

## **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

ABERDEEN, 6 October 2021. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Boulton, Chairperson; and Councillors Bell and Mason.

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

### **WYNFORD FARM, BORROWSTONE ROAD - ALTERATIONS AND EXTENSION TO PLAY BARN - 210265**

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 alterations and extension to the playbarn at Wynford Farm, Borrowstone Road, Kingswells, Aberdeen, Planning Reference number 210265/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 the Appointed Officer, Aberdeen City Council; (2) an application dated 2 March 2021; (3) the decision notice dated 19 May 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 from the Roads and Environmental Health Teams, Aberdeen City Council, Health and Safety Executive, Shell UK Limited and INEOS FPS Limited.

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 it was located on the C93C (Borrowstone Road - Clinterty to Kingsford) to the west of Brimmond Hill. The wider

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grounds extended as far as the City boundary, approx. 40m to the west. Wynford Farm was approximately 1.2km north east of Westhill and 2.1km north west of Kingswells. The wider complex comprised a 2-storey farmhouse and a converted and extended steading/portal framed sheds that formed the farm shop, café and playbarn. There were several trees along the eastern boundary, between the buildings and the road. Just north of the site on the opposite side of the road were large modern agricultural storage buildings, associated to the operation of the farm. There were a number of existing sheds and structures on site, which were located to the west of the existing building and car park. These sheds appeared to house birds and other types of animals and creatures as part of a visitor attraction. There was also a large play area to the west of the building, which included sandpits and a pond to the south west of the site.

An overspill car park was located to the south of the site and was not accounted for within the existing parking numbers, which equates to 70 spaces at present.

The Ineos Forties (Cruden Bay to Kinneil) pipeline crossed through the south eastern corner of the site, from north to south. The proposed works were within the inner notification zone of the pipeline, for the purposes of Health and Safety Executive consultations. Additionally, the development area was within the inner zone of the Shell Natural Gas Liquids pipeline that runs around 150m east of the Forties pipeline.

Mr Evans made reference to the history of the site and outlined the proposal for Detailed Planning Permission (DPP) which was sought for detailed planning permission for the extension to the existing building's west elevation to allow for an extension to the playbarn's floorspace. The extension would have a monopitch roof which would extend from the existing roof plane and would encompass approximately 344m<sup>2</sup> of the site. The extension would measure approximately 26m by 18m and have a height of 6.4m where it adjoins the existing roof. Proposed materials included roughcast render, insulated steel cladding, timbers windows, and translucent rooflights all to match existing. With regards to parking, while 70 spaces could be found within the site, two spaces would be lost as a result of the proposed extension, resulting in a total of 68 spaces being available. The applicant had advised within their supporting statement that there was no intention to increase the number of visitors at this business, the additional playbarn floorspace was however sought to allow for safe movement of people within the facility and to allow for enhanced COVID-19 precautions.

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

- There had been a formal objection from the Health and Safety Executive who raised concerns regarding the safety of the proposal development, as such the proposal does not comply with Policy B6 - Pipelines, Major Hazards and Explosives Storage Sites as contained within the Aberdeen Local Development Plan 2017.

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

- Noted that the application was refused solely on the basis of the objection from HSE and consequent conflict with Aberdeen Local Development Plan policy B6;

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- Contended that the proposed extension was not intended to cater for an increased number of visitors, and highlighted that the works would result in the loss of two existing car parking spaces;
- Contended that HSE's position was not consistent with that adopted for the original play barn consent (090706), which HSE treated as 'sensitivity level 1 development'
- Highlighted that HSE had not applied its 'extension rule' which could reduce the sensitivity level if the population would not increase by more than 10%;
- Contended that the number of visitors was limited by the amount of on-site parking available, as the site was not readily reached by other means, and that formation of new parking would require planning permission. Visitor numbers were further regulated by a requirement for online booking; and
- Noted that the extension would allow greater space for indoor Covid-19 safety by allowing for one-way systems and greater separation between staff and visitors.

