

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 17 June 2024. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor McRae , Chairperson; and Councillors Boulton, Farquhar (Not Review Four), Greig and Macdonald.

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

21 BALGOWNIE CRESCENT - ERECTION OF 2.5 STOREY EXTENSION TO SIDE/REAR; FORMATION OF DORMERS TO FRONT AND REAR - PLANNING REF NUMBER 231558

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 erection of a 2.5 storey extension to side/rear and formation of dormers to front and rear at 21 Balgownie Crescent, Aberdeen, AB23 8EJ.

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, Mr Mark Masson 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 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 the Appointed Officer, Aberdeen City Council; (2) an application dated 8 December 2023; (3) the Decision Notice dated 14 February 2024; (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/agent; and (6) consultee correspondence from the Council's Roads Development Management Team.

Ms Greene then described the site and outlined the appellant's proposal for detailed planning permission.

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

- Overdevelopment, with footprint was proposed 3 times original;
- Scale and design of rear extension not subordinate;

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

17 June 2024

- Projection did not accord with Householder Guidance (4m rule) resulting in overshadowing of neighbouring site;
- 2.5 storey extension to 1.5 storey dwelling, had appearance of 3 storey;
- Second floor was overbearing, with extension of roof adding to this; and
- Contrary to policy D1 - Quality Placemaking, 14 – Design, 16 - Quality Homes, H1 – Residential Areas and Aberdeen Planning Guidance (APG) – Householder Guide

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

- Area has mix of house types, many extended – much variety (not in Conservation Area);
- Proposal reflected scale and design of house and made best use of sites garden;
- As part of streetscape proposal would fit as part of the mix and not detract from character of area;
- Proposal to front was consistent with design of original house;
- Rear would be unseen from public view, made use of large plot with high quality design. Due to levels, there was existing basement – 2.5 storeys to rear;
- No. 23 had side and rear extension of 5.96m; Did not detract from amenity of neighbours by overshadowing, privacy or overlooking;
- Complied with National Planning Framework 4 and Local Development Plan, some conflict with APG, but that was guidance – the plot could accommodate alterations;
- Examples within area; and
- Designed to modern insulation requirements – climate change.

In terms of Consultations, Ms Greene advised that the Roads Development Management Team had referred to the garage being slightly too small, however there would be sufficient parking to the front. There were no comments received by Bridge of Don Community Council and there were no representations submitted.

Ms Greene advised that the applicant had expressed the view that the review may proceed on the basis of the information submitted, however the supporting statement recommended that a site visit be undertaken to view extended properties in the area.

The Chairperson and Councillors Boulton, Farquhar, Greig and Macdonald 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, the Aberdeen Local Development Plan 2023 and the Householder Design Guide – general principles.

Ms Greene responded to various questions from members relating to the application including the issue relating to overshadowing, the size of the neighbouring extension, the materials being used and the length and size of the rear garden.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

17 June 2024

Members each advised in turn and by a majority of 4 to 1, agreed to reverse the appointed officer's earlier decision. Planning permission was therefore granted conditionally.

The Chairperson and Councillors Boulton, Farquhar and Macdonald agreed to reverse the decision of the appointed officer, however Councillor Greig advised that he supported the appointed officer's decision to refuse 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 are as follows –

The proposed extension is acceptable as providing additional space for modern living requirements despite not complying with the guidelines within the Householder Guide Aberdeen Planning Guidance (APG) in respect of its extent of projection from the rear of the house. A number of factors are taken into account: the particular topography of the site on a south facing slope, meaning that the rear garden is at a lower level than the front; materials are acceptable as complementing those in the surrounding area. The extent of overshadowing of neighbouring plots would not be significant, and it is noted that the neighbours also have rear extensions. There are a variety of extensions within the surrounding area and this would not be out of keeping with the character of

The proposal has tensions with Policy H1 – Residential Areas in the Aberdeen Local Development Plan 2023 (LDP), due to the non-compliance with part of the Householder Guide APG, however, it is considered to otherwise accord with Policy 14 – Design, Policy 16 – Quality Homes in National Planning Framework 4 (NPF4) and Policy D1 – Quality Placemaking and D2 – Amenity in the Aberdeen Local Development Plan 2023.

