

**LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL
6 OCTOBER 2021**

**WYNFORD FARM, BORROWSTONE ROAD - ALTERATIONS AND EXTENSION
TO PLAY BARN - 210265**

1. The Local Review Body (LRB) of Aberdeen City Council met on this day to review the decision taken by an appointed officer under the Council's Scheme of Delegation to refuse the application for alterations and extension to the playbarn at Wynford Farm, Borrowstone Road, Kingswells, Aberdeen, Planning Reference number 210265/DPP.

Councillor Boulton as Chair, gave a brief outline of the business to be undertaken, advising that the LRB would be addressed by the Assistant Clerk, Mr Mark Masson with regards to the procedure to be followed and also, thereafter, by Mr Gavin Evans who would be acting as the Planning Adviser to the Body in the following case under consideration this day.

The Chairperson stated that although the Planning Adviser was employed by the planning authority, he had not been involved in any way with the consideration or determination of the application under review and was present to provide factual information and guidance to the Body only. She 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 2 March 2021; (3) the decision notice dated 19 May 2021; (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; and (6) consultee responses from the Roads and Environmental Health Teams, Aberdeen City Council, Health and Safety Executive, Shell UK Limited and INEOS FPS Limited.

The LRB was then addressed by Mr Evans who advised that the review had been submitted with all necessary information within the time limit of three months following the decision of the appointed officer.

Mr Evans then described the site advising that it was located on the C93C (Borrowstone Road - Clinterty to Kingsford) to the west of Brimmond Hill. The wider grounds extended as far as the City boundary, approx. 40m to the west. Wynford Farm was approximately 1.2km north east of Westhill and 2.1km north west of Kingswells. The wider complex comprised a 2-storey farmhouse and a converted and extended steading/portal framed sheds that formed the farm shop, café and playbarn. There were several trees along the eastern boundary, between the buildings and the road. Just north of the site on the opposite side of the road were large modern agricultural

storage buildings, associated to the operation of the farm. There were a number of existing sheds and structures on site, which were located to the west of the existing building and car park. These sheds appeared to house birds and other types of animals and creatures as part of a visitor attraction. There was also a large play area to the west of the building, which included sandpits and a pond to the south west of the site.

An overspill car park was located to the south of the site and was not accounted for within the existing parking numbers, which equates to 70 spaces at present. The Ineos Forties (Cruden Bay to Kinneil) pipeline crossed through the south eastern corner of the site, from north to south. The proposed works were within the inner notification zone of the pipeline, for the purposes of Health and Safety Executive consultations. Additionally, the development area was within the inner zone of the Shell Natural Gas Liquids pipeline that runs around 150m east of the Forties pipeline.

Mr Evans made reference to the history of the site and outlined the proposal for Detailed Planning Permission (DPP) which was sought for detailed planning permission for the extension to the existing building's west elevation to allow for an extension to the playbarn's floorspace. The extension would have a monopitch roof which would extend from the existing roof plane and would encompass approximately 344m² of the site. The extension would measure approximately 26m by 18m and have a height of 6.4m where it adjoins the existing roof. Proposed materials included roughcast render, insulated steel cladding, timbers windows, and translucent rooflights all to match existing. With regards to parking, while 70 spaces could be found within the site, two spaces would be lost as a result of the proposed extension, resulting in a total of 68 spaces being available. The applicant had advised within their supporting statement that there was no intention to increase the number of visitors at this business, the additional playbarn floorspace was however sought to allow for safe movement of people within the facility and to allow for enhanced COVID-19 precautions.

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

- There had been a formal objection from the Health and Safety Executive who raised concerns regarding the safety of the proposal development, as such the proposal does not comply with Policy B6 - Pipelines, Major Hazards and Explosives Storage Sites as contained within the Aberdeen Local Development Plan 2017.

Mr Evans outlined the key points from the appellant's Notice of Review advising that:-

- Noted that the application was refused solely on the basis of the objection from HSE and consequent conflict with Aberdeen Local Development Plan policy B6;
- Contended that the proposed extension was not intended to cater for an increased number of visitors, and highlighted that the works would result in the loss of two existing car parking spaces;
- Contended that HSE's position was not consistent with that adopted for the original play barn consent (090706), which HSE treated as 'sensitivity level 1 development'
- Highlighted that HSE had not applied its 'extension rule' which could reduce the sensitivity level if the population would not increase by more than 10%;

- Contended that the number of visitors was limited by the amount of on-site parking available, as the site was not readily reached by other means, and that formation of new parking would require planning permission. Visitor numbers were further regulated by a requirement for online booking; and
- Noted that the extension would allow greater space for indoor Covid-19 safety by allowing for one-way systems and greater separation between staff and visitors.

In terms of consultee responses, Mr Evans advised the following:-

- ACC - Roads Development Management – initially raised concerns regarding insufficient parking requirements, however upon receipt of further information and upon reviewing the amend proposal, the Service had advised that the existing parking arrangement, minus 2 spaces as a result of the development, was sufficient for the floorspace proposed;
- ACC - Waste and Recycling – had provided general comments regarding waste facilities for commercial premises;
- ACC - Environmental Health – had no comments to make on this proposal;
- Health and Safety Executive – had highlighted the need to consult with the operators of the two adjacent pipelines and stated that there were sufficient reasons on safety grounds, for advising against the granting of planning permission in this case;
- INEOS Forties Pipeline System – had advised that the proposal had been reviewed and that the safety and integrity of the pipeline would not be affected; and
- Shell UK Ltd. – had advised that there was no reason why the development and associated construction works would directly affect the pipeline servitude strip or the safety or the integrity of the pipeline.

He advised that there was no response from the Bucksburn and Newhills Community Council and there were no letters of representation received.

Mr Evans advised that the applicant had expressed the view that no further procedures were required.

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

Councillor Mason sought further information from HSE as follows:-

- (1) provide a complete set of guidance notes to assist the LRB in understanding the methodology which leads to its recommendations;
- (2) provide further information to clarify how the 'consultation distance (CD) is derived'; and
- (3) clarify whether the assumptions made by HSE in advising on this application (ref 210265) are the same as those used when advising ACC when planning permission for the play barn on this site was first consented in 2010 (ACC ref 090706 – approved following notification to Ministers – not called in for Ministers' determination)

Councillor Bell also sought further information from INEOS as operators of the Forties Pipeline, to establish when the pipeline was last 'pigged' with an intelligent tool for

pipeline integrity purposes, which in general terms referred to the process by which a tool was propelled along a pipeline for the purposes of cleaning and inspection.

Members of the LRB, therefore agreed unanimously to defer consideration of the review until the above information could be provided.