

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 30 June 2025. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor McRae, Chairperson; and Councillors Blake, Boulton (for reviews 1 and 2), Clark, Copland and van Sweeden (for review 3).

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

868-870 GREAT NORTHERN ROAD ABERDEEN - 250083.

1. The Local Review Body (LRB) of Aberdeen City Council met on this day to consider a review of the decision taken by an appointed officer under the Council's Scheme of Delegation for the refusal of the application for a Section 42 (Variation to Conditions) - Removal of condition 9 (stair access) of planning permission ref. 231375/DPP to remove the requirement to provide steps to Great Northern Road at 868-870 Great Northern Road Aberdeen, planning reference 250083

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 30 January 2025; (3) the Decision Notice dated 14 March 2025; (4) links to the plans showing the proposal and planning policies referred to in the draft delegated report and (5) the Notice of Review submitted by the applicant/agent.

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

Ms Greene advised that the application site related to a recently constructed single storey retail showroom located on the north side of Great Northern Road, close to the

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Haudagain Roundabout junction. The site extended to around 0.34 hectares and was generally square. It sloped down from its Great Northern Road frontage to the Aberdeen to Inverness railway line on its northern boundary, a total fall in height of around 8m. The railway line sat around 6m lower than the northern edge of the application site. Vehicular and pedestrian access was taken from a new access onto a dead-end section of Mugiemooss Road on the eastern side of the site, itself accessed from Great Northern Road. A car park with eighteen spaces had been provided at the front (east) of the building, with a service road provided on the north side to serve a service area with five parking spaces at the rear of the building. A landscaped strip including trees would separate the building and hard standings from Great Northern Road. On the opposite side of Great Northern Road there was a mix of commercial and residential properties. Immediately to the north of the site, beyond the railway line, was a car dealership. To the west were three commercial units, including a pizza takeaway and tanning salon.

In terms of the proposal Ms Greene indicated that the application was submitted under the provisions of section 42 of the Town and Country Planning (Scotland) Act 1997 and sought to remove condition 9 of planning permission ref. 231375/DPP. The condition required steps to be provided between the site and Great Northern Road. The full condition reads –

(09) STAIR ACCESS

The development shall not be brought into use unless the stair access between the proposed car park and Great Northern Road shown on Core Associates/Abbot Architecture drawing AL-030-001 (Rev.B) (or such other drawing approved for the purpose).has been constructed and is available for use.

Reason – to ensure appropriate pedestrian accessibility to the development.’

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

Policy 13 (Sustainable Transport) of National Planning Framework 4 (NPF4) and Policy T2 (Sustainable Transport) of the Aberdeen Local Development Plan (ALDP) sought to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. More specifically it indicates that development proposals would be supported where they provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks. There was an emphasis on active and sustainable transport, and the internal layout of developments must prioritise walking, wheeling, cycling and public transport.

The reasons provided for seeking the removal of the condition, such as security concerns, customer arrival by car, and issues for those with restricted mobility, did not outweigh the benefits of providing the steps. Staff may well live locally and choose to walk to work, which also may apply to the occasional customer. The provision of the

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steps would facilitate walking and avoid pedestrians from having to take a longer route and potentially climbing over the wall and slope as an alternative, along what was an evident desire line. It would also future proof the site in terms of access should another occupier that had a different demographic of customer take occupation.

The condition supports the aims of Policy 13 (Sustainable Transport) of NPF4 and Policy T2 (Sustainable Transport) of the ALDP. There had been no material change in circumstances following the consideration and approval of planning permission 231375/DPP. On the basis that the removal of the requirement to provide the steps would result in a development of lesser quality in terms of accessibility, the application is refused and condition 9 of 231375/DPP was therefore retained.

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

- The site sloped down from Great Northern Rd, with approximately 2.5m between road and the retail unit being built. There was a granite wall of approx. 0.5m (partially demolished);
- Pedestrian and vehicle access would be from an access off a dead end section of Mugiemooss. This would lead to a car park at the front of the building (east side). Landscaped strip separates the building from Great Northern Road;
- Steps would encourage out of hours access and could cause a security problem;
- Data shows customers would drive, staff entrance was to west and path would be along Mugiemooss Rd;
- The path along Mugiemooss was more level and steps would present mobility issue;
- The slope supported Great Northern Road and construction and design of steps would be a risk with stabilisation costs;
- The steps were a late addition to the project and there had been additional costs for surface water drainage. Costs had risen significantly through the project and cuts needed for project to remain viable. The steps were superfluous and the removal would reduce an overspend.

