

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 25 April 2022. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Boulton, Chairperson; and Councillors Bell and Henrickson.

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

12 WOODHILL PLACE ABERDEEN - 210851

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 raised decking with balustrade to the rear at 12 Woodhill Place Aberdeen, planning reference number 210851/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, 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. The Chairperson 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 10 June 2021; (3) the decision notice dated 24 February 2022; (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.

Mr Evans then described the site advising that the application site formed part of an established residential area and comprised a semi-detached one and a half storey dwelling and its front, side and rear curtilage. The property had been extended to the rear (east) by way of a two-storey extension and the principal elevation fronts Woodhill

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Place, while residential properties bound the site to the north, south and east. The property shared a mutual driveway with 10 Woodhill Place and the site slopes down gradually from west to east, resulting in a basement level to the rear of the dwelling.

Mr Evans advised that detailed planning permission was sought for the erection of a raised area of decking to the rear elevation of the dwelling, accessed via the kitchen within the existing rear extension and the decking would project 2.4m from ground level with a 1.1m high timber balustrade. It was also proposed to include a 1.8m glazed screen along the southern extent of the raised deck. Finishing materials include natural stained timber. It was noted that since the application was submitted, the proposal was amended to include a section of glazed screening along the southern elevation of the proposed raised deck.

Mr Evans indicated that the appointed officer's reasons for refusal stated in the decision notice was that the proposed raised deck, whilst of a suitable design and material finish in accordance with the provisions of Policy D1 (Quality Placemaking by Design), fails to comply with Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2017 in addition to the Council's Supplementary Guidance 'Householder Development Guide'. The proposed deck, owing to its position and height would result in an adverse impact upon adjacent residential property in respect of overlooking and loss of privacy of established, private and usable rear garden ground. The proposal also fails to satisfy the relevant policies of the Proposed Aberdeen Local Development Plan 2020.

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

- Highlights that the appointed officer's report considered that the raised deck would be of suitable design and material finish;
- Notes that the reasons for refusal relate to a perceived failure to comply with Policy H1, along with relevant policies in the Proposed Aberdeen Local Development Plan;
- Highlights that a screen was added to the proposal to minimise overlooking from the deck but this was considered to be inadequate to address officer's concerns.

Mr Evans advised that no letters of objection had been received or consultee comments.

Mr Evans advised that the applicant had expressed the view that the review could be considered without the need for any further procedure.

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

The Chairperson and Councillors Bell and Henrickson 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.

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

- H1 – Residential Areas;
- D1 – Quality Placemaking by Design;

Mr Evans also noted that the Supplementary Guidance – Householder Development Guide was relevant to the application.

Ms Evans responded to questions from members, noting that nothing had been indicated from the applicant in regards to the proposed screening and what that would entail.

The Chairperson and Councillors Bell and Henrickson each advised in turn and by majority agreed to reverse the appointed officer's earlier decision and to grant the planning permission conditionally. The Chairperson and Councillor Bell were minded to approve the application conditionally and Councillor Henrickson voted to uphold the officers decision and 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:-

Members of the Local Review Body, by a 2 to 1 majority, voted to reverse the appointed officer's decision and grant planning permission, subject to a single condition.

The LRB concurred with the appointed officer's view that the proposal would satisfy policy D1 (Quality Placemaking by Design) in relation to design quality and context.

Members considered the key issues to be in relation to overlooking and amenity. Members were satisfied that a combination of existing hedging, a new screen to southern edge of the raised deck and the presence of a driveway shared with number 10 would be sufficient to ensure that there would be no unacceptable impact on privacy or amenity as a result of the proposed development, consistent with policy H1 (Residential Areas) of the Aberdeen Local Development Plan (ALDP). Members noted that existing hedge which helps to screen number 14 is within that neighbouring plot, so its retention would be within neighbours' control.

The LRB noted that the application had attracted no objections from neighbours, nor from the local Community Council.

