

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 8 December 2021. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Boulton, Chairperson; and Councillors .

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

9 MARINE TERRACE ABERDEEN - 210677

1. With reference to article 2 of the minute of the Local Review Body of 6 October 2021, whereby Members agreed to hold a site visit before determination, 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 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, at 9 Marine Terrace Aberdeen.

Councillor Boulton as Chair for the meeting, 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 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 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; and (5) the Notice of Review submitted by the applicant's agent.

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Mr Evans then described the site and outlined the appellant's proposal which sought planning permission 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.

The application site related to a one-and-a-half storey plus basement, mid-terraced dwellinghouse designed by Archibald Simpson and built in 1837, and its associated front and rear curtilage. This dwelling – and the entire terrace – was Category B Listed and was located within the Marine Terrace Conservation Area. To the rear of the property, there was a large garden spanning approximately 537sqm. At the far end of the plot, to the west, was a mews coach house, to which this application relates, accessed via Marine Lane. The building spans the entire width of the plot, measuring c.13m in width, 5.5m in length and 6m in height. The coach house was possibly originally used as stables and hayloft, ancillary to the main dwellinghouse. Previously, it had been used as ancillary residential accommodation, which saw the most recent alterations carried out to the building. Currently, the coach house was used for storage purposes.

Mr Evans advised that Detailed Planning Permission (DPP) 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 for storage purposes. In order to accommodate the garage, it was proposed to erect a single storey extension on the east elevation of the coach house. This flat roofed extension would measure 1.3m in length and 6.9m in width, with a height of 2.5m and would be finished with timber cladding. On this elevation, it was also proposed to replace the existing aluminium sliding doors with timber framed double doors. On the west elevation it was proposed to remove the existing timber doors and create a further c.3.8m wide opening to allow for the installation of a 5m wide horizontal sliding sectional timber garage door. Additionally, the existing timber slats and hayloft door would be refurbished.

Mr Evans indicated that the appointed officer's reasons for refusal outlined in the decision notice was as follows:-

The proposed works would detract from the character of the coach house which contributes significantly to the special historic and architectural interest of the listed building and the rear lane of the terrace - by reason of the excessive removal of historic fabric, including granite, and alteration of the form of the building. Thus, the 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 Placemaking by Design, D4 - Historic Environment, D5 - Our Granite Heritage and H1 - Residential Areas of the Aberdeen Local Development Plan 2017, and with Scottish Planning Policy and Historic Environment Policy for Scotland, notably HEP4 in which detrimental impact had not been demonstrated to be minimal.

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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.

Mr Evans advised that no new matters had been raised in the Notice of Review. 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.

In terms of relevant policy considerations, Mr Evans referred to the Aberdeen Local Development Plan, the Householder Development Guide and the Marine Terrace Conservation Area Character Appraisal.

Mr Evans responded to various questions from members where Members advised that the site visit had been very beneficial and had answered a lot of their queries.

Members each advised in turn and unanimously agreed to overturn the appointed officer's earlier decision to refuse the planning permission 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.

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

Members of the Local Review Body (LRB) considered that the proposal would be sympathetic to its context and as a result a new purpose being found for this traditional granite coach house, consistent with policy D4 (Historic Environment) and the criteria set out in the relevant 'Householder Development Guide' Supplementary Guidance.

Members noted that alterations to Marine Lane are largely confined to the formation of a new garage door opening and that this would be in roughly the location of a historic opening which is presently blocked up and rendered. The size of the new opening was not considered to be excessive, and would allow for satisfactory access from the rear lane whilst achieving the minimum dimensions set out in the relevant 'Transport and Accessibility' Supplementary Guidance.

The extension on the garden side of the building was considered to be of an appropriate scale, design and materials and superior to many others in the immediate locale, with no visual impact outwith the contained rear garden. Overall, the proposal was felt to enhance the building and allow for it to remain in active use, safeguarding its long term future. Support was also expressed for the inclusion of EV charging infrastructure and the re-use of granite downtakings from the alteration of the building, consistent with policies D4 (Our Granite Heritage).