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

- ACC - Roads Development Management – initially raised concerns regarding insufficient parking requirements, however upon receipt of further information and upon reviewing the amend proposal, the Service had advised that the existing parking arrangement, minus 2 spaces as a result of the development, was sufficient for the floorspace proposed;
- ACC - Waste and Recycling – had provided general comments regarding waste facilities for commercial premises;
- ACC - Environmental Health – had no comments to make on this proposal;
- Health and Safety Executive – had highlighted the need to consult with the operators of the two adjacent pipelines and stated that there were sufficient reasons on safety grounds, for advising against the granting of planning permission in this case;
- INEOS Forties Pipeline System – had advised that the proposal had been reviewed and that the safety and integrity of the pipeline would not be affected; and
- Shell UK Ltd. – had advised that there was no reason why the development and associated construction works would directly affect the pipeline servitude strip or the safety or the integrity of the pipeline.

He advised that there was no response from the Bucksburn and Newhills Community Council and there were no letters of representation received.

Mr Evans advised that the applicant had expressed the view that no further procedures were required.

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

Councillor Mason sought further information from HSE as follows:-

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- (1) provide a complete set of guidance notes to assist the LRB in understanding the methodology which leads to its recommendations;
- (2) provide further information to clarify how the 'consultation distance (CD) is derived'; and
- (3) clarify whether the assumptions made by HSE in advising on this application (ref 210265) are the same as those used when advising ACC when planning permission for the play barn on this site was first consented in 2010 (ACC ref 090706 – approved following notification to Ministers – not called in for Ministers' determination)

Councillor Bell also sought further information from INEOS as operators of the Forties Pipeline, to establish when the pipeline was last 'pigged' with an intelligent tool for pipeline integrity purposes, which in general terms referred to the process by which a tool was propelled along a pipeline for the purposes of cleaning and inspection.

Members of the LRB, therefore agreed unanimously to defer consideration of the review until the above information could be provided.

**9 MARINE TERRACE - PARTIAL CONVERSION OF AN EXISTING COACH HOUSE TO DOMESTIC GARAGE INCLUDING ERECTION OF SINGLE STOREY EXTENSION; INSTALLATION OF REPLACEMENT DOOR; FORMATION OF GARAGE DOOR AND INSTALLATION OF ELECTRIC VEHICLE CHARGING POINT TO REAR - 210677**

2. 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 partial conversion of an existing coach house to domestic garage including erection of single storey extension; installation of replacement door; formation of garage door and installation of electric vehicle charging point to rear of 9 Marine Terrace, Aberdeen, Planning Reference number 210677/DPP.

The Chairperson advised that Mr Gavin Evans 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, 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 the Appointed Officer, Aberdeen City Council; (2) an application dated 14 May 2021; (3) the decision notice dated 13 July 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's agent; and (6) a consultee response from the Roads Team, Aberdeen City Council.

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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 it was a residential curtilage comprising a one-and-a-half storey plus basement, mid-terraced dwellinghouse designed by Archibald Simpson and built in 1837, with associated front and rear gardens. At the far end of the large rear garden was a mews coach house, accessed via Marine Lane. The application concerned the alteration and extension of that building. 9 Marine Terrace, along with all the other properties in the terrace was Category B Listed and was located within the Marine Terrace Conservation Area. The coach house building spanned the entire width of the plot, measuring c.13m in width, 5.5m in length and 6m in height. The officer report noted that it may originally have been used as stables with hayloft, ancillary to the main dwellinghouse. Previously, it has been used as ancillary residential accommodation, which saw the most recent alterations carried out to the building. Currently, the building was used for storage purposes.

Mr Evans outlined the planning history and proposal for Detailed Planning Permission (DPP) which was sought for the partial conversion of the existing coach house to a domestic garage including the erection of a single storey extension; the installation of a replacement door; the formation of a garage door and the installation of an electric vehicle charging point to the rear. While it was proposed to convert part of the existing coach house to a domestic garage, the remainder of the building would be retained as a garden store/workshop. In order to accommodate the garage, it was proposed to erect a single storey extension on the east elevation of the coach house (to its garden side), which was required in order to provide sufficient depth for the parking of vehicles. The proposed extension would be of a flat-roofed design, projecting 1.3m from the face of the existing building and measuring 6.9m wide. It would be finished with timber cladding. On the elevation to the garden, it was also proposed to replace the existing aluminium sliding doors with timber framed double doors. On the west elevation (to the lane) it was proposed to remove the existing timber doors (circa 1.2m wide) and create an enlarged 5m wide opening to allow for the installation of a horizontal sliding sectional timber garage door. Additionally, the existing timber slats and hayloft door at upper floor level would be refurbished.