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CONDITIONS**1) Privacy Screening**

No development pursuant to this grant of planning permission shall be undertaken unless full details of the privacy screen shown along the southern edge of the raised deck have first been submitted to and agreed in writing by the planning authority.

The raised deck shall not be brought into use unless privacy screening has been installed in full accordance with the details so agreed, and thereafter the privacy screen shall be retained in perpetuity.

Reason - in order to mitigate potential privacy/overlooking impacts.

215 STONEYWOOD ROAD ABERDEEN - 210763

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 to form 2 residential units including formation of first floor extension above an existing single storey extension, alterations to windows and doors; formation of porches, fences with gates and associated works at 215 Stonewood Road Aberdeen, planning reference 210763/DPP.

The Chairperson advised that Mr 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. The Chairperson 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 (ACC); (2) the original application dated 28 May 2021; (3) the decision notice dated 10 February 2022; (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; (6) consultee response submitted by the Roads Development Management Team (ACC), Environmental Health (ACC), Waste Strategy (ACC) and Scottish Water.

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 explained that two new roads drawing were included with the Notice of Review, which were not before the appointed officer when a decision was made. Legal advice was sought and Members were reminded that they should only accept new information in exceptional circumstances and if the information could not have been submitted to the original planning officer. Members

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agreed unanimously not to accept these two drawings as part of their consideration and determination.

Ms Evans then described the site advising that the site comprised a 1 ½ storey detached dwellinghouse and its associated grounds in an established residential area. The building had an east facing principal elevation that fronts Stoneywood Road and there was a four-way signalised junction on the road immediately adjacent to the site. A garage had been partially constructed in the rear grounds of the site and the site was bounded by residential dwellinghouses to the south, north and west.

In terms of the appellant's proposal, Mr Evans advised that detailed planning permission was sought for the change of use to form 2 residential units including formation of a first floor extension above an existing single storey extension, alterations to windows and doors, formation of porches, fences with gates and associated works. The existing building would be substantially altered to have a singular two-storey gable roofed form with adjoining lean-to roofed front porches forward of the east elevation. The building would extend above the building and its side extension and would be 12m in width and c.9.5m in length. The existing porch would be removed and replaced by the porches. The walls of the building would primarily be finished in white render and those of the porch would be finished in grey composite cladding. The roof would be finished in grey concrete roofing tiles and the windows and doors would be of grey uPVC. Each dwelling would be symmetrical in layout and would be c.6m in width. Each dwelling would have its own front and private rear curtilage. The rear gardens would be soft landscaped and bounded by 1.8m timber fences. The bin stores would be located in the rear curtilage. They would have a shared parking area with an area of soft landscaping which would include the garage to the rear. A new access would be formed to the south of the building and the existing access would be removed and become part of the curtilage of Plot B.

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

1. As a Noise Impact Assessment has not been submitted, there is insufficient information to demonstrate that the proposed dwellings and their curtilage would not be exposed to unacceptable noise levels; to assess that the dwellinghouses would be afforded acceptable levels of residential amenity; and commensurate to the scale of the development, to demonstrate that the future operation of Aberdeen International Airport would not be adversely impacted by the development by way of greater intensity of residential development within the noise contours of the airport. As such, there is insufficient information to demonstrate accordance with Policies H1- Residential Areas, D1 - Quality Placemaking by Design, B4 – Aberdeen International Airport and T5 - Noise of the Aberdeen Local Development Plan 2017; the Supplementary Guidance: 'Noise'; and Policies H1 - Residential Areas, D1 - Quality Placemaking, D2 - Amenity, B3 - Aberdeen International Airport and Perwinnes Radar, WB1 - Healthy Developments and WB3 - Noise of the Proposed Aberdeen Local Development Plan 2020.