CONDITIONS**1. Scheme for re-use of granite**

That no development pursuant to this grant of planning permission shall take place unless a detailed scheme for the appropriate re-use of granite downtakings within the development has first been submitted to and approved in writing by the planning authority.

Thereafter, no development shall take place unless in full accordance with the scheme so agreed.

Reason: To ensure compliance with policy D5 (Our Granite Heritage) of the Aberdeen Local Development Plan.

2. Finishes / Materials

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.

3 WELLINGTON PARK - 210517

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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 change of use from amenity land to residential curtilage to form a paved area (retrospectively), at 3 Wellington Park Aberdeen, planning reference 210517.

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.

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 12 April 2021; (3) the decision notice dated 22 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) consultee comments from Roads Development Management and also a letter of representation received, who objected to the application.

Mr Evans then described the site and outlined the appellant's proposal which sought planning permission retrospectively for the change of use of the site from amenity space to residential curtilage, which would be associated with 3 Wellington Park, and retrospectively for the installation of the block paving in the area. This application considered the principle of the use of the site as residential curtilage. Land ownership and use rights were a separate legal matter for any parties concerned.

The application site comprises a c.27qm area to the west of 3 Wellington Park, a recently constructed semi-detached dwelling in a recently constructed residential area of the Charleston development, allocated as OP56 – Cove in the adopted Aberdeen Local Development Plan. Until recently, the space was covered in soft landscaping and planting and was an intended and required area of amenity open space as part of the wider residential development (Ref: 161279/DPP), which had a significant quantity and variety of planted species, including a tree.

The application site had recently been the subject of an unauthorised change of use from open space to residential curtilage, the unauthorised removal of the required planting on the site and the installation of block paving. It now functioned as an extended area of driveway serving 3 Wellington Park.

The application site was bounded immediately to the northwest and north by Wellington Park, beyond which was open space, Wellington Road and thereafter the Loirston Loch Local Nature Conservation Site (LNCS); to the east and southeast by the residential curtilage and driveway of 3 Wellington Park; and to the southwest by a c.0.5m wide strip of open space beyond which is the driveway and curtilage of 4 Wellington Park.

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Mr Evans indicated that the appointed officer's reasons for refusal outlined in the decision notice was as follows:-

- Resulted in the loss of an area of open space, required as part of the landscaping scheme for the wider OP56 Cove development (ref 161379).
- Notes that landscaping in this location would have contributed to landscape character as it matured, but the proposal has resulted in removal of a tree
- Identifies conflict with policies H1 (residential areas) and NE3 (Urban Green Space) of the ALDP, as well as associated Supplementary Guidance documents and equivalent policies from emerging Proposed Aberdeen Local Development Plan;
- Created an irregular residential boundary that did not correspond with the wider pattern of development.
- Conflicted with policy D1 (Quality Placemaking by Design);
- Resulted in over-provision of car parking, contrary to policy aims to promote sustainable and active travel.
- Conflicted with policy T2 (Managing the Transport Impact of Development)
- Change of use and physical works detract from the designed outlook and
- adversely affect the residential amenity.

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

- Contends that the proposal complies with all relevant policies of the ALDP (H1, T2, D1, NE1, NE3, NE4 and NE5) – included detailed commentary on each, as well as a response to the reasons for refusal;
- Notes that the report of handling raised no concerns regarding policies D2, NE8, NE9, so compliance was assumed;
- Report of handling advised that, if minded to approve, conditions might have been used to address matters relating to boundary treatments and drainage. Applicants conclude that the application could therefore not be refused on those matters;
- Clarified that the area in question allowed for only one additional car, not two as intimated in the report of handling;
- Application also complied with equivalent policies from the emerging Proposed ALDP;

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

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

In terms of relevant policy considerations, Mr Evans referred to the Aberdeen Local Development Plan 2017 and the following policies:-

Policy H1 – Residential Areas

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Policy D1 - Quality Placemaking by Design
Policy NE1 - Green Space Network
Policy NE3 - Urban Green Space
Policy NE4 - Open Space Provision in New Development
Policy NE5 - Trees and Woodlands.