In terms of Consultation response, Ms Greene advised that no responses were received.

In terms of procedure by which the review would be conducted, Ms Greene advised that the applicant had expressed the view that no further procedure was required before determination.

The Chairperson and Councillors Blake, Boulton, Clark and Copland 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.

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Members each advised in turn unanimously agreed to overturn the original decision and approve the application conditionally.

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

More specifically, the reasons on which the Local Review Body based this decision are as follows –

That pedestrians would be much more likely to approach the site from the east given the location of the pedestrian crossing close to the roundabout with North Anderson Drive and nearby bus stops. Given these particular site-specific factors and the steep nature of the bank it was considered that pedestrians were unlikely to climb over the wall and down the bank to follow a 'desire line' from Great Northern Road to the shop entrance. In addition, the provision, subject to details to be agreed by condition, of a safe route within the car park would provide a facility for all those on foot and with pushchairs, wheelchairs, and bicycles, including those unable to use steps. This would comply with Policy T2: Sustainable Transport in the Aberdeen Local Development Plan 2023 (LDP) and Policy 13: Sustainable Transport in the National Planning Framework 4 (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) PEDESTRIAN ROUTE

That within 3 months of the date of this permission, there shall be submitted to the planning authority details of a direct and demarcated pedestrian/wheeled route and crossing point within the car park, to the shop entrance from the pavement on the side road off which vehicular access is provided to the site, in order to provide a safe pedestrian/ wheeled route to the shop entrance. The works to provide the pedestrian/wheeled route shall be carried out within 3 months of the planning authority agreeing in writing such details and in complete accordance with the scheme as so agreed.

Reason – in the interests of pedestrian and wheeled safety and amenity and to

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encourage active travel to the site; in order to prioritise walking, wheeling and cycling in accordance with Policy T2: Sustainable Transport in the LDP 2023.

INNOVATION CENTRE, EXPLORATION DRIVE ABERDEEN - 250070

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 a change of use from office (class 4 business use) to gym (class 11 assembly and leisure), at Innovation Centre, Exploration Drive Aberdeen, planning reference 250070

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 and decision notice by the Appointed Officer, Aberdeen City Council; (2) an application dated 28 January 2025 (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 agent and (5) consultee responses.

Ms Greene then described the site and outlined the appellant's proposal. The site comprised a largely vacant office pavilion and associated external car parking and amenity space located within landscaped ground within the Aberdeen Energy Park. The 2 storey building comprised 22 office suites, arranged around a central atrium. Unit 7 was occupied by a subsea consultancy. Unit 3 was also let. There was an ancillary reception, breakout space and meeting room. It had a total floor area of 1,248 Square metres with 68 associated car parking spaces. It was accessed from Exploration Drive, to the east. The nearest active bus stops to the site were on Ellon Road (A92), around 700m and 850m walking distance for southbound and northbound services respectively. The land to the west of the site, across Claymore Drive, was currently being redeveloped for residential use. A nursery and Silverburn Gymnastics Centre, around 106m west of the site, were located immediately to the north of that development.

In terms of the proposal, Ms Greene advised that a change of use was sought to use the entire building as a gym. No proposed layout, operational plan or details of the intended operator were provided. The existing access arrangements and parking would be retained. No external alterations were proposed and a bin storage area was shown within the car park.

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

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01. Conflict with Local Plan B2 Business Zones Policy

The large scale and nature of the proposed use was such that it would attract customers from a wider area than the surrounding business zone and local area and thus would be contrary to B2 (Business Zones) within the Aberdeen Local Development Plan 2023 (ALDP). No evidence has been provided that the use would primarily be targeted at meeting the needs of businesses and employees within the Business Zone rather than the wider area.

02. Impact on Existing Centres

The scale and nature of the proposed use was such that it had potential to generate significant footfall. A Town Centre First Assessment had not been submitted to demonstrate that the proposed use could not be located within an existing designated centre and justify the location of the development. It therefore conflicts with the intent of Policy 27 (City, Town, Local and Commercial Centres) within National Planning Framework 4 (NPF4), Policy VC3 (Network of Centres), Policy VC8 (Town, District, Neighbourhood and Commercial Centres) and Policy VC9 (Out of Centre Proposals) within the Aberdeen Local Development Plan 2023 (ALDP).