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2. The proposal would adversely affect road safety due to the new access that would be formed for the parking area in that:
 - (i) The new access would cross the bicycle stop-line of a highly trafficked signalised junction, which would be hazardous in that it would require vehicles to access the road over a bicycle stop-line;
 - (ii) It would require an extended section of dropped kerb adjacent to an existing pedestrian crossing which would be hazardous for pedestrians; and
 - (iii) It would create a hazard for vehicles travelling southbound, particularly those which will have just turned onto the Stoneywood Road. There would also be insufficient space for southbound vehicles to turn west to access the site because of the proximity to the pedestrian crossing and the junction with Stoneywood Terrace to the north. Waiting in this area would cause congestion by preventing the free flow of traffic for other southbound vehicles through the junction. As such, the proposal would adversely impact road safety and cause traffic congestion within the local transport network. As such, the proposal would conflict with Policy T2 - Managing the Transport Impact of Development and Policy T2 - Sustainable Transport of the Proposed Aberdeen Local Development Plan.

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

- Notes that a shop previously stood to the south of the cottage at 215 Stoneywood Road however that had been demolished;
- Notes that the existing site access is of long standing and existed prior to the installation of traffic signals, crossing or bike lanes;
- Contends that a Noise Impact Assessment was never sought by the planning authority when assessing earlier applications for change of use (from dwellinghouse to guest house or House in Multiple Occupation) but nevertheless feel that concerns around noise can be addressed by carrying out a Noise Impact Assessment and via the design and materials employed;
- Highlights that a number of new domestic, commercial and educational developments have been constructed within the same area subject to airport noise;
- Explains that the existing access, which pre-dates the installation of traffic signals, is difficult to use as a vehicle exiting is not aware which phase the lights are at and it is also very tight to manoeuvre;
- Considers the proposed access to be an improvement on the current arrangement and notes that other live permissions would increase the number of vehicles using the existing access
- Highlights that efforts were made to discuss the access with officers and to find a solution but no agreement could be reached; and
- Asks that members visit the site to see first hand the benefit of the proposed new access.

Mr Evans advised that various consultee responses were received including Roads Development Management Team (ACC), Environmental Health (ACC), Waste Strategy (ACC) and Scottish Water.

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Mr Evans advised that the applicant had expressed the view that the review may proceed on the basis of the information provided.

The Chairperson and Councillors Bell and Henrickson 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 following in the Aberdeen Local Development Plan 2017:-

- Policy H1 - Residential Areas
- Policy B4 – Aberdeen Airport
- Policy D1 - Quality Placemaking by Design
- Policy NE6 - Flooding, Drainage and Water Quality
- Policy R6 - Waste Management Requirements for New Development
- Policy R7 - Low and Zero Carbon Buildings and Water Efficiency
- Policy T2 - Managing the Transport Impact of Development
- Policy T3 - Sustainable and Active Travel
- Policy T5 – Noise
- Policy CI1 - Digital Infrastructure

Mr Evans responded to questions from the Members in relation to noise and the lack of a Noise Impact Assessment, road safety concerns and also the new proposed access to the properties.

The Chairperson and Councillors Bell and Henrickson 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 were as follows:-

- (1) As a Noise Impact Assessment has not been submitted, there is insufficient information to demonstrate that the proposed dwellings and their curtilage would not be exposed to unacceptable noise levels; to assess that the dwellinghouses would be afforded acceptable levels of residential amenity; and commensurate to the scale of the development, to demonstrate that the future operation of Aberdeen International Airport would not be adversely impacted by the development by way of greater intensity of residential development within the noise contours of the airport.

As such, there is insufficient information to demonstrate accordance with Policies H1 - Residential Areas, D1 - Quality Placemaking by Design, B4 – Aberdeen

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International Airport and T5 - Noise of the Aberdeen Local Development Plan 2017; the Supplementary Guidance: 'Noise'; and Policies H1 - Residential Areas, D1 - Quality Placemaking, D2 - Amenity, B3 - Aberdeen International Airport and Perwinnes Radar, WB1 - Healthy Developments and WB3 - Noise of the Proposed Aberdeen Local Development Plan 2020.

