

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 25 March 2021. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Boulton, Chairperson; and Councillors Bell and MacKenzie.

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

THE HIGHFIELD, BORROWSTONE ROAD - ERECTION OF A SINGLE STOREY EXTENSION TO THE SIDE AND FORMATION OF A CARPORT AND GARDEN ROOM/GYM - PLANNING REFERENCE: 200265

1. With reference to article 3 of the minute of meeting of 10 February 2021, 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 single storey extension to the side and formation of a Carport and Garden Room/Gym at The Highfield, Borrowstone Road, Aberdeen, Planning Reference number 200265/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. Mr Richard Brough, Environmental Planner was also in attendance to answer questions relating to tree matters.

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 Mr Evans and Mr Brough 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 Dineke Brasier, Senior Planner; (2) the application dated 25 February 2020; (3) the decision notice dated 6 October 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.

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.

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He advised that the applicants contacted Transport Scotland post-determination as trees on land adjoining the application site were in their ownership. The LRB submissions included (1) correspondence from Transport Scotland that confirmed their view the trees did not present a danger to the house; and (2) an updated drawing, which although not in front of the officer at the time of determination, was the drawing which all the supporting tree reports, information, drawings and assessments were based on. This updated drawing repositioned the garage extension forward by 1m to reduce impact within existing trees' zone of influence.

He explained that the applicant had indicated on the Notice of Review that they were satisfied that case could be considered without further procedure.

Mr Evans briefly described the site and outlined the proposal for Detailed Planning Permission (DPP).

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

- The proposal would result in significant impact on the root protection area of 5no mature beech trees (outside site in different ownership);
- It would also result in significant encroachment within the 'Zone of Influence' 7no further mature beech trees (outside site in different ownership);
- It was contrary to policy NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan (ALDP) and associated 'Trees and Woodlands Supplementary Guidance';
- Highlighted conflict with corresponding policies of Proposed ALDP; and
- No other material considerations that would warrant approval of the application.

Mr Evans highlighted the following key points from the appellant's Notice of Review:-

- Highlighted that the appeal turned on conflict with one policy only (NE5: Trees and Woodlands). The reason for refusal did not specifically say what was unacceptable about the proposal in terms of the information which was provided to assess and mitigate for Root Protection Areas (RPA) and Zone of Influence (Zol);
- Contended that there was no conflict with ALDP Policy NE5 or the associated Supplementary Guidance as impacts on the RPA's and the Zol had been adequately addressed and mitigations proposed;
- The house, garage and part of the garden were already located within the RPA and Zol of some of the trees, these trees had not been adversely affected by this and the proposed extensions would not have a considerable or significant impact on the trees;
- There was no alternative location to locate the required extensions on the ground floor;
- The layout, siting and design of the proposal was otherwise acceptable as was the development in all other respects;
- Transport Scotland had advised that the trees were not a safety concern and there was no need for their removal as a result of the proposed development.

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Transport Scotland would be responsible for monitoring, management and maintenance of the trees as necessary to maintain their health; and

- The Council's inflexible approach to development which was in the RPA or Zol of trees was inconsistent with the British Standard BS5837:2012 and insufficient regard had been given to the proposed mitigation.

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

The Chairperson and Councillors Bell and Mackenzie advised in turn that they each had enough information before them and agreed 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 NE1 – Green Space Network; NE2 – Green Belt; NE5 – Trees and Woodlands; NE8 – Natural Heritage; D1 – Quality Placemaking by Design; Supplementary Guidance Householder Development Guide General Principles, Outbuildings and Trees and Woodlands Supplementary Guidance.

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

Mr Brough responded to questions from members relating to Root Protection Area Matrix Grid and Cellular Confinement Area.

Members agreed unanimously to reverse the decision of the appointed officer and to approve the application conditionally.

In coming to their decision, the Local Review Body had regard to the provisions of the development plan as required by Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (as amended) and other material considerations in so far as these were pertinent to the determination of the application.

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

The Local Review Body considered that the proposed development would not present any conflict with policies NE1 (Green Space Network) or NE2 (Green Belt), noting the proposal represents a domestic extension, with no sub-division of the plot or material intensification of use involved. In relation to policy D1 (Quality Placemaking by Design), members noted that the scale, proportions and materials of the proposed development would match those of the existing dwelling and are therefore appropriate to the local context. Members identified no conflict with the Council's 'Householder Development Guide'.

The submission of a Bat Survey in support of the application was noted, and members agreed with the appointed officer's view that this demonstrated compliance with policy NE8 (Natural Heritage).

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Members noted that the central issue in assessment of this application was impact on existing trees. The LRB expressed satisfaction that any impact on tree roots through encroachment into Root Protection Areas (RPAs) is relatively minor and can be further mitigated through the use of protection measures such as tree protection fencing and a cellular confinement system during construction works. Members also concluded that the proposed works would not lead to increased pressure for removal of trees on neighbouring land in future.

CONDITIONS

1. Arboricultural Method Statement

Development pursuant to this grant of planning permission shall not be undertaken other than in full accordance with the Arboricultural Method Statement set out in Astell Associates Tree Report, Ref: HWH-2007-TR (unless otherwise agreed in writing by the planning authority).

Reason: To ensure that appropriate tree protection measures are in place, and to ensure compliance with policy NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan.

- **COUNCILLOR MARIE BOULTON, Chairperson**