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

- Proposed works would detract from the character of the coach house, which contributed significantly to the special historic and architectural interest of the listed building and the rear lane of the terrace;
- Impact arose from the excessive removal of historic fabric, including granite, and alteration of the form of the building;
- Proposal failed to accord with the statutory duty to have regard to the preservation and enhancement of the character and appearance of the Marine Terrace Conservation Area and would conflict with Policies D1 – Quality

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Placemaking by Design, D4 – Historic Environment, D5 – Our Granite Heritage and H1 – Residential Areas of the Aberdeen Local Development Plan 2017;

- Also contrary to Scottish Planning Policy and Historic Environment Policy for Scotland, notably HEP4 in which detrimental impact had not been demonstrated to be minimal.

Mr Evans outlined the key points from the appellant's Notice of Review as follows:-

- Proposal complied with the vision and aims of the SDP, the relevant Policies of the LDP, including Policies H1, D4, D5, and D1, and relevant provisions of the associated Supplementary Guidance;
- Would have no adverse impact on the listed terrace, or on any individual elements within that;
- Would have no impact on the character and appearance of the Marine Terrace Conservation Area by virtue of its location on a rear lane with no through access;
- Was consistent with the principles of SPP and HEPS in terms of facilitating positive change in the historic environment;
- Complied with the requirements of the relevant Historic Environment Scotland Managing Change Guidance notes;
- On the basis that the application was supported by the Development Plan, and no material considerations indicate otherwise, it was submitted that the Review should be allowed and the application approved;
- Points to the recent approval of application 201069/DPP as demonstrating that later additions to a listed property would not necessarily have the same special architectural or historic interest as the main building(s) with which they were associated; and
- Highlighted the lack of any objection from neighbours or statutory consultees.

In terms of consultee responses, Mr Evans advised that the Roads Development Management Team indicated that they had no concerns with the proposal.

No response had been received from the Ferryhill and Ruthrieston Community Council and there were no letters of representation submitted.

Mr Evans advised that the applicant had expressed the view that an inspection of the area to which the review relates should be undertaken.

At this point, the LRB considered whether they had sufficient information before them to proceed to determine the review. Councillor Mason requested that a site visit be held prior to determining the review in order for him to make an informed decision based on the location of the property. The Convener and Councillor Bell also agreed with the request that the review under consideration should be adjourned in order for a site visit to be conducted in due course.

**97 SPRINGFIELD ROAD - ERECTION OF TWO STOREY EXTENSION TO REAR AND REPLACEMENT GARAGE TO SIDE - 210541**

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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 a two storey extension to rear and replacement garage to the side of 97 Springfield Road, Aberdeen, Planning Reference 210541/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 the Appointed Officer, Aberdeen City Council; (2) the application dated 19 April 2021; (3) the decision notice dated 20 August 2021; (4) links to the planning policies referred to in the delegated report; and (5) the Notice of Review submitted by the applicant's agent along with an accompanying statement with further information relating to the application.

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

Mr Evans outlined the application site advising that it comprised of a 1½ storey detached dwellinghouse and its front and rear curtilage was in a residential area. The dwellinghouse had a northeast facing principal elevation that fronted Springfield Road and a southeast facing side elevation that fronted Springfield Gardens. The application site was bounded to the northwest and southwest by residential properties. The property had a sun room extension to its rear and an attached garage extension to its northwest side.

