

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 15 January 2024. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor McRae, Chairperson; and Councillors Farquhar, Lawrence, Macdonald (for item 2) and Radley.

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

11 PARK PLACE ABERDEEN - 230902

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 for the refusal of the application for the change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 2 people (retrospectively) at 11 Park Place Aberdeen, planning reference 230902.

Councillor McRae 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 24 July 2023 (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; and (5) letters of representation from the Aberdeen City Council's Roads Development Management Team, Environmental Health Team and Waste and Recycling Team.

Ms Greene then described the site and outlined the appellant's proposal. The application site comprises a 1st floor flat in a 2½ storey granite-built building of residential flats in a residential area. The building had a north facing principal elevation that fronts Park Place. The property was accessed from the side (western gable) of the building via a communal stairwell and the application property shares this solely with one other mainstream residential flat, First Floor Left, whose private doorway was

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directly opposite that of the application property at the top of the stairwell. The First Floor Left flat was noted as having three bedrooms. The third property, 9 Park Place, is a four bedroom House in Multiple Occupation (HMO) occupies the ground floor level and is accessed via its own door on the principal elevation. There was a shared garden to the rear of the site, which serves all three properties and is accessed via the path at the side of the building. The application property comprised one bedroom, a living room / kitchen and a bathroom.

Ms Greene indicated that the appointed officer's reasons for refusal outlined in the report of handling was as follows:-

It was considered that the change of use of the property to Short Term Let accommodation would have a significant adverse impact on the amenity of the occupants of the neighbouring residential flat, First Floor Left, 11 Park Place. This was because the occupants of the neighbouring flat would have to share the communal residential hallway and stairwell solely with frequently changing transient guests and cleaners of the proposed Short Term Let accommodation unit, who would be unknown to them. Taking into account the specific context of the hallway layout, its secluded nature, the multiple landings and that the entrances to each property are directly opposite each other, this would result in a significant adverse impact on the privacy and sense of security, whether actual or perceived, on the occupants of the neighbouring flat, compared to if the application property was in residential use. The proposal would therefore adversely affect the residential amenity of the surrounding area, contrary to the aims of Policy 14 (Design, Quality and Place) of National Planning Framework 4 (NPF4), and Policies H1 (Residential Areas), D1 (Quality Placemaking) and D2 (Amenity) of the Aberdeen Local Development Plan 2023. It was recognised in general terms that the location of this Short Term Let accommodation unit would likely have local economic benefits in that it would provide tourist accommodation in close proximity to the city centre, the amenities and businesses of King Street and it is in a location that is accessible via public transportation. However, the specific circumstances of this site and the proposal are such that it would result in an unacceptable impact on the local amenity of the area to a degree that would significantly outweigh any local economic benefit that would arise from the use of the property as a Short Term Let accommodation unit. The proposal was therefore also contrary to the aims of Policy 30 (Tourism) of NPF4.

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

- The application property was small and the Short Term Let was small scale with only two guests with a minimum of two night stay to limit the flow of guests;
- The use of communal space could be managed;
- In regards to noise disturbance, short stays for two guests meant that parties were unlikely;
- There was a benefit for local tourism and the economy by having a provision for visitor accommodation;
- The Short Term Let had been running successfully since 2019 and was a high quality service;

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- The flat was in a mixed use area with a mosque, bingo hall, car park and housing with easy access to the main areas of the city;
- Air BNB allowed hosts to vet and review guests which was a benefit for the application; and
- Guests must sign and follow the house rules contained in the Design Statement.

In terms of Consultations, Ms Greene advised that the Council's Roads Team had no objection and the property was in a controlled parking zone and would not increase traffic levels; that the Council's Environmental Health Team had no observations or objection; that the Waste Management had no objection but provided general information in regards to waste and there was no response received from Castlehill and Pittodrie Community Council. No letters of representation had been received from the neighbouring properties.

Ms Greene advised that the applicant had expressed the view that no further procedure was required.

The Chairperson and Councillors Farquhar, Lawrence and Radley 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 National Planning Framework 4 and the Aberdeen Local Development Plan 2023.

Ms Greene responded to questions from members.

Members each advised in turn and unanimously agreed to overturn the appointed officers previous decision. Planning permission was therefore granted 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:-

Taking into account the size and location of the flat, it is considered that the short term let use complies with Policy H1: Residential Areas, as it is complementary to residential use in this instance; there is no evidence of complaints in relation to the short term let use that has taken place over the last approximately four years.

The proposal complies with the Policy 14: Design Quality and Place in National

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Planning Framework 4 (NPF4) as it would provide a welcoming facility for visitors, with the property being managed to help ensure no impact on neighbours.

For the reasons stated above, the proposal also complies with Policy 30: Tourism in NPF4 whereas refusal of the application would result in the loss of a short term let facility which contributes to the local economy.

CONDITIONS

This permission is granted subject to the following conditions.

(01) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 act.

(02) TIME LIMIT FOR SERVICED APARTMENT USE

The use of the flat for short term let accommodation as hereby approved, shall expire 5 years following the date of the grant of permission as stated on this notice, unless a further planning permission has been granted for continued use of the property as serviced apartment accommodation in the meantime. Should no further planning permission be granted then the property shall revert to a flat in residential use after the aforementioned 5-year period.

Reason: In order to allow reassessment of the local housing need and demand situation and the local economic benefits derived from the use of the property as short term let accommodation to be reassessed in 5 years' time, to ensure that the loss of the property as residential accommodation would remain compliant with Policy 30 of NPF4.

