

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 14 October 2020. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Boulton, Chairperson; and Councillors Duncan and Mason.

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

34 SEAVIEW PLACE - CHANGE OF USE FROM AMENITY LAND TO GARDEN GROUND - 200162 (PRESENTATION)

1. With reference to article 2 of the minute of meeting of the Local Review Body (LRB) of 30 September 2020, the 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 change of use from amenity land to garden ground at 34 Seaview Place, Aberdeen, Planning Reference number 200162.

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 Roy Brown, Planning Trainee; (2) the application dated 6 February 2020; (3) the decision notice dated 11 May 2020; (4) links to the plans showing the proposal and planning policies referred to in the delegated report; and (5) the Notice of Review submitted by the 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 then described the site advising that it was a 2-storey semi-detached dwelling which lay at the very north-eastern corner of the 'Seaview' development. The house fronted onto Seaview Place, with a public footpath running down the eastern side of the

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property before turning along the back boundary before connecting with a wider network of paths in the Dubford development to the north. That footpath had open space/grass verges to either side, with a children's playpark located on its eastern side. The side and rear of 34 Seaview Place was enclosed by hedging of more than 2m in height, though it is understood from the appellants' submission that there was a boundary wall concealed behind that hedging. Some photographs were included in the presentation to assist members in familiarising themselves with the site.

This application concerned the area of open space between 34 Seaview Place's boundary and the footpath (both at the side and the rear of the house). In total, that area was estimated at 102sqm.

Mr Evans explained that the site was in a wider area which was subject to an H1 Residential Areas zoning in the Aberdeen Local Development Plan. Wider areas of open space to the east and north of this path form part of the Council's designated Green Space Network, however the area to the west of the path, and subject of this application, did not.

Mr Evans outlined the proposed detailed planning permission which was sought from the applicant.

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

- Resulted in loss of a valuable area of green space, which was included in 2010 Open Space audit and scored highly in terms of biodiversity;
- Would result in fragmentation of a larger area of open space which contributed to the character, biodiversity and amenity of the area;
- Would result in an irregular northern boundary extent and to the east the boundary would be irregularly close to a public footpath, making the path less attractive to pedestrians;
- Potential to set unwelcome precedent and cumulative effect of similar proposals must be considered;
- Conflict with Householder Development Guide and Green Space Network and Open Space Supplementary Guidance documents; and
- Conflict with Policies H1, NE3, and D1 of Aberdeen Local Development Plan, as well as equivalents in Proposed Aberdeen Local Development Plan.

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

- The application related to a small area of unused and unkempt land;
- The proposed change of use would improve and enhance the land, with no fragmentation of a wider area of open space;
- The site did not have any special biodiversity or amenity value and offers no use for recreation;
- The path had begun to 'green over' from lack of use;
- Contended that the existing rear boundary to properties on Seaview Place was not regular along its length, and much of the path had become impassable; and

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- A buffer zone would be retained between the path and children's playpark.

Mr Evans advised that there were no representations received from consultees or members of the public.

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

Mr Evans outlined in detail, the relevant policy considerations, making reference to the Aberdeen Local Development Plan 2017, namely H1 - Residential Areas; D1 – Quality Placemaking by Design; NE3 – Urban Green Space; and Supplementary Guidance - Householder Development Guide.

In terms of material considerations, Mr Evans advised that members should have regard to the Local Development Plan and provided details thereof.

Members asked a number of questions, specifically relating to boundary, the location of the path at the rear and its links to Shielhill Crescent and the location of the play area to the east.

The Chairperson and Councillors Duncan 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:-

The proposed change of use from amenity land to garden ground would result in the loss of valued and valuable open space, which was included in the Open Space Audit 2010 and scored highly with respect to biodiversity. It would also result in the fragmentation of a large area of open space that contributes to the character, biodiversity and amenity of the surrounding area.

The proposal would adversely affect the wider open space in that it would result in an irregular residential boundary whereby the northern boundary of 34 Seaview Place would extend beyond the established northern boundary line of the adjacent residential properties; it would extend to the east so that it would be irregularly close to the public footpath and play area. Domestic development along the boundary could result in the footpath being less inviting to use, which would detract from the access and recreational value of the wider open space.

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The proposal could give rise to the setting of a precedent would make it difficult to resist similar proposals in the future which cumulatively could result in the gradual erosion of the open space, which would have a significant adverse impact on the character and amenity of the surrounding area.

The proposal would therefore conflict with the principles of Scottish Planning Policy; Policies D1 - Quality Placemaking by Design, H1 - Residential Areas and NE3 - Urban Green Space of the adopted Aberdeen Local Development Plan; the Supplementary Guidance: 'The Householder Development Guide' and 'Green Space Network and Open Space'; and Policies D1- Quality Placemaking, H1 - Residential Areas and NE2 - Green and Blue Infrastructure of the proposed Aberdeen Local Development Plan. There are no material planning considerations that warrant the grant of planning permission in this instance.

- **COUNCILLOR MARIE BOULTON, Chairperson**