

## ABERDEEN CITY COUNCIL

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COMMITTEE	Development Management Sub-Committee		
DATE	22 March 2012		
LEAD HEAD OF SERVICE		DIRECTOR	
Margaret Bochel		Gordon McIntosh	
TITLE OF REPORT	Planning Digest		
REPORT NUMBER	EPI/12/086		

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### 1. PURPOSE OF REPORT

- 1.1 To advise Committee about recent appeal decisions, recent updates in Scottish Government Planning Advice and other aspects of the planning service.

### 2. RECOMMENDATION

- 2.1 To note the outcome of the appeal decisions.

### 3. FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications arising from these appeal decisions.

### 4. OTHER IMPLICATIONS

- 4.1 The report is for information and does not have any implications for any legal, resource, personnel, property, equipment, sustainability and environmental, health and safety and/or policy implications and risks.

### 5. BACKGROUND/MAIN ISSUES

#### **APPEAL UPHELD**

**85 NEWBURGH DRIVE, BRIDGE OF DON  
CHANGE OF USE OF AMENITY GROUND TO GARDEN GROUND AND  
ERECTION OF TIMBER FENCE  
REF: 111717 / PPA-100-2034**

The Development Management Sub-Committee, in accordance with officer recommendation, refused planning permission on 29<sup>th</sup> September 2011 for change of use

of Council owned amenity ground (1m x 35m) to garden ground and the erection of a timber fence at 85 Newburgh Drive.

The application was refused because it would be contrary to Policy 40 (Residential Areas) of the adopted local plan due to the unacceptable detriment it would cause to the amenity of the neighbourhood and that the proposal, if approved, would have the effect of setting a precedent for similar applications which would be difficult to resist and could result in the gradual erosion of amenity space in the area.

The report explained how the ground provides a pleasant area of amenity space within the immediate locality and forms part of the overall strategic landscaping for the wider area. The area feeds into open space and path network between Newburgh Drive and Newburgh Crescent. It was considered that allowing its incorporation into garden ground would be to the detriment of the wider public interest and only benefit a private household, which is contrary to the wider aims of the Local Plan to provide areas of open space within developments for everyone to enjoy.

The Scottish Government Reporter appointed to determine the appeal found however that the proposal would have no impact upon the residential amenity of the area. He found that the appeal site makes a negligible contribution to the value of the wider open space, due to it being a 1m strip, being partly behind an electricity substation and itself being devoid of any trees. This was found to limit any value it may have. Moreover it was considered that this particular area was one small component of an extensive network of generally larger grassed areas. The Reporter concluded that no reasonable member of the public could possibly be inconvenienced or remotely offended by the proposed development. Therefore the appeal was upheld subject to a condition relating to the fence detailing.

The appeal decision document can be viewed at  
<http://www.dpea.scotland.gov.uk/Documents/qJ13126/J171838.pdf>

## **ABERDEEN LOCAL DEVELOPMENT PLAN**

The Aberdeen Local Development Plan was adopted on 29 February 2012. This was the first local development plan adopted in Scotland under the new planning regulations. The Plan follows the ambitious growth targets within the Aberdeen City and Shire Structure Plan and allocated sites for 30,000 new homes and 196ha of employment land.

On a recent visit to Aberdeen, Derek Mackay, Scottish Planning Minister praised staff in the Planning and Sustainable Development Department for delivering the first Local Development Plan, at one point asking staff what it was like to work in the best planning department in Scotland!

The adoption of the Plan is an important step in ensuring that the economic prosperity of the City is maintained. The Aberdeen Local Development Plan also contains policies which meet the aims and objectives of the Structure Plan and against which planning applications are assessed.

## **SUPPLEMENTARY GUIDANCE ON HOUSEHOLDER DEVELOPMENTS**

Later this year, as part of the adopted Aberdeen Local Development Plan, supplementary guidance on householder developments will be adopted.

Included within this document will be a set of criteria against which applications for changes of use from amenity ground will be assessed. As this document will be formerly adopted and has been subject to public consultation, should any applications for changes of use from amenity ground reach an appeal situation in the future, the document should assist the planning authority in demonstrating that we have assessed the applications in a consistent, structured and reasonable manner.

### **6. IMPACT**

The Scottish Government has stated that an effective planning service is fundamental to achieving its central purpose of sustainable economic growth. As such the information in this report relates to a number of Single Outcome Agreement Outcomes:

- 1 - We live in a Scotland that is the most attractive place for doing business in Europe;
- 2 - We realise our full economic potential with more and better employment opportunities for our people;
- 10 - We live in well-designed, sustainable places where we are able to access the amenities and services we need;
- 12 - We value and enjoy our built and natural environment and protect it and enhance it for future generations;
- 13 - We take pride in a strong, fair and inclusive national identity; and
- 15 - Our public services are high quality, continually improving, efficient and responsive to local people's needs.

Public – The report may be of interest to the development community and certain matters referred to in the report may be of interest to the wider community.

### **7. BACKGROUND PAPERS**

None.

### **8. REPORT AUTHOR DETAILS**

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