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.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

17 June 2024

FOOTBALL GROUND, DENMORE - INSTALLATION OF REPLACEMENT OF FLOODLIGHTS - PLANNING REF NUMBER 231489

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 relating to a condition for the installation of replacement floodlights at Football Ground, Denmore Road, Aberdeen.

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. She 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 23 November 2023; (3) the decision notice dated 4 April 2024; (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) correspondence from Aberdeen City Council's Roads Development Management Team and Environmental Health Protective Services.

Ms Greene then described the site and outlined the appellant's proposal.

She intimated that planning permission had been approved conditionally and explained that the Council's Environmental Health Team advised that the lighting impact assessment did meet the requirements of the service, although a condition for the operational hours of the lighting had been applied to the permission, which was as follows:-

Restriction on hours – Floodlights to be used 1500 – 2100, only during darkness.

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

- Wish to extend time for use of floodlights until 10pm due to game starts at 8pm for Scottish Highland League – 18s. Also youth football past 9pm;
- Replacement floodlight's, purpose was to continue to foster youth football;
- Did not realise hours would be conditioned and had no submitted details of use of pitch previously;
- Details provided of three sets of training sessions for different age groups, covering times between 6pm and 9.55pm; and
- Points out that Council has extended till 10pm for Banks of Dee, Hermes Juniors and Dyce.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

17 June 2024

Ms Greene advised that Environmental Health had clarified that there was only one property likely to be affected by the noise and light overspill and explained that Environmental Health had been using these hours for some time now to stream line the hours flood lit pitches were being used across the City to protect the amenity of people living nearby. She explained that in this particular location, if the applicant wanted to operate until 10pm, then this would be acceptable.

No comments were submitted by the Community Council and no representations were received.

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

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 Boulton, Farquhar, Greig and Macdonald 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 National Planning Framework 4, the Aberdeen Local Development Plan 2023.

Ms Greene responded to various questions from members relating to the impact on extending the time period by one hour and the distance between the football ground and the residential property which may be affected.

Members each advised in turn and unanimously agreed to vary the appointed officer's earlier decision. Planning permission was granted. Conditions attached to this permission were set out below

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 are as follows:-

The location of the proposed lighting sits sufficiently away from Denmore Road and at a lower ground level to avoid presenting an adverse visual impact from public view. The lighting has also been designed to minimise its massing and be in keeping with other lighting on the football grounds to the north. The proposal including hours of use 1500 – 2200, is compliant with Policy 14 (Design, Quality and Place) and Policy 27 (City, Town, Local and Commercial Centres) of National Planning Framework 4 (NPF4) and Policy D1 (Quality Placemaking) of the Aberdeen Local Development Plan 2023 (ALDP).

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

17 June 2024

The proposed floodlights are considered not to result in a significant adverse impact on residential amenity of surrounding properties caused by light as demonstrated from the Light Assessment Report and would not impact on road safety in accordance with Policy VC8 (Town, District, Neighbourhood and Commercial Centres) and Policy D2 (Amenity) of the ALDP. Consideration has been given to the positive impact of the proposal by increasing the useability of the existing pitch on encouraging healthy lifestyles and the positive impact this can have on the mental and physical well-being of participating children. The proposed works comprise replacement lighting and sufficient measures have been put in place to minimise harm to wildlife and light pollution. Although the development would be in tension with Policy 1 (Tackling the Climate and Nature Crises) and Policy 2 (Climate Mitigation and Adaptation) of NPF4, the proposed would accord with Policy 3 (Biodiversity), Policy 21 (Play, Recreation and Sport) and Policy 14 (Design, Quality and Place) of NPF4 and Policy WB1 (Healthy Developments) of the ALDP and would therefore, on balance, accord with the aims of NPF4.

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) RESTRICTION ON HOURS

That the floodlights hereby approved shall only be in both use between 15:00 and 22:00 hours and only be used during hours of darkness.

