



Aberdeenshire Council Local Review Body

Reference LRB 268 F/APP/2014/3848

Review Decision Notice

Decision by Aberdeenshire Council Local Review Body (LRB)

- Site address: Site to the rear of the Old Post Office House, Hightown, Collieston
- Application for review by Sir Richards Sutton Estates Ltd c/o Andrew Bennie Planning Ltd against the decision by an Appointed Officer
- Application reference F/APP/2014/3848 for full planning permission for the erection of a dwellinghouse, refused by decision notice dated 19 December 2014
- Application drawings: Location Plan @ 1/1250 scale (Drawing no: 1302(LOC) 01); Site Plan @ 1/250 scale (Drawing no: 1302 (SITE) 01); Proposed Elevations @ 1/100 scale (Drawing no: 1302 (P) 02) and Proposed Floor Plans @ 1/100 scale (Drawing no: 1302 (P) 01).
- An unaccompanied site inspection took place on 15 May 2015

Date of Decision: 15 June, 2015

Decision

The Local Review Body (LRB) agrees with the determination reviewed by it and refuses Full Planning Permission in accordance with the Appointed Officer's decision.

1.0 Preliminary

- 1.1 This Notice constitutes the formal decision notice of the Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The LRB reviewed the determination of the above application for planning permission at its meeting held on 29 May, 2015. The LRB was attended by Councillors S W Pratt (Chair), P W Bellarby and D A Ross. As part of the review the LRB had carried out an unaccompanied site inspection on the 15 May, 2015, which the LRB had previously agreed to undertake when it deferred consideration of the case at its earlier meeting held on 27 March, 2015.

- 1.3 Having undertaken the site inspection the LRB agreed there was now sufficient information before it in order to consider the review and that no further information was required.

2.0 Proposal

- 2.1 Full planning permission is sought for the erection of a dwellinghouse on a site to the rear of the Old Post Office, Hightown within the settlement of Collieston.

- 2.2 The site extends to 541 sq m and is bound to the northwest by agricultural land and to the south and east by residential properties. The village boulevards lie immediately to the north east of the site.

- 2.3 The proposed dwelling would be located in part of the rear garden ground of the dwelling to the south east and would be a storey and a half in height. The dwelling would measure approximately 7m in height, 11m in length and 7.4m in width. The ground floor would accommodate a kitchen, a lounge, a dining area, a utility and a bedroom (with en-suite/shower room). The first floor would accommodate 2 further bedrooms (1 master with en-suite) and a bathroom. The proposed materials would include K-Rend Silicon Render (white), timber lining, natural slate and painted timber windows and doors (grey). The proposed access would come off the B9003 using an existing access which serves the site, the Coastguard Cottages, the rear of the old Post Office and also the rear of Leask Cottage to the southeast. The plans also show that within the site a pedestrian access would be retained to the adjacent boulevards.

- 2.4 There is no previous planning history relating to this site.

- 2.5 The application subject of this Notice of Review had been supported by a design statement.

3.0 Reasoning

- 3.1 The main determining issue in this review was whether the proposal was in accordance with the policy criteria that would normally apply to the layout, siting and design of new infill development located within a settlement boundary.

- 3.2 The LRB agreed that the Appointed Officer had identified the relevant Aberdeenshire Local Development Plan 2012 (ALDP) policies and these were as follows:

Policy 8: Layout, Siting and Design of New Development and SG: LSD2 Layout, Siting and Design of New Development; SG LSD4: Infill Development; SG LSD10: Contaminated Land and SG LSD11: Carbon Neutrality in new development; and

Policy 9: Developer Contributions and SG Developer Contributions 1: Developer Contributions; SG Developer Contributions 2: Access to new development and SG Developer Contributions 3: Water and Waste Water Drainage Infrastructure.

- 3.3 The Planning Adviser's presentation had summarised the statement submitted in support of the Notice of Review as well as the consultation responses received. The LRB also took account of the 3 letters of objection that had been received from members of the public raising issues relating to design, siting, access and traffic, impact on trees and impact on privacy.
- 3.4 The LRB also noted that in addition to the documentation that was submitted with the application and the Notice of Review statement, an additional document had been provided by the agent (appendix 9 pages – 1511/1512) showing 2 ground analysis drawings to highlight the nature and extent of the built form within the settlement and to demonstrate the minimal impact that the development would have on the character and amenity of the surrounding area.
- 3.5 At the outset, the benefit of the site inspection was acknowledged as affording the members of the LRB a greater understanding of the character and pattern of development in the surrounding area and provided an understanding of how the village had grown organically. The LRB also agreed that the site inspection had been valuable in allowing members to consider the proposed development's relationship to adjacent properties and boundaries as well as allowing a full assessment of the potential impacts that may arise from the proposed development.
- 3.6 In particular the LRB took into account of the location and proximity of the local community facility (boule rink) which is located immediately to the north of the proposed site and raised significant concerns about the potential for the proposed dwelling to constrain the use of this community facility due to its proposed relationship (2 metres) from the mutual boundary. In addition the LRB considered that the proposed layout, siting and access arrangements for the dwelling raised significant issues relating to the overdevelopment of the site including the retention of a pedestrian access to the neighbouring community facility which would be positioned 2 metres from the corner of the dwelling.
- 3.7 It was considered that the 'backland' nature of the proposed development was less of a critical issue, however on balance the LRB unanimously agreed with the conclusions of the appointed officer that if the dwelling was approved then there would be an adverse impact upon the amenity and character of the area through over development of the site which would be contrary to Policy 8 and LSD2 and LSD4 of the ALDP.
- 3.8 In conclusion and in the absence of any over-riding 'other material considerations', the LRB unanimously resolved to uphold the decision

issued by the Appointed Officer, thereby refusing Full Planning Permission for the reason set out below.

4.0 Reason for refusal

1. The proposed development is contrary to Policy 8 Layout, siting and design of new development and Supplementary Guidance LSD2: Layout, siting and design of new development and LSD4: Infill Development of the Aberdeenshire Local Development Plan 2012, as the proposal fails to meet the criteria set out in the aforementioned policy and supplementary guidance, in that the development does not follow the existing pattern of development, will erode the character and amenity of the surrounding area and would contribute to towards over development of the site.

Karen Wiles
Head of Legal and Governance

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)

Notice Under Regulation 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.