He also made reference to Supplementary Guidance – Householder Development Guide, Greenspace Network and Open Space and Transport & Accessibility, as well as the proposed Aberdeen Local Development Plan (2020) and the Aberdeen City and Shire Strategic Development Plan.

Mr Evans responded to various questions from members which included the drainage, enforcement issues and also Roads Development Management's position on the application.

Members each advised in turn and unanimously agreed to uphold the appointed officer's earlier decision to refuse the planning permission.

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 are as follows:-

1. The proposed change of use from amenity land to garden ground would result in the loss of valued and valuable open space, which was required as part of the Landscaping Scheme of the wider residential development of OP56 - Cove (Ref: 161379/DPP). Prior to the unauthorised change of use, the application site had and as it matured would have continued to have significantly landscape character and amenity value and, given the significant quantity and variety of species required in this particular space in the landscaping scheme approved in for application reference: 161279/DPP, the proposal had and would have continued to have substantial natural environment value worthy of retention as it matured. The proposal results in the loss of a tree worthy of retention, in conflict with the aims of Policy NE5 - Trees and Woodlands. As such, the proposal would therefore conflict with the principles of Scottish Planning Policy; Policies H1 - Residential Areas, NE3 – Urban Green Space, of the adopted Aberdeen Local Development Plan, and the Supplementary Guidance: 'The Householder Development Guide', 'and 'Green Space Network and Open Space'; as well as Policies H1 - Residential Areas, and NE2 - Green and Blue Infrastructure of the Proposed Aberdeen Local Development Plan 2020.
2. The proposal results in an irregular residential boundary, in conflict with the Supplementary Guidance: 'The Householder Development Guide' whereby an area of land to the east of the boundary is incorporated into the curtilage of 3 Wellington Park. This does not correspond with the boundary layouts and plot

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proportions and thus the established pattern of development in the surrounding area nor reflect local urban form. The proposal would therefore conflict with the principles of Policies H1 - Residential Areas, D1 - Quality Placemaking by Design, the Supplementary Guidance: 'The Householder Development Guide', and Policies H1 – Residential Areas and D1 - Quality Placemaking of the Proposed Aberdeen Local Development Plan.

3. The proposal results in an over-provision of parking for a recently constructed residential dwelling, which would encourage the usage of unsustainable travel in terms of the private car and disincentivising sustainable and active travel, which would conflict with the principles of Policy T2 - Managing the Transport Impact of Development of the adopted Aberdeen Local Development Plan; the Supplementary Guidance: 'Transport and Accessibility' and Policy T2 - Sustainable Transport of the Proposed Aberdeen Local Development Plan 2020.
4. The change of use and paving of the open space detracted from the designed outlook and thus the residential amenity afforded to 4 Wellington Park in that as the space matured, the vegetation would have provided soft landscaped setting to the edge of that residential property. The proposal would therefore conflict with the principles of Scottish Planning Policy; Policies H1 - Residential Areas and D1 - Quality Placemaking by Design, of the adopted Aberdeen Local Development Plan; and Policies H1 - Residential Areas and D1 - Quality Placemaking, of the Proposed Aberdeen Local Development Plan.

6 CRANFIELD FARM, BRIDGE OF DON ABERDEEN - 210628

3. The LRB then considered the third request for a review to evaluate the decision taken by an appointed officer under the Council's Scheme of Delegation to refuse the application for the erection of a double domestic garage to the front at 6 Cranfield Farm, Bridge of Don Aberdeen, planning reference 210628/DPP.

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.

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 5 May 2021; (3) the decision notice dated 9 September 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) consultee comments received from Roads Development Management.