- (2) The proposal would adversely affect road safety due to the new access that would be formed for the parking area in that:
- (i) The new access would cross the bicycle stop-line of a highly trafficked signalised junction, which would be hazardous in that it would require vehicles to access the road over a bicycle stop-line;
 - (ii) It would require an extended section of dropped kerb adjacent to an existing pedestrian crossing which would be hazardous for pedestrians; and
 - (iii) It would create a hazard for vehicles travelling southbound, particularly those which will have just turned onto the Stoneywood Road.

There would also be insufficient space for southbound vehicles to turn west to access the site because of the proximity to the pedestrian crossing and the junction with Stoneywood Terrace to the north. Waiting in this area would cause congestion by preventing the free flow of traffic for other southbound vehicles through the junction. As such, the proposal would adversely impact road safety and cause traffic congestion within the local transport network. As such, the proposal would conflict with Policy T2 - Managing the Transport Impact of Development and Policy T2 - Sustainable Transport of the Proposed Aberdeen Local Development Plan

15-21 BREBNER CRESCENT ABERDEEN - 211459

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 change of use from amenity space to footway crossing and formation of driveways with associated works at 15-21 Brebner Crescent Aberdeen, planning reference number 211459/DPP.

The Chairperson advised that Ms Lucy Greene would 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. The Chairperson 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 (ACC); (2) the original application dated 14 October 2021; (3) the decision notice dated 13 January 2022; (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; (6) a consultee response submitted by the

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Roads Development Management Team (ACC); (7) a letter of representation and (8) a letter from Jackie Dunbar MSP.

The LRB was then addressed by Ms Greene 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.

Ms Greene then described the site advising that the site comprised four residential dwelling, their front and rear curtilage, 50sqm area of amenity space and the section of footway between the residential boundaries and the amenity space. The site is located at the south end of a cul-de-sac of Brebner Crescent in a residential area and the road terminates to the north of the amenity space. The amenity space comprised one half of a larger area of amenity space at the end of the cul-de-sac which comprised short cut grass. Brebner Crescent and the wider area had a large number of similar areas of open space in and around the streetscape. The front curtilage of 15, 17 and 19 Brebner Crescent are already hard surfaced and they have been used as driveways by vehicles crossing the amenity space and the footway.

In terms of the appellant's proposal, Ms Greene advised that detailed planning permission was sought for the change of use of the amenity land at the northwest corner of the site to form a footway crossing that would allow access to single driveways to each of the four residential dwellings on the application site. The amenity space would be replaced with Grasscrete units planted with grass on hardcore. Vehicles would access the driveways by way of a dropped kerb, the newly formed footway crossing and by crossing the footway. The driveways would be finished in paving slabs within the closest 2m to the footway which would slope away from the footway and loose chippings beyond this. The alterations to the hard surfaces within the front curtilage of the dwellings would not necessarily require planning permission as they would fall within the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended.

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

- The proposed change of use to a footway crossing and associated formation of driveways would result in the loss of valued area of open space which contributed to the character and sense of place of the surrounding area and had informal recreational value. The proposed footway crossing and the surface material would detract from the visual amenity and planned layout of the streetscape.
- The proposal would adversely affect road and pedestrian safety in that vehicles parking at 15 and 17 Brebner would likely need to manoeuvre over the driveways which could impede their access as well as result in vehicles overhanging the footway. The unusual shape and width of the driveway at 15 Brebner Crescent would very likely result in cars not parking perpendicularly to the footway.

