

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 15 June 2022. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Henrickson, Chairperson; and Councillors Allard and Thomson.

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

HIGHPOINT, 242 NORTH DEESIDE ROAD - 211791 - NON DETERMINATION

1. With reference to article 3 of the minute of the Local Review Body of 8 June 2022, whereby a site visit was agreed to be held before determination, the Local Review Body (LRB) of Aberdeen City Council met on this day following a request to review against the non-determination of an application for Detailed Planning Permission for the erection of 14 residential flats over 3 and 4 storeys, 1 shop unit and subdivision of existing flat to form 2 flats with associated infrastructure at 242 North Deeside Road, Aberdeen, Planning Reference number 211791/DPP.

Councillor Henrickson made reference to the site visit undertaken earlier that day and 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 Ms Lucy Greene 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, 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. He 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 20 December 2021; (3) links to the plans showing the proposal and planning policies referred to in the delegated report; (4) the Notice of Review submitted by the applicant; (5) consultee responses submitted by Roads Development Management Team, Environmental Health, Waste Recycling Team, Contaminated Land Team, Housing Team and Developer Obligations Team (all ACC), Scottish Water, Police Scotland, Dee District Salmon Fishery Board, North East Scotland Biological Records Centre and Culter Community Council; and (6) three letters of representation.

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The LRB was then addressed by Ms Greene who advised that an appeal against non-determination would take place where there had not been a decision made on an application during the statutory period of 2 months following validation of the application. In this case a request for an extension of this period was declined. The request for review had been correctly submitted with all necessary information within the time limit following the end of the statutory period.

Ms Greene explained that whilst no new matters had been raised in the review submissions, a case officer report had been submitted. A period of 14 days was provided for interested parties to comment on the report. Comments were received from the applicant and also from the Community Council. The applicant also commented on the Community Council's submission.

Ms Greene then described the site advising that it was located on the north side of North Deeside Road, Peterculter, at the western end of its neighbourhood centre and at the gateway to the countryside. There was a mix of uses in the area including retail, public houses, a restaurant and a hot food takeaway. The site was currently occupied by a vacant traditional granite single storey building attached to a 1.5-storey granite building with a class 2 unit (beauty salon) on the ground floor and residential flat above. This flat was accessed via an external stair located at the rear of the building. The site also included a small car park, a large, corrugated roofed shed/outbuilding and small timber shed to the rear. Part of the rear of the site appeared to have been used as a commercial car wash. There was a significant change in levels up to the rear of the site of around 3m. The fringes of the car park/site access were defined by granite rubble walls. The site was bounded to the west by a retail unit (Spar and Post Office) located within a traditional single story/one and a half storey granite fronted building. This unit had no ancillary car parking or delivery area. To the north of the site was a modern detached house set in large, wooded grounds. The house had a private driveway access extending along the east edge of the site. There were mature trees beyond the northern and eastern fringes of the site which has a moderate southerly aspect. Further east are 4-storey flats set well back from the street front. On the opposite side of the street were single storey and 1½ storey granite buildings.

Ms Greene outlined the Case Officer's reason for refusal in the report of handling as follows:-

- There was insufficient information - detailed cross sections and sun shadow analysis on properties to north; transport statement and clarity on servicing arrangements; and additional bat survey;
- Loss of Residential Amenity;
- Overdevelopment;
- Design Quality;
- Adverse Impact on Peterculter Neighbourhood Centre;
- Road Safety (Access); and
- Sustainable Development.

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In terms of the applicant's case, Ms Greene advised that this was outlined in full within their Notice of Review documents, but could be summarised as follows:-

- Scale and density – precedent had been set by buildings adjacent;
- Impact on retail centre – proposed retail space size had been maximised and customer parking would increase;
- Residential Amenity – adjacent house to north was at higher level and report included shadow cast analysis;
- Daylight acceptable to proposed flats;
- Access – Roads Service did not object;
- Parking – residents would use public transport, there was also a car park diagonally opposite;
- Bin store was only marginally outside travel distance standard;
- Landscaping was generous;
- Tree impact was acceptable and planting was proposed;
- Additional bat survey could be conditioned;
- Proposed will comply with low and zero carbon policy, highly insulated and with air source heat pumps;
- Crime – car park would be overlooked and movement sensor lights installed; and
- Proposal complied with various other policies.

In terms of consultee responses, Ms Greene made reference to the following:-

- Aberdeen City Council (ACC) Roads Development Management Team – No objection, they noted that the site was located in the outer city and did not lie within an area with any form of controlled parking measures. 18 parking spaces would be provided, which was considered to be acceptable, due to provision of cycle parking, proximity to public transport and walking distance to local amenities. Spaces were acceptable in dimensions. Regarding the proposed vehicle access, bus stop provision re-location could be conditioned. They considered that cycle access/connectivity and access to public transport to be acceptable;
- ACC Environmental Health – No objection, they advised that the proposed development was located adjacent to the busy North Deeside Road (A93), therefore the proposal was likely to be impacted by road traffic noise. Additionally, the proposed commercial unit and other commercial businesses nearby may impact on the proposal. They noted that a Noise Impact Assessment had been submitted and requested that suitable noise mitigation measures be implemented (measures relate to windows and acoustic vents);
- ACC Waste and Recycling – Request that a swept analysis be provided from the developer to ensure waste collection vehicles could safely manoeuvre around the development, noting that initial advice provided at pre-application stage was that refuse storage should be provided within 15m of the site access to avoid the need for refuse vehicles to enter/turn within the site. Proposals were for bin store to be located to the rear of the proposed retail unit, only very slightly over the recommended 10m walking distance;
- ACC Schools Estates Team – Advised that there was adequate capacity in relation to both primary and secondary school provision;