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Mr Evans then described the site and advised that Detailed Planning Permission was sought for the construction of a detached double garage to serve the dwellinghouse known as 6 Cranfield Farm, a converted bothy. The garage would be located centrally along the western site boundary and would be adjacent to the residential curtilage of the original farmhouse to the west. It would measure c.7m by c.6.7m; would have a mono-pitched roof with a height to the front of c.3.3m and to the rear of c.2.7m. It would utilise existing retaining walls along the west (rear), south (side) and part of the north (side) elevation. The garage would be accessed from the east (front) across an area of lockblock followed by gravel and would further include a pass door in the north (side) elevation. Proposed finishing materials included Siberian larch vertical timber cladding and Kemnay grey render on a smooth cement render basecourse for the walls; an insulated profile roof panel; a sectional garage door; and grey pass door.

It was noted during a site visit that a retaining wall located to the south of the dwelling and north of the garden area had been constructed, and this was in place of landscaping approved as part of 150148, and had been erected without the benefit of planning permission. Additionally there had been an unauthorised increase in hardstanding, in that hard surfacing was only approved up to and including the area of lockblock as shown on drawing 101/Rev2 and 102/Rev2, which was intended as the parking area for this property, with the area beyond that to the west and north shown as gravel on drawing 102/Rev2 to be grass. These changes to the approved landscaping drawings constitute a breach of conditions of the original planning permission.

In terms of site description, the application site comprised a detached recently converted extended bothy and its associated residential curtilage. The site formed part of a wider steading conversion scheme resulting in a total of 7 new dwellings plus the original farmhouse. The application property was located in the south east corner of this larger site, and was clearly visible from the B999 Aberdeen-Potterton road. The site was located c.1.5km from the northern outskirts of Aberdeen and had a rural location in the green belt.

Ms Evans indicated that the appointed officer's reasons for refusal outlined in the decision notice was as follows:-

- The proposed garage, due to its siting, design and external materials, was considered to detract from the visual amenity of the Green Belt;
- The proposal was considered to have a significant adverse impact on the character and appearance of the Green Belt
- It was contrary to Policies NE2 (Green Belt) and D1 (Quality Placemaking by Design) of the 2017 Aberdeen Local Development Plan, as well as associated Supplementary Guidance on Conversion of Buildings in the Countryside;
- It was also considered to be in conflict with equivalent policies of the emerging Proposed Local Development Plan 2020.

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

- The proposal had less impact than other approved schemes;

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- Refusal based on siting, design and materials deemed unpractical
- Highlighted the lack of objection from notifiable neighbours;
- Highlighted the approval of a domestic store at a neighbouring property (ref 141208), which it contended was far more imposing in terms of both height and materials;
- Contends that external finishes were consistent with the wider Cranfield redevelopment;
- Made reference to pre-application advice with the planning service, when the principle of a garage in this location was accepted;
- Contends that there was no impact arising from overlooking/loss of privacy;
- Highlighted that the garage would be partially sunken into the ground to reduce its visual impact and presence on boundary;
- Noted that a proposal for a garage on plot 3 was designed with a different roof style, however these two buildings would not be seen side by side or in the same elevation;
- Argued that a pitched, slated roof would result in greater visual impact than the shallow mono-pitch roof proposed;
- Enclosed a letter of support from resident at 4 Cranfield Steading, who would see the structure in views south from their property;
- Enclosed photos with a mock-up to represent height of the proposed structure; and
- Contends that landscaping yet to be completed in relation to the wider development would assist in screening the proposed garage, and this could be supplemented by further planting.

Mr Evans advised that the applicant had expressed that no further procedure should take place before determination.

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

In terms of relevant policy considerations, Mr Evans referred to the Aberdeen Local Development Plan 2017 and the proposed Aberdeen Local Development Plan (2020). Mr Evans also made reference to Supplementary Guidance on Householder Development Guide, Conversion of Buildings in Countryside and Transport and Accessibility.

Mr Evans responded to various questions from members.