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- The proposal would result in the loss of three on-street parking spaces to facilitate private parking provision, to the detriment of the public in the surrounding area. Notwithstanding every planning application is assessed on its own merits, the proposal would very likely set an unwelcome precedent for similar proposals in the area to remove public open spaces for private parking provision, which would significantly detract from the character and amenity of the surrounding area. Furthermore, it could set a precedent for parking arrangements in the area which are unsafe for pedestrians and road users.
- The proposal would therefore conflict with Policies D1 - Quality Placemaking by Design, NE3 - Urban Green Space and H1 - Residential Areas of the adopted Aberdeen Local Development Plan 2017; the Supplementary Guidance: 'Transport and Accessibility'; and Policies D1 - Quality Placemaking, NE2 - Green and Blue Infrastructure, T3 - Parking and H1 - Residential Areas of the Proposed Aberdeen Local Development Plan 2020.

Ms Greene outlined the key points from the appellant's Notice of Review as follows:-

- In relation to loss of open space the applicant would be happy to remove the entire area of green space as the area had become devalued and the proposal would restore amenity;
- The applicant explained that the original houses were built when fewer cars were in operation;
- Suitable driveways lengths were achievable and although users of driveway at number 17 would have to cross to number 15, this could be done safely;
- In regards to loss of on street parking, the applicant stated that number 31 had a driveway approved effectively removing three spaces and number 13 could also both without planning permission. This would remove a further 3 spaces. The proposal would result in a gain of 4 spaces.
- In regards to precedent the applicant highlighted that proposals must be considered on their own merits and noted some residents already had driveways. Vehicular and pedestrian safety would not be worse than currently and driveways have been established in similar situation in other cul-de-sacs with little or no duplication.
- The proposals would allow charging of electric cars; and
- Driveways could be surfaced to allow for drainage and reduce environmental impact.

Ms Greene advised that a response was received from Roads Development Management Committee which recommended refusal of the application, a neutral letter from a member of the public and also a letter from Jackie Dunbar MSP.

Ms Greene advised that the applicant had expressed the view that the review may proceed on the basis of the information provided.

The Chairperson and Councillors Bell and Henrickson 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.

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In terms of relevant policy considerations, Ms Greene referred to the following in the Aberdeen Local Development Plan 2017:-

- Policy D1 - Quality Placemaking by Design
- Policy D2 – Landscape
- Policy H1 – Residential Areas
- Policy CF2 – New Community Facilities
- Policy T5 – Noise
- Policy T3 – Sustainable and Active Travel
- NE3: Urban Green Space
- NE5: Trees and Woodland
- NE6: Flooding, Drainage & Water Quality
- NE9: Access and Informal Recreation

Ms Greene responded to questions from members regarding the loss of green space in the area, the access and egress from the properties and the principle of the proposal.

The Chairperson and Councillors Bell and Henrickson 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 were as follows:-

- The proposed change of use to a footway crossing and associated formation of driveways would result in the loss of valued area of open space which contributed to the character and sense of place of the surrounding area and had informal recreational value. The proposed footway crossing and the surface material would detract from the visual amenity and planned layout of the streetscape.
- The proposal would adversely affect road and pedestrian safety in that vehicles parking at 15 and 17 Brebner would likely need to manoeuvre over the driveways which could impede their access as well as result in vehicles overhanging the footway. The unusual shape and width of the driveway at 15 Brebner Crescent would very likely result in cars not parking perpendicularly to the footway.
- The proposal would result in the loss of three on-street parking spaces to facilitate private parking provision, to the detriment of the public in the surrounding area. Notwithstanding every planning application is assessed on its own merits, the proposal would very likely set an unwelcome precedent for similar proposals in the area to remove public open spaces for private parking provision, which would significantly detract from the character and amenity of the

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surrounding area. Furthermore, it could set a precedent for parking arrangements in the area which are unsafe for pedestrians and road users.