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- ACC Housing – No objection. Advised that the Aberdeen Local Development Plan Policy H5 required a 25% affordable housing contribution from all housing developments of 5 units or more which equated to 3.5 units. For developments of less than 20 units the provision of affordable housing may be on-site, off-site or commuted payments. If the developer intended to provide Low-Cost Home Ownership as an affordable housing contribution, they should enter into early discussions with the Housing Strategy Team regarding this as demand for this type of affordable housing had reduced;
- ACC Developer Obligations – Advised that contributions were required regarding core path network (£3,900), healthcare facilities (£6,001) and open space (£1,903) in addition to provision of affordable housing;
- ACC Contaminated Land Team – No objection. The Site Investigation submitted in support of Application Reference: 211791/DPP the development had been reviewed and its conclusions and recommendations were accepted. Based on the available information there was no obvious risk to the proposed development. They did not recommend that any further intrusive works were required;
- Scottish Water – No objection. The proposed development would be fed from Invercarnie Water Treatment Works (River Dee). Unfortunately, Scottish Water was unable to confirm water supply capacity. They advised that there was currently sufficient capacity for a foul only connection in the Nigg Wastewater Treatment works to service the development. They also advised that for reasons of sustainability and to protect their customers from potential future sewer flooding, Scottish Water would not accept any surface water connections into their combined sewer system;
- Police Scotland – Provided a detailed comment regarding the proposed design solution. They advised that vehicular and pedestrian routes should be designed to ensure that they were visually open and direct. Any footpaths should be straight, wide and well-lit to promote feelings of safety and security for pedestrians as well as discouraging anti-social behaviour. Indicated that the footpaths should also be free of potential hiding places for miscreants and should follow the pedestrian's preferred route through the development. Car parking areas should be within view of active rooms such as kitchens and living rooms (bedrooms and bathrooms were not considered as active rooms);
- Dee District Salmon Fishery Board – No objection. They advised that there did not seem to be the potential for a significant impact upon the River Dee SAC or the watercourses from which it was made up, in relation to the proposed development. They requested that the developer adheres to SEPA's pollution prevention guidelines should the application be successful;
- North East Scotland Biological Records Centre – No species records related to the site. They advised that protected species (e.g. red squirrel) were present nearby; and
- Culter Community Council – Objected on overdevelopment and car parking concerns. They considered that the scale and design of the proposal would be inappropriate to its context. They expressed concerns regarding potential conflict

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with policy regarding affordable housing (H5) and low energy development need (R7).

Ms Greene advised that Culter Community Council had submitted a further representation on the following basis:-

- Flats were not needed;
- The scheme was an overdevelopment, there was an excessive number of units and limited green space;
- There was a loss of parking to public and an increase in demand for parking; and
- Affordable housing and Low and Zero Carbon should be conditioned if minded to approve the application.

She explained that the applicant had made a further statement following receipt of the Community Council's comments, including:-

- There was a need for a range of houses in the area – 16 flats would meet a local need;
- Houses would remove opportunity for retail unit;
- Retail unit would enhance the village;
- That this was a brownfield site and well connected by public transport, walking and cycling routes;
- Proposed Plan examination may result in need for more housing sites;
- In terms of context the Gordon Arms Hotel flats to east were precedent;
- Buildings rise from 3 at frontage to 4 storey at rear, similar to the CO-OP site;
- Existing parking on site was 3 spaces at discretion of owner. Proposed parking would be available to the public;
- Agreed that affordable housing was in line with policy and Low and Zero Carbon could be conditioned;
- That there would be contributions towards open space off site and trees and landscaping on site;
- No impact on bats and other interests; and
- There would be economic development and employment benefits.

In terms of other feedback, Ms Greene advised that there were three representations received (two objections and one in support). The matters raised were summarised as follows:-

- Inaccurate information submitted (shadow analysis/public transport information);
- Excessive scale of development/height of building;
- Insufficient evidence of carbon reduction requirements;
- Inadequate Electrical Vehicle charging provision;
- Inadequate on-site car parking provision;
- Reduction of car parking provision on North Deeside Road;
- Overlooking/loss of privacy to adjacent residential premises/garden ground;
- Loss of sunlight to adjacent residential premises;
- Adverse impact on adjacent residential property due to noise and lighting associated with proposed car park;

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- Loss of views from adjacent residential property to west;
- The owner of the adjacent property to the south welcomed the proposal as it would result in redevelopment of a run-down eyesore and the provision of new retail and residential accommodation would be a positive addition to the village.

Ms Greene responded to various questions from members which included various questions on provision and loss of car parking and also in regards to trees, as well as the height of the proposed buildings.

The Chairperson and Councillors Allard and Thomson each advised in turn and unanimously agreed to refuse the planning application for the following reasons.

The proposal, by reason of its scale, height, form and density, would result in overdevelopment of the site. This would result in the proposal having an adverse impact on the centre of Peterculter, being out of keeping with the surrounding area, which was predominantly one and a half storeys in height, and detrimental to the quality of place and visual amenity in Peterculter, which retains its character as a 'village'.

The proposed green amenity spaces were inadequate in size and the elevated position results in a lack of accessibility.

The application proposal was thereby contrary to Policy NC6: Town, District, Neighbourhood and Commercial Centres, H1: Residential Areas, H3: Density, D1: Quality Placemaking by Design, D3: Big Buildings and NE4: Open Space Provision in New Development.

- Councillor Dell Henrickson, Convener