Reason - in the interest of residential amenity

(03) INSTALLATION IN ACCORDANCE WITH DETAILS

That the development hereby approved shall be installed in accordance with the details as set out in the 'Hall Russell FC' lighting report prepared by Kingfisher Lighting; and associated drawing 51600 Rev B forming part of this application, and shall be retained as such.

Reason - in the interest of residential amenity.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

17 June 2024

ESPLANADE FILLING STATION, NORTH ESPLANADE WEST - INSTALLATION OF AIR/WATER/VACUUM UPSTAND AND REPLACEMENT OF 3 PARKING SPACES WITH 3 ADDITIONAL EV CHARGING BAYS, ERECTION OF ASSOCIATED INFRASTRUCTURE INCLUDING ENCLOSURE AND UPSTANDS (RETROSPECTIVE) - PLANNING REF NUMBER 230675

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 installation of air/water/vacuum upstand and replacement of three parking spaces with three additional EV charging bays, erection of associated infrastructure including enclosure and upstands (retrospective) at Esplanade Filling Station, North Esplanade West, Aberdeen, AB11 5RN.

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. She 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 1 June 2023; (3) the decision notice dated 15 February 2024; (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) a consultee response from the Council's Roads Development Management Team.

Ms Greene then described the site and outlined the appellant's proposal.

She indicated that the appointed officer's reasons for refusal outlined in the decision notice was as follows:-

- Road safety grounds:-
 - water/air/vacuum stand block visibility; and
 - removal of all standard spaces created hesitation at entrance and could cause queuing onto busy road;
- Benefits of EV charging for climate change mitigations were considered;
- Proposal would not provide electric charging points in a safe location – contrary to Policy 13 – Sustainable Transport in NPF4; and
- Although it complied with Policy 1 and 2 – on Tackling and mitigating climate change, principles of sustainable transport in T2 and Policy 13 – both on sustainable transport.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

17 June 2024

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

- Site had functioned well for years without serious incident – including since water/air/vacuum installed;
- Increased EV had resulted in less general parking, often cars use EV spaces for parking to no road safety danger;
- Increase in EV would contribute to reducing emissions – there would be a lack of charging locally and nationally;
- Only minimal loss of visibility and no incidents, the 5 spaces could be safely accessed by vehicles entering site;
- Signage could inform drivers of dual use of charging spaces; and
- Entrance was 15m from roundabout.

In terms of consultation, Ms Greene advised that the Council's Roads Development Management Team had objected to the proposal on road safety grounds. There was no response from Ferryhill and Ruthrieston Community Council and no representations received.

Ms Greene advised that the applicant had expressed the view that a site visit should be undertaken by the Local Review Body.

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 Boulton, Farquhar, Greig and Macdonald 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 National Planning Framework 4 and the Aberdeen Local Development Plan 2023.

Ms Greene responded to questions relating to the layout of the facility.

Members 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 are as follows:-

Due to the specific circumstances of the site, whereby the site layout is very constrained and the site access is in very close proximity to a highly trafficked road immediately after a junction, the removal of all standard non-electric vehicle

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

17 June 2024

charging spaces and the siting of the water, air and vacuum unit in a location that blocks visibility at the access of the site adversely impacts road safety. The removal of all standard parking spaces introduces ambiguity and hesitation for drivers entering the site regarding whether they will park in an area of the forecourt which is in very close proximity to the site access and could result in vehicles queuing onto a highly trafficked road. The Council's Roads Development Management Team have objected to this application on road safety grounds.

In reaching this determination, the planning service has placed significant weight on considering the benefits of additional electric vehicle charging infrastructure in terms of contributing to the decarbonisation of transport and tackling the global climate crisis. Indeed, the addition of electric vehicle charging points would accord with the aims of Policies 1 (Tackling the Climate and Nature Crises) and 2 (Climate Change Mitigation and Adaptation) of National Planning Framework 4 and the principles of supporting sustainable transport infrastructure in Policy 13 (Sustainable Transport) and T2 (Sustainable Transport) of the Aberdeen Local Development Plan 2023. However, Policy 13 requires low or zero-emission vehicle charging points to be in 'safe and convenient locations'. Because of the specific circumstances of this site and its constrained layout, the benefits that would arise from the addition of three charging spaces (beyond what has been granted by Planning Permission Ref: 211462/DPP) in terms of climate mitigation would not outweigh the road safety impact that would arise from this development proposal. The development would not provide electric vehicle charging points in a safe location, in conflict with the aims of Policy 13 (Sustainable Transport) of the National Planning Framework 4 and, on balance, the decision is to refuse the application.