NEWMILL FARMHOUSE, NORTH DEESIDE ROAD, PETERCULTER - 230645

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 extension to an existing garage to form an equipment store at Newmill Farmhouse North Deeside Road Aberdeen, planning reference number 230645.

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The Chairperson stated that although the Planning Adviser for the LRB 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.

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 25 May 2023 (3) links to the plans showing the proposal and planning policies referred to in the delegated report; and (4) the Notice of Review submitted by the agent.

Ms Greene then described the site and outlined the appellant's proposal. The application site was located to the west of Peterculter, on the edge of the city boundary and adjacent to the main A93 Aberdeen to Banchory road where it lies within an elevated position above the road level. The site extends to an area of some 0.25 hectares and comprises a former traditional granite farmhouse with 2 storey and conservatory extension to its northern gable resulting in a largely L-shaped residential dwelling which is centrally positioned close to the eastern boundary of the site. A single storey detached double garage with pitched slated roof, finished in a rough render with traditional granite stone frontage (east elevation) and single rooflights on both roofslopes is located within an area of garden to the south of the dwelling. The garage lies between the house and the boundary with the public road, where it is set back some 1.2m from the site boundary which is delineated by a low level (800mm high) drystone dyke beyond which is a sloping grass bank and the A93 road. The residential site was largely landscaped with trees and bushes across the garden grounds including along the boundaries, with at least a dozen of these mature trees which were located immediately to the west of the existing garage having recently been felled. The site was accessed via a driveway off the main road with the entrance shared with the two neighbouring houses located to the east and south east. To the north and west of the application site was agricultural land.

Ms Greene indicated that the appointed officer's reasons for refusal outlined in the report of handling was as follows:-

- The proposal was of an inappropriate scale, massing, footprint and design which didn't reflect proportions of domestic ancillary building;
- The proposal would be overly dominant on the site and the surrounding area with a negative impact on the character of the Green Belt;
- The proposal was prominent and was in an elevated position next to the A93 and the scale and massing of the proposal would have a negative effect on the landscape setting along the gateway route into the city;
- It was contrary to policy on Green Belt and Design in the Aberdeen Local Development Plan and also National Planning Framework 4;
- The impact on trees had not been demonstrated and additional tree loss in a sensitive and prominent location had potential to further impact on visual amenity and landscape character.;

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- The proposal was contrary to policy on Trees in the LDP and NPF4 and there was also degrees of conflict with Policy 1 (Climate & Nature Crisis) and Policy 2 (Climate Mitigation & Adaption) of NPF4.

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

- The space was needed for essential equipment that supported the sustainable living practices;
- The existing garage was needed for vehicles and bicycles;
- They were committed to maintaining the character of Newmill Farmhouse and the surroundings;
- They proposed to plant new native trees;
- They raised concerns about the application process and a reliance on Googlemaps;
- The approach was proportional within the Green Belt, harmonious with the farmhouse and had minimal landscaping impact;
- The extension blended seamlessly with the existing building;
- They were committed to environmental sustainability and climate resilience;
- Expert consultants had confirmed there would be no impact on the trees which were sufficiently far and on a lower level; and
- They proposed to plant 50 new native trees and install solar panels.

In terms of Consultations, no letters of representation were received and no consultee comments.

Ms Greene advised that the applicant had expressed the view that a site visit should take place before determination.

The Chairperson and Councillors Farquhar, Lawrence, Macdonald and Radley 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 National Planning Framework 4 and the Aberdeen Local Development Plan 2023.

Ms Greene responded to various questions from members, which related to the loss of trees, the scale and massing of the proposal and also the overall use of the proposed development.

Members each advised in turn and by majority they agreed to uphold the officers earlier decision and 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.

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

The proposed garage extension was considered to be of an inappropriate scale, footprint, massing and design which does not reflect the typical proportions of a domestic ancillary building. It would appear overly dominant, including from outwith the site, fails to respect the context of the existing site and surrounding area and would have a considerable negative visual impact on the established character of the Green Belt. Taking into account the prominent and elevated position of the area of the site where the proposed extension would be located, next to the A93 Aberdeen to Banchory Road, a main arterial route providing access to the city, then it is considered that the significant scale and massing of the proposed development would have a particularly negative effect on the landscape setting along this important gateway route for the city. The proposal is therefore deemed contrary to the requirements of Policy NE1 (Green Belt) and Policy D1 (Quality Placemaking) of the Aberdeen Local Development Plan 2023 and to the requirements of Policy 8 (Green Belts), Policy 14 (Design, Quality and Place) and Policy 16 (Quality Homes) of National Planning Framework 4.

In addition to the above, the impact of the proposed development on existing trees within the site had not been suitably demonstrated and with recent felling of mature trees already having taken place within the footprint of the proposed development, it is apparent that any additional loss of trees within this sensitive and highly prominent location has the potential to further impact on and negatively affect visual amenity and landscape character. As a result the proposal is considered to be contrary to the requirements of Policy NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan 2023 and Policy 6 (Forestry, Woodland and Trees) of National Planning Framework 4.

Finally, there was also considered to be a degree of conflict with Policy 1 (Tackling the Climate and Nature Crises) and Policy 2 (Climate Mitigation and Adaptation) of National Planning Framework 4.

There were no material planning considerations which would warrant approval of planning permission in this instance.

1B SKENE PLACE, DYCE - 230596

3. It was noted that this application had been deferred to the meeting on 19 February 2024, for determination.

- **Councillor Ciaran McRae, Chairperson**