- The proposal would therefore conflict with Policies D1 - Quality Placemaking by Design, NE3 - Urban Green Space and H1 - Residential Areas of the adopted Aberdeen Local Development Plan 2017; the Supplementary Guidance: 'Transport and Accessibility'; and Policies D1 - Quality Placemaking, NE2 - Green and Blue Infrastructure, T3 - Parking and H1 - Residential Areas of the Proposed Aberdeen Local Development Plan 2020;

FORMARTINE ROAD / CONNINGHAM GARDENS TILLYDRONE ABERDEEN - 211056

4. The LRB then considered the fourth 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 formation of a community sport facilities with associated fencing and hard standing sports courts at Formartine Road/Conningham Gardens Aberdeen, planning reference 211056/DPP

The Chairperson advised that Ms Lucy Greene 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. The Chairperson 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 (ACC); (2) the original application dated 20 July 2021; (3) the decision notice dated 11 March 2022; (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) letters of representations and consultee comments.

The LRB was then addressed by Ms Greene 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.

Ms Greene then described the site advising that the application site comprised a 3,500sqm (67m x 52m) rectangular area of public, green open space situated on the eastern side of Formartine Road and to the south of Coningham Gardens, in Tillydrone. The site is predominantly grassed and incorporates 24 trees of various species and sizes, including two large maple trees in the north-western corner. The site lies within a residential area of Tillydrone and is bound to the north, south and west by four-storey blocks of flats, all of which lie beyond the intervening road carriageways of Coningham Gardens (north), Formartine

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Road (west) and a residential car park to the south. A pedestrian footpath delineates the eastern boundary of the site, with the land beyond comprising the construction site of a new primary school.

In terms of the applicant's proposal, Ms Green indicated that detailed planning permission was sought for the formation of a community outdoor sports facility on the existing area of green space, with associated fencing. The proposed facility would comprise the following:

- A green-coloured, 42m x 28m 'Cruyff Court' artificial pitch with football goals and associated perimeter ball-stop fencing (ranging between 1.1m and 4m in height);
- A basketball / dodgeball court, two mini-tennis courts, a 40m long running track and freestyle hoops, all to be formed on blue-coloured porous asphalt surrounding the artificial pitch;
- Multiple benches, cycle stands and bins; and
- 1.8m high metal mesh fencing along the facility's northern, southern and western boundaries.

The sports facilities would be open to the general public to use, the site would not be secured, and a booking system was not proposed to be implemented.

The facility was proposed as a replacement for the previously existing sports facility that was situated approximately 150m to the south of the application site but has now been replaced by residential flats (180834/DPP).

A Noise Impact Assessment was submitted after the application was validated but the proposals have not been amended from the plans that were initially submitted. Reference was initially made in the application description to the provision of floodlighting but no information on the proposed floodlights has been provided, therefore that aspect of the proposals has been removed from the application description and no floodlighting was proposed.

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

- that the proposed outdoor sports facility would adversely affect the character of the area by virtue of its scale and layout and would cause significant harm to the residential amenity of the area, contrary to Policies H1 (Residential Areas) and NE3 (Urban Green Space) of the Aberdeen Local Development Plan 2017 (ALDP); and
- that the proposed development would have a significant detrimental impact on the amenity of neighbouring residential properties in terms of noise emissions, contrary to Policy T5 (Noise) of the Aberdeen Local Development Plan.

Ms Greene outlined the key points from the appellant's Notice of Review as follows:-

- the proposal was a replacement for a previous community facility as part of another planning application;
- the proposal would satisfy local expectation for a new, free to use high quality sports facility;

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- in regards to trees, two trees would be retained and of those to be removed, two were category U which was the lowest quality, 12 were category C – low quality or young and unremarkable and 10 were category B – moderate quality;
- the proposal was of a high quality design and materials and was visually appealing;
- the locations for additional planting had been identified and could be considered by conditions.
- Noise guidance was not representative of how the pitch would be used in practise;
- There would be some organised sessions and otherwise the use of the pitch would be no different to a play park;
- In terms of Policy NE3 – Urban Green Space, the agent noted that change from existing green space to sports facility was acceptable in principle;
- In relation to Policy D1 and NE5, additional planting was proposed;
- Scottish Planning Policy and National Planning Framework 4 were supportive of this type of facilities; and
- Alternative sites were considered and reasons given for this site being selected.