03. Sustainable Travel

Given the scale of the proposed use, the remoteness of the site from existing bus stops, and existing designated centres, the generous car parking provision at the site, the limited pedestrian connectivity and the evidence contained within the submitted Traffic Analysis that there would be an increase in vehicle traffic in the afternoon peak, there would be conflict with the desire to minimise vehicle traffic and associated carbon emissions and would therefore be contrary to NPF4 Policy 1 (Tackling the Climate and Nature Crises) and Policy 13 (Sustainable Transport) and ALDP Policy T2 (Sustainable Transport).

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

- The gym would provide health facilities to the neighbouring housing properties with 950 houses within 800m zone H;
- The building had been more than half vacant for more than 4 years and was now 90% empty;
- There were no general fitness gyms in the Energy Park, with the one to the west being specialist, and the nearest were Council run at Alex Collie and Jesmond Centres;
- The gym would meet the needs of employees in the Energy Park, Bridge of Don and Denmore Industrial Estate – hundreds within walking distance and no competition;
- Gyms were recognised as standard service in business parks

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- There were walking routes to the site, good footways and crossing and a bus stop on Ellon Rd. It was also within walking distance of housing, the church and employment and would help complete 20 minute neighbourhood;
- Most large business parks had gyms which included Altens, Dyce, Kingswells and Westhill.

In terms of Consultations, none were received.

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

The Chairperson and Councillors Blake, Boulton, Clark and Copland 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 then answered various questions from Members.

Members each advised in turn and unanimously agreed to overturn the appointed officers decision and grant planning permission 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 proposal would result in the reuse of a building which was preferable to its demolition, in accordance with Policy 9: Brownfield, vacant and derelict land and empty buildings in National Planning Framework 4 (NPF4). There was on-going significant change within the surrounding area with housing developments at Cloverhill and Silverburn and the church within the former exhibition centre, the proposal would also complement the Gymnastics Centre and nursery nearby, providing opportunity for multi-destination trips. The proposal would support the health and wellbeing of those living and working locally, including employees of businesses within the Energy Park. The gym would also contribute towards local living, providing a facility that would be within a 20 minute walk of the aforementioned housing areas, in line with NPF4 Policy 15, Local living and 20 minute neighbourhoods. Although it was unfortunate that there was not a direct formal pedestrian access and encouragement was given to the owners / operators to explore options for providing this. It was not unusual to locate gyms within business parks and the proposal would provide an attraction to businesses potentially locating there, attracting further investment to the benefit of the economy. Any tension

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with Policy B2: Business Zones and town centre related policies: VC3: Network of Centres, VC8: Town, District, Neighbourhood and Commercial Centres and VC9: Out of Centre Proposals in the Aberdeen Local Development Plan 2023 (LDP) are outweighed by the material considerations noted above in respect of the changing nature of the surrounding area and the supportive role that the gym would provide within the business park, contributing to 20 minute neighbourhoods.

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 OF USE WITHIN CLASS 11

That notwithstanding the provisions of Part 3 of The Town and Country Planning (Use Classes) (Scotland) Order 1997 the application premises shall not be used other than for a use falling within Class 11 (e), without a further grant of planning permission from the planning authority.

Reason - in the interests of amenity of the occupants of nearby premises.

(03) CYCLE PARKING

That the use shall not take place unless there has been provided, covered cycle parking in accordance with the Transport and Accessibility Aberdeen Planning Guidance ([APG Transport and Accessibility .pdf](#)) at the following rates:

Staff: 1 space + 1 space per 10 staff

Visitors: 1 space + 1 space per 10 peak time visitors.

Reason: In the interests of facilitating cycle travel.

ADVISORY

The applicant / owner / operator of the proposed gym is encouraged to explore with other landowners the provision of a direct pedestrian route from the northwestern direction between Ellon Road / Cloverhill and the site, in order to facilitate walking to the premises, in particular for residents at Cloverhill.

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At this juncture, Cllr van Sweeden replaced Councillor Boulton as she was a local member.

THE MOUNT, THE BUSH, ABERDEEN - 240753.

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 of amenity land to domestic garden ground and erection of fence (partly retrospective) at the Mount, the Bush, Aberdeen, planning reference 240753.

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 and decision notice by the Appointed Officer, Aberdeen City Council; (2) an application dated 18 June 2024 (3) links to the plans showing the proposal and planning policies referred to in the delegated report; (4) and the Notice of Review submitted by the agent.

