

## ABERDEENSHIRE COUNCIL

### LOCAL REVIEW BODY

THE MARRIAGE ROOM, ELLON, THURSDAY 20 JUNE, 2019

**Present:** Councillors A Ross (Chair), J Hutchison and I Sutherland.

**Apologies:** Councillor P Johnston.

**Officers:** Planning Adviser to the Local Review Body, (Planner, Stuart Newlands) Legal Adviser to the Local Review Body, (Senior Solicitor, Peter Robertson) and Committee Officer, (Frances Brown).

#### 1. DECLARATION OF MEMBERS' INTERESTS.

In respect of declaration of members' interests, as required by the Code of Conduct for members, no declarations of members' interests were intimated.

#### 2. PUBLIC SECTOR EQUALITY DUTY.

In making decisions on the following items of business, the Committee **agreed**, in terms of Section 149 of the Equality Act, 2010:-

- (1) To have due regard to the need to:-
  - (a) eliminate discrimination, harassment and victimisation;
  - (b) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
  - (c) foster good relations between those who share a protected characteristic and persons who do not share it
- (2) Where an Equality Impact Assessment was provided, to consider its contents and take those into account when reaching their decision.

#### APPOINTMENT OF A CHAIR.

In the absence of the Chair and Vice-Chair, the Committee Officer sought nominations for the Chair. Councillor Hutchison, seconded by Councillor Sutherland, nominated Councillor Ross.

#### RECONVENED REVIEW

#### 3. LRB 446 – NOTICE OF REVIEW AGAINST REFUSAL OF PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF DWELLINGHOUSE AT THE SITE AT PIKETILLUM FARM, ELLON, ABERDEENSHIRE – REFERENCE: APP/2018/2264.

Local Review Body: Councillors: A Ross (Chair) and I Sutherland.

Reference was made to the Minute of the Local Review Body meeting of 26 April, 2018 (Item 6), where the Local Review Body agreed to defer consideration of the Notice of Review, to allow them to follow further procedure, by way of requesting additional information from the Planning Service who would be asked to provide clarification as to why the proposed dwellinghouse could not be built on the same site as the existing Nissan hut, and the reasons for that; and to seek further clarification as to whether the fenced off storage area was within

the curtilage of the original farm; and to undertake an unaccompanied site inspection to the application site and surrounding area.

The Local Review Body noted that all of the information requested, had been circulated as (pages 5-9 of the agenda pack) and the agent's response to that information was presented as (pages 10-11 of the agenda pack). The site inspection had taken place on the morning of 20 June 201, in advance of the formal meeting.

The Local Review Body then resumed consideration of the Notice of Review, which sought a review of the Appointed Officer's decision to Refuse Planning Permission in Principle for the Erection of a Dwellinghouse at the Site at Piketillum Farm, Ellon, and Aberdeenshire – Reference: APP/2018/2264.

The Planning Adviser introduced the Notice of Review and provided the Local Review Body with an overview of the application as presented at the initial meeting of 26 April, 2019 and a recap of the Appointed Officer's reasons for refusal, namely:-

- (1) The development does not comply with Policy R2 Housing and employment development elsewhere in the countryside contained within the Aberdeenshire Local Development Plan 2017. The existing Nissan hut cannot be replaced on the same site of the existing structure, the proposed development requires entirely greenfield land to be developed, the remediation of the farm as a brownfield opportunity site has commenced under previous planning approvals, and the subdivision of the site would result in a larger development that would exceed what was considered small scale development within the development plan.
- (2) The development is contrary to Policy RD1 Providing suitable services contained in the Aberdeenshire Local Development Plan 2017. The application does not propose any arrangement to deal with surface water in a sustainable manner.

The Local Review Body considered that the relevant policies as contained within the Local Development Plan (2017) were: Policy R2: Housing an employment development elsewhere in the countryside; Policy P1: Layout, siting and design; Policy E1: Natural heritage; Policy E2: Landscape; Policy C1: Using resources in buildings; Policy RD1: Providing suitable services and Policy RD2: Developers' Obligations.

The Chair then asked the Local Review Body to consider whether there was now sufficient information before them in order for members' to consider the review without further procedure. The Local Review Body were in agreement that they had sufficient information before them and proceeded to determine the Notice of Review.

The Local Review Body agreed that the main determining issue for the Notice of Review as presented before them was the principle of the development, and the impact on the character of the surrounding area and the provision of appropriate infrastructure.

During discussion, the Local Review Body were in agreement that the site inspection to the application site had been extremely useful, as it had allowed them to gain a real appreciation of the siting of the Nissan hut, the relationship to other dwellinghouses, the curtilage and road safety implications.

The Local Review Body commented that it was really good to see a good example of redundant farm steadings being renovated as could be seen in the new dwellinghouses adjacent to the application site.

During discussion opposing views were expressed.

One member of the Local Review Body considered the Appointed Officer's reasons for refusal and was supportive of their view, that Policy R2 would require the refurbishment/replacement of an existing house or disused building on the same site and the remediation of brownfield land. Unfortunately the proposed dwellinghouse would not in their view be located on the same site as the Nissan hut but on a site which was classed as Greenfield land.

The other members of the Local Review Body took the view that having seen the application site and the access arrangements, they were minded that it would make sense to locate the proposed dwellinghouse close to the site of the Nissan hut but back from the access track for safety reasons. Those members highlighted that while the proposed dwellinghouse would not be sited on the site of the existing redundant Nissan hut, it would be sited within the grounds/curtilage of the Nissan hut on ground within the red area shown on the drawing on Page 103 of the agenda pack.

In consideration of Reason 1 for refusal, and following further discussion, the Local Review Body considered what could be seen to be within the curtilage of the Nissan hut and the interpretation of Policy R2 which did not specifically state that the replacement building should be on the exact building footprint, the Local Review Body agreed, by a majority, that there were material grounds for a departure from policy R2 on the grounds of road safety.

In consideration of Reason 2 for refusal, the Local Review Body considered that drainage arrangements should be conditioned as part of the planning approval and the development should not commence until that condition had been discharged.

After due consideration, the Local Review Body **agreed** to uphold the Notice of Review and GRANT Planning Permission in Principle, subject to standard planning conditions and a condition to address drainage issues.