Ms Greene advised that there were consultee responses from Roads Development Management, Environmental Health and also three letters of objection to the proposal.

Ms Greene advised that the applicant had expressed the no further procedure should take place before determination.

The Chairperson and Councillors Bell and Henrickson 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, Ms Greene referred to the following in the Aberdeen Local Development Plan 2017:-

- Policy D1 - Quality Placemaking by Design
- Policy D2 – Landscape
- Policy H1 – Residential Areas
- Policy CF2 – New Community Facilities
- Policy T5 – Noise
- Policy T3 – Sustainable and Active Travel
- NE3: Urban Green Space
- NE5: Trees and Woodland
- NE6: Flooding, Drainage & Water Quality
- NE9: Access and Informal Recreation

Supplementary Guidance

- Flooding, Drainage and Water Quality
- Green Space Network and Open Space
- Noise

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- Trees and Woodlands

Ms Greene responded to questions from members in relation to noise impact, the use of trees to screen the area, flood lighting and hours of operation.

The Chairperson and Councillors Bell and Henrickson each advised in turn and unanimously agreed to overturn the appointed officer's decision to refuse planning permission and therefore 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.

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

The pitches and facilities are a replacement for those lost close by to the south at Harris Drive and whilst grassed open space would be lost, the site would be used for sport and recreational activity. The site is located within the community and is accessible by a range of transport modes, including cycling and walking. The proposal is for well-designed pitches and fences, the latter allowing through visibility. Experience of similar pitches within similar locations in the city indicates that disturbances to residential amenity have not come to fruition, whilst the requirement by condition of a management plan, including provision of contact details for complaints would help ensure that any concerns could be satisfactorily dealt with. There is no floodlighting proposed within the application.

The two largest trees would remain, whilst a condition is attached requiring details of replacement planting for those trees to be removed. With the conditions recommended, the proposal thereby complies with the following policies in the adopted Aberdeen Local Development Plan 2017 (and similar policies within the Proposed Aberdeen Local Development Plan 2020): CF2: New Community Facilities, NE9 – Access and Informal Recreation, H1 – Residential Areas, , D1 – Design, NE6 – Flooding and Drainage, T3 – Sustainable Travel, and a tension with policy NE5: Trees and Woodland and NE3 – Urban Green Space.

CONDITIONS

1. Management Plan

That no development shall take place unless there has been submitted to, and approved in writing by, the planning authority, a management plan for the pitches. The plan shall include contact details for anyone wishing to make complaints or enquiries about the use of the pitch and how these shall be made public, including via on site signage. Thereafter the pitch shall only be used in accordance with such a plan.

Reason: In order to help ensure a satisfactory level of residential amenity.

2. Tree Protection

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That no development shall take place unless there has been erected, and remains in place on site, tree protection in accordance with the Tree Survey and drawing TCC-2010-TP by Astell Associates, or such others as may be subsequently agreed.

Reason: To ensure that trees to be retained are not damaged during construction.

3. Replacement planting scheme

That no development shall take place unless there has been submitted to and approved in writing by the planning authority a scheme for replacement tree planting. The details provided shall include numbers, locations, species and sizes and stage of maturity at planting. (For the avoidance of doubt some of the replacement trees may be planted outside the site boundary where this achieves the aims of the condition).

All planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.

Reason: in order to help screen the pitches and provide replacements for the benefit of nature conservation and amenity.

4. Seating and cycle racks

The development shall not be brought into use unless the seating and cycle storage racks shown on the approved drawings, or others as subsequently approved, have been provided on site and are available for use, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of amenity, security and encouraging active and sustainable travel.

- **COUNCILLOR MARIE BOULTON, Chairperson**