Prior to consideration of the following review, Councillor Farquhar left the meeting by virtue of her being an elected member in the Ward where this review was located.

216 WESTBURN ROAD - FORMATION OF DRIVEWAY, REMOVAL OF HEDGE AND BOUNDARY STONES TO FRONT - PLANNING REF NUMBER 231479

4. The LRB then considered the fourth and final 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 driveway, removal of hedge and boundary stones to front of 216 Westburn Road, Aberdeen, AB25 2LT

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.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

17 June 2024

She 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 22 November 2023; (3) the decision notice dated 26 February 2024; (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) a consultee response from the Council's Roads Development Management Team.

Ms Greene then described the site and outlined the appellant's proposal.

She indicated that the appointed officer's reasons for refusal outlined in the decision notice was as follows:-

- Did not comply with Roads standards as it had not been demonstrated that vehicles could enter and exit site in forward gear without convoluted manoeuvres – likely to result in reversing;
- Class A busy road;
- Likely result in accidents;
- Contrary to Transport and Accessibility Aberdeen Planning Guidance (APG);
- Adverse impact on visual amenity of street and character of surrounding area; and
- Contrary to Policies H1 – Residential Areas, D1 – Placemaking, 16 – Quality Homes and 14 – Design.

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

- Forward entry and exit for two 2 cars was possible and had not been demonstrated by Planning that it was not;
- Applicant stated that signs could be erected prohibiting reverse entry or exit;
- Images showed how a car could turn within the site;
- Unclear why overhanging footway was a problem (this may be confusion over wording);
- Appeared that photos were not considered (these were on website showing tyre movements);
- Suggested conditions: confirming turns were correct, prior to permanent drive;
- Only 50% of hedge would be removed;
- Lowered plinth barely changed streetscene;
- Cars parked on street were no different in terms of streetscene;
- Convoluted movements no different to reverse parking; and
- Queried about swept path software.

In relation to consultation, Ms Greene advised that the Council's Roads Development Management Team had objected and recommended refusal of the planning application due to failure to show vehicles could turn on site and the road was Class A and busy. There were no comments from Rosemount and Mile End Community Council an no representations submitted.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

17 June 2024

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

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 Boulton, Greig and Macdonald 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 National Planning Framework 4, the Aberdeen Local Development Plan 2023.

Ms Greene responded to a question relating to the 'Transport and Accessibility' APG, specifically regarding parking in garden areas in front of tenement flats.

Members 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 are as follows:-

The proposed development does not comply with relevant roads requirements/standards, as specified in the 'Transport and Accessibility' Aberdeen Planning Guidance, as it has not been adequately demonstrated that vehicles can enter the site in forward gear, turn around and then exit the site in forward gear without making convoluted manoeuvres resulting in repeat and excessive overhanging of the footway during internal turning movements, which would likely result in vehicles reserving out of the site on to a heavily trafficked A-class road, resulting in a road safety hazard. The proposal therefore fails to comply with the 'Transport and Accessibility' Aberdeen Planning Guidance. In addition, the proposal would adversely and unacceptably affect the specific characteristics of the existing property, the visual amenity of streetscene and character of surrounding area, thus the proposal fails to comply with criteria of Policies H1 (Residential Areas); and D1 (Quality Placemaking) of the Aberdeen Local Development Plan 2023 (ALDP); and with Policies 14 (Design Quality and Place) and 16 (Quality Homes) of National Planning Framework 4 (NPF4).

- **COUNCILLOR CIARAN MCRAE, Chairperson**