The Chairperson and Councillors Bell and Mason each advised in turn and unanimously agreed to reverse the decision of the appointed officer to refuse the application and therefore 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

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(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 are as follows:-

Members of the Local Review Body (LRB) considered that the style and scale of the proposed garage would be appropriate to its context and sympathetic to the other buildings within this group, demonstrating a high standard of design and utilising appropriate high-quality materials. The proposed outbuilding was felt to be architecturally compatible with the dwellinghouse, as required by the relevant Householder Development Guide Supplementary Guidance, and would not serve to dominate or overwhelm that building. Members noted that its visual impact would be mitigated by utilising existing retaining walls in its construction to appear 'sunken' in relation to neighbouring buildings, whilst there remains outstanding landscaping to be carried out in relation to the original planning consent which will further screen this southern approach. The expression of support from one neighbour and absence of objection generally was also noted.

Overall, members concluded that the proposal would have no negative impact on the character of the area, and would comply with policies NE2 (Green Belt) and D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan, as well as relevant 'Householder Development Guide' and 'Transport and Accessibility' supplementary guidance documents.

WYNFORD FARM - ALTERATIONS AND EXTENSION TO PLAY BARN - 210265

4. With reference to article 1 of the minute of the Local Review Body of 6 October 2021, whereby the LRB agreed to defer consideration of the application until further information could be sought from the Health and Safety Executive (HSE) and INEOS as operators of the Forties Pipeline, the LRB then considered the fourth request for a review to refuse the application for alterations and extension to the playbarn at Wynford Farm, Borrowstone Road, Kingswells, Aberdeen, Planning Reference number 210265/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.

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.

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

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planning policies referred to in the delegated report; (5) the Notice of Review submitted by the applicant; (6) consultee responses from the Roads and Environmental Health Teams, Aberdeen City Council, Health and Safety Executive, Shell UK Limited and INEOS FPS Limited and (7) further information requested from HSE.

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 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 344m² 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.

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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;
- 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.

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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.

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

The Chairperson and Councillors Mason and Bell all indicated in turn that they each had enough information before them following the further information that was requested previously 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 the Aberdeen Local Development Plan and policies:-

- NE2 – Green Belt
- D1 – Quality Placemaking by Design
- B6 – Pipelines, Major Hazards and Explosives Storage Sites;
- T2 – Managing the Transport Impact of Development;
- T3 – Sustainable and Active Travel

Mr Evans also made reference to Supplementary Guidance on Transport and Accessibility and the Aberdeen City and Shire Strategic Development Plan (2020).

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 questions from Members.

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

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

8 December 2021

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

Members noted that the applicant does not envisage any increase in visitor numbers to the site as a direct result of this increased floorspace, and has pointed to the limitations of existing car parking provision and the relatively remote location of the site as being factors which will prevent significant increase to visitor numbers. It was noted by members that the original consent for this facility was obtained against HSE advice, with Ministers opting not to call-in the application for their own determination on that occasion. A supporting document by Atkins, prepared in support of the original 2009 application, indicated that a 'worst-case' risk value for an additional 100 visitors would remain comfortably below the threshold identified for automatic call-in, and on that basis members were of the view that the risk associated with this proposal would be tolerable. It was ultimately concluded by the Local Review Body that the case for increased risk to public safety as a result of the proposed development is not compelling, and that the focus for this decision should be on visitor numbers rather than floorspace.

Members expressed satisfaction with the proposal in all other respects, including its design, scale and the principle extending an existing activity on a small-scale basis within the green belt. The proposal was therefore felt to accord with policies D1 (Quality Placemaking by Design) and NE2 (Green Belt) of the Aberdeen Local Development Plan.

Earlier concerns regarding pipeline integrity had been satisfactorily addressed through confirmation from the pipeline operator that inspection of the INEOS pipeline (via 'intelligent pigging') was undertaken in 2019.

- **COUNCILLOR MARIE BOULTON, Chairperson**