Ms Greene then described the site and outlined the appellant's proposal. The site comprised a c.300sqm area of open space to the northeast of a semi-detached dwellinghouse known as 'The Mount' in Peterculter. The site had been the subject of an unauthorised change of use to garden ground associated with this dwelling. An unauthorised fence had also partially been erected around the area, alongside a pergola structure and paving, which did not have planning permission. Prior to the unauthorised change of use, the site formed part of an area of a large area of open space which surrounds the site to the west, north and east and is mature woodland. The trees on the site were protected by a Tree Preservation Order and historic maps dating from 1866 indicate that the area has continuously been woodland, pre-dating much of the development of Peterculter.

Ms Greene noted that planning permission was sought partially retrospectively for the change of use of the application site from amenity land to domestic garden ground and for the erection of a fence to enclose the area. The fencing was c.2m in height. It projected approximately 11.5m beyond the established curtilage boundary to the north of the site (and that of the adjacent property) and there were c.21m, c.5.5m and c.11.5m long sections of fence, enclosing the area that extended to approximately 300 sqm.

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

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The change of use of this land to domestic garden ground and the erection of fencing results in the enclosure and loss of an area of open space and mature woodland habitat of local biodiversity value and that contributes to the character of the surrounding area. The proposal thus conflicts with Policy 6 (Forestry, Woodland and Trees) of National Planning Framework 4 (NPF4) and Policies H1 (Residential Areas) and NE2 (Green and Blue Infrastructure) of the Aberdeen Local Development Plan 2023 (ALDP). The siting of the fence and resultant irregular boundary layout is inconsistent with the established pattern of development and adversely affects the character of the area, in conflict with Policies 14 (Design, Quality and Place) and 16 (Quality Homes) of NPF4, and Policy D1 (Quality Placemaking) of the ALDP and the Householder Development Guide Aberdeen Planning Guidance.

Commensurate with the scale of the proposal, the development did not place significant weight in positively addressing the global climate and nature crises, which was contrary to Policies 1 (Tackling the Climate and Nature Crises, 2 (Climate Mitigation, and Adaptation) and 3 Biodiversity of NPF4. Notwithstanding every application is assessed on its merits, in conflict with the Householder Development Guide Aberdeen Planning Guidance, the proposal could give rise to the setting of a precedent that would make it difficult to resist similar proposals in the future which cumulatively could result in the gradual erosion of and fragmentation of open space and habitat. Such an approach would exacerbate the adverse impacts and cumulatively be significantly detrimental to the biodiversity, character and amenity of the area.

Ms Greene outlined the key points from the appellant's Notice of Review as follows:-
The land in question was 15m wide strip to the north and east of the boundary;

- The site plan showed restricted area of existing garden, and there was barely 2m between the rear of the house and the boundary;
- The extension was very close to the existing boundary with little room to move round it;
- There was confusion over a previous application for extension, that showed extended garden;
- The applicant had acted in good faith when they erected the fence around extended garden;
- No protected trees had been removed other than storm damaged trees;
- The land was not maintained and was dense woodland;
- The woodland would be unaffected by the proposal and the area would provide useable garden, privacy and amenity and would not undermine remaining land

In terms of consultations, one letter of objection was received.

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

The Chairperson and Councillors Blake, Clark, Copland, and van Sweeden 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 National Planning Framework 4 and the Aberdeen Local Development Plan 2023.

Ms Greene then answered various questions from Members.

Members each advised in turn and by majority agreed to overturn the earlier decision. Planning permission was therefore granted conditionally. The Chairperson and Councillors Clark and Copland voted to approve the application and Councillors Blake and van Sweeden voted to 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:-

The area was not visible from public paths, no trees would be or have been lost as a result of the proposal, with the fencing having been largely erected around the space and the use effectively changed to garden. The site was not overlooked by other properties, does not function as amenity ground, with effectively no public access having existed, prior to the fence being erected, due to the density of vegetation and distance from paths. The proposal therefore does not result in the loss of a valued area of open space and would result in quality placemaking in terms of amenity space for the residents. The proposal would therefore comply with Policy H1: Residential Areas and D1: Design and Placemaking and D2: Amenity in the Aberdeen Local Development Plan 2023 (LDP) and Policy 16: Quality Homes, Policy 14: Design in National Planning Policy 4 (NPF4). With no loss of trees the proposal would also comply with Policy NE5: Trees and Woodland in the LDP and Policy 6: Forestry, Woodland and Trees in NPF4. Due to the scale of the proposal and the fact that although the use would change to garden, the ground would remain a green space, the proposal would comply with Policy 1: Tackling the Climate and Nature Crisis, Policy 2: Climate Mitigation and Adaptation and Policy 3: Biodiversity in 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

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act.

- **COUNCILLOR CIARAN MCRAE, Chairperson**