a bus stop, within a relatively undeveloped rural/greenbelt area, and therefore it is likely that occupants of the development would be unduly dependent on use of the private vehicle to transport themselves from the site to other parts of the city / essential supporting services. The proposal, therefore, would conflict with the policy objectives of Policy T2 (Managing the Transport Impact of Development) and Policy T3 (Sustainable and Active Travel) in the Aberdeen Local Development Plan 2017 and their relevant supplementary guidance (Transport and Accessibility). Further, the green belt nature of the site, its location outwith the urban core and relative remoteness from a bus stop, together with the above policy considerations demonstrate that the proposal would not accord with the Scottish Planning Policy expectation of sustainable development; and
- (3) The proposed scale of the development would harm the open character of the open rural landscape and its visual qualities to the west of Baillieswells Road, which would be particularly evident from western viewpoints from such as, but

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

27 May 2021

not limited to, Hillhead Road by further extending residential development out into the countryside/greenbelt. As such, the proposal would not comply with policies NE2 (Greenbelt) and D2 (Landscape) in the Aberdeen Local Development Plan 2017.

MARCHBANK, 11 MARCHBANK ROAD - ERECTION OF SINGLE STOREY EXTENSION TO FRONT - PLANNING REF 201620/DPP

2. As a preliminary point, Ms Lucy Greene, Planning Adviser explained that there was a discrepancy identified in the layout/elevation plan which had been submitted by the applicant, and although she had received an updated plan very recently, she required time to verify it, therefore she suggested that the review be deferred to the next meeting of the Local Review Body.

Members agreed unanimously to defer consideration of the review until the next meeting on 16 June 2021.

At this juncture, Councillor Boulton replaced Councillor Stewart as Chairperson to consider the following review.

82 WHITEHALL PLACE - ERECTION OF SUMMERHOUSE TO FRONT/SIDE - PLANNING REF 201165

3. The 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 erection of a summerhouse to front/side at 82 Whitehall Place, Aberdeen, Planning Reference number 201165/DPP.

Councillor Boulton as Chair, advised that Ms Aoife Murphy would again be acting as the Planning Adviser to the Body in the following case under consideration this day and reiterated that although the Planning Adviser was employed by the planning authority, she had not been involved in any way with the consideration or determination of the application under review and was present to provide factual information and guidance to the Body only. She emphasised that the officer would not be asked to express any view on the proposed application.

In relation to the application, the LRB had before it (1) a delegated report by Jane Forbes, Planner; (2) the application dated 29 September 2020; (3) the decision notice dated 9 March 2021; (4) links to the plans showing the proposal and planning policies referred to in the delegated report; (5) the Notice of Review and supporting statement submitted by the applicant's agent; and (6) a letter of representation.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

27 May 2021

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

She explained that the applicant had indicated on the Notice of Review that further procedure was required, recommending that a site visit be undertaken, which would allow members to see the site context and the extent to which the site was screened when viewed from the street.

Ms Murphy then described the site advising that it comprised a 1½ storey semi-detached dwelling house with single storey rear extension, and slated mansard style roof. The site formed a corner plot, where the principal elevation of the property fronts Whitehall Place, while the side and rear elevations fronted Whitehall Terrace. A garage lay within the northern corner of the site, accessed directly off Whitehall Terrace. The site's boundary treatments consisted of a combination of a 2m high traditional granite rubble wall and a 0.6m high granite wall topped with approximately a 2.15m high hedge along Whitehall Terrace, the low lying wall and hedge wrapped around the site and continued onto Whitehall Place before changing to a wall and railing combination after the pedestrian gate.

Ms Murphy outlined the proposal for Detailed Planning Permission (DPP) which was sought the erection of a summerhouse within the south-east corner of the site. The structure would be octagonal in shape with a height of 3.1m to the top of the roof and 3.4m to the top of the finial.

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

- The proposed summerhouse would occupy a prominent location within the front garden of a residential curtilage and would lie forward of the front building line, therefore the development would be incompatible with the established pattern of development on the streetscape, and have an adverse effect on the existing built environment;
- The proposal was therefore considered to be contrary to the requirements of the relevant policies such as D1 (Quality Placemaking by Design) and H1 (Residential Areas) nor did it comply with the Council's Supplementary Guidance on 'Householder Development'; and
- The proposal would also fail to preserve the character and appearance of the Rosemount and Westburn Conservation Area as per the requirements of Scottish Planning Policy and Historic Environment Policy Scotland, and also failed to address the requirements of Policy D4 (Historic Environment).

Ms Murphy highlighted the following key points from the appellant's Notice of Review:-

- When viewed in isolation, the scale, massing and proportions of the proposed summerhouse would not result in overdevelopment. This was taken from the report of handling;

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

27 May 2021

- The general design and material finish of the proposed summerhouse did not raise any particular concerns. This was also taken from the report of handling;
- Claimed that there was no one building line, with some development often extending right to the footpath;
- Made reference to two applications (1) P131045 for a new dwelling at 58B Whitehall Place in which the report advised that the area was characterised by a variety of design types; and (2) 182030/DPP also for a new dwelling in which the applicant advised that the development established a new building line;
- With regards to the Supplementary Guidance – Householders Development Guidance outlined the criteria for outbuildings, but did not state that the outbuildings will never be permitted in the front garden, but sought to ensure that development falling forward of the building line did not have a negative visual impact;
- Advised that as the development would not project forward of the building line and the existing hedge would screen the development as such, there were no grounds to conclude that there would be a negative visual impact;
- Advised that the summerhouse would be largely screened from view by the existing hedge that bounds the site, with scope for a condition to be applied to any grant of planning permission to ensure that continues to be the case in future;
- In terms of the Conservation area appraisal, advised that the summer house did not alter or have any impact on the pattern of development or existing buildings.

In terms of the historical applications mentioned above, Ms Murphy indicated that they were very different from the application before members today and were assessed on their own merits and in respect to 182030/DPP this proposal was to the rear of existing dwellings.

Also, in terms of the 7th bullet point above, Ms Murphy indicated that such a condition would not be enforceable and would not meet the 6 tests and should therefore not be applied.

In relation to consultees, no comments were received from the Queen's Cross and Harlaw Community Council. There had been one representation received, which raised concerns that the development was not consistent with Policy H1 - Residential area of the Householder Development Guide.

The Chairperson and Councillors Duncan and Reynolds advised in turn that they each had enough information before them and agreed that the review under consideration should be determined without further procedure.

Ms Murphy outlined in detail, the relevant policy considerations, making reference to the Aberdeen Local Development Plan 2017/Supplementary Guidance and other Material Considerations, Scottish Planning Policy, Policy H1 – Residential Areas, Householder Development Guide – Outbuildings Supplementary Guidance and Policy D1 - Quality Placemaking by Design.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

27 May 2021

Ms Murphy responded to questions from members relating to the height difference of the proposed extension and the hedge and the potential of re-siting the proposed summerhouse.

Members agreed unanimously to reverse the decision of the appointed officer and to approve 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 proposal would not result in the over-development of the site and would be considered subordinate to the existing dwellinghouse. While the top of the summerhouse would be visible from various angles due to its siting in this corner plot, it is not considered that this would detract from the character of surrounding conservation area. It is also considered that the proposal is of a traditional design that is in keeping with the surrounding area. As such, the proposal is considered acceptable when considered against Policy H1 - Residential Areas, Policy D1 - Quality Placemaking by Design and Policy D4 - Historic Environment of the Aberdeen Local Development Plan 2017 as well as associated Supplementary Guidance 'The Householder Development Guide.

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