Mr Evans explained that planning permission was now sought for the erection of a two-storey extension to the rear of the dwelling and the erection of a garage extension to its northwest side, which would replace the existing rear extension and attached garage extension. The extension would cover an area of c.55sqm, would project c.6.5m to the rear, and would be located c.1m from the northwest boundary. The extension would be built over two storeys and would comprise flat roofed single storey element, which would have an eaves height of c.3.2m, and an asymmetric upper storey element that would have a maximum height of c.5.7m, a mono-pitched roof on its northwest side, and vertical elevations on its southwest and southeast sides. The walls of the extension would be finished in dark grey timber/timber effect cladding and white dry dash render. The pitched roof would be finished in roofing tiles 'to match existing'. The fasciae would be formed in dark grey aluminium, and the windows / patio doors would be framed in uPVC. The garage would be c.6.5m in length and c.2.8m in width. It would be flat

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roofed with a maximum height of c.3.5m and finished in white dry dash render. It would have a c.2.3m x c.2.4m garage door that fronts Springfield Road.

Mr Evans made reference to the Appointed Officer's reasons for refusal, making reference to the following factors included within the decision notice:-

- By way of its two storey flat roofed form, unbalanced asymmetric design, projection to the rear, and extensive glazing at the upper level, the proposed rear extension would not be architecturally compatible in design and scale with the symmetrical 1½ storey hipped roofed form of the original dwelling or its wider context;
- Prominent location, readily visible from Springfield Gardens and Springfield Road, was such that the proposed extension would adversely affect the character and visual amenity of the surrounding area;
- Proposed single storey garage extension would uncomfortably rise above the eaves of the original dwelling which would have an unbalanced appearance on the principal elevation;
- The proposal could set a precedent for similar proposals;
- Conflict with Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan (ALDP), as well as relevant Householder Development Guide Supplementary Guidance; and equivalent policies in emerging Proposed ALDP 2020; and
- No material planning considerations that warrant approval in this instance.

In relation to the appellant's case set out in the Notice of Review and separate review statement, the submission drew attention to the following:-

- Extension had been designed to maximise useable 1st floor space whilst avoiding overlooking of neighbouring properties;
- Appearance from neighbouring property at 99 Springfield Road would be that of a 'traditional' extension
- Roof of extension was no higher than the existing dormer window and would leave a substantial area of the roof untouched;
- This proposal was very similar to a scheme approved at 52 Westholme Avenue (ref 191451);
- Also highlighted another example of modern design at 68 Springfield Road (ref 120661);
- Advised that the garage design replicates that of a replacement garage directly opposite (58 Springfield Rd – ref 150431);
- Dismissed the notion of precedent, advising that this proposal related to a unique corner plot and its specific circumstances; and
- Highlighted the lack of objection from any neighbours.

In terms of consultee responses, Mr Evans advised that there was no response from Craigiebuckler and Seafield Community Council and there were no letters of representation submitted.



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Mr Evans intimated that the applicant's agent had indicated on the Notice of Review that no further procedure was required.

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

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

- Aberdeen Local Development Plan 2017;
  - H1: Residential Areas; and
  - D1: Quality Placemaking by Design;
- Supplementary Guidance – Householder Development Guide
  - General Principles relating to extensions; and
  - Detached Dwellings.

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 a question from Councillor Bell, specifically regarding the location/position of the house to the road.

**The Chairperson and Councillors Bell and Mason each 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:-

By way of its two-storey flat roofed form, unbalanced asymmetric design, projection to the rear, and extensive glazing at the upper level, the proposed rear extension would not be architecturally compatible in design and scale with the symmetrical 1½ storey hipped roofed form of the original dwelling and the other residential properties of the surrounding area. Given its prominent location,

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which would be readily visible on the streetscape of Springfield Gardens and Springfield Road, the proposed extension would adversely affect the character and visual amenity of the surrounding area.

The LRB noted that it had no concerns regarding the proposed garage and its relationship with the eaves level of the dwelling.

The proposal could set a precedent for similar proposals in the surrounding area, which could significantly detract from the character and amenity of the surrounding area.

It would therefore conflict with Policies H1 - Residential Areas and D1 - Quality Placemaking by Design and of the adopted Aberdeen Local Development Plan 2017; the Supplementary Guidance: 'The Householder Development Guide'; and Policies H1 - Residential Areas, D1 - Quality Placemaking and D2 - Amenity of the Proposed Aberdeen Local Development Plan 2020.

There are no material planning considerations that warrant approval in this instance.

- **COUNCILLOR MARIE BOULTON, Chairperson**