

ABERDEENSHIRE COUNCIL**LOCAL REVIEW BODY****WOODHILL HOUSE, ABERDEEN, FRIDAY 29 MAY, 2015**

Present: Councillors S W Pratt (Chair), P W Bellarby, R Cassie, C R McKail and C Shand.

Apologies: Councillor P K Johnston.

Officers: Planning Adviser (Mark Myles), 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.

3. SPREADSHEET HIGHLIGHTING RELEVANT POLICIES FOR EACH REVIEW

The Local Review Body had before them and noted a spreadsheet which listed the policies which would be referred to in consideration of each of the reviews presented before them, as contained within the Aberdeenshire Local Development Plan (2012).

RECONVENED REVIEWS

4. LRB 265 – NOTICE OF REVIEW AGAINST REFUSAL OF FULL PLANNING PERMISSION FOR THE ERECTION OF 1 NO. WIND TURBINE (HEIGHT TO TIP 80M, HEIGHT TO HUB 56M) AND ASSOCIATED INFRASTRUCTURE AT LAND TO THE SOUTH OF UPPER LOOP COTTAGE, AUCHTERLESS, TURRIFF – REFERENCE: F/APP/2014/1831

Local Review Body: Councillors S W Pratt (Chair), P W Bellarby and C R McKail.

Reference was made to the Minute of the Local Review Body meeting of 27 March, 2015 (Item 9, Page 1859) where the Local Review Body had deferred consideration of the Notice of Review to allow them to follow further procedure by way of (1) an unaccompanied site inspection and (2) to seek further information from Scottish Natural Heritage and the Forestry

Commission on their definition of ancient woodland and the proportions of woodland that would be affected by the proposed development.

It was reported that a site inspection had taken place on 29 April, 2015 and the additional information sought from Scottish Natural Heritage and the Forestry Commission had been presented on Pages 15-20 of the agenda papers. It was further reported that the agent has responded to that submission and that response was presented on Pages 23-26 of the agenda papers.

The Local Review Body then resumed consideration of the Notice of Review Against the Refusal of Full Planning Permission for the Erection of 1 No. Wind Turbine (Height to Tip 80m, Height to Hub 56m) and Associated Infrastructure at Land to the South of Upper Loop Cottage, Auchterless, Turriff – Reference: F/APP/2014/1831.

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

- (1) The wind turbine proposed would be located in an area where there are a number of existing wind energy developments. The resultant cumulative impact of this proposal would be detrimental to the character and amenity of the surrounding area. The proposal does not therefore conform to Policy 3 Development in the Countryside and Associated Supplementary Guidance SG Rural Development 2: Wind Farms and Medium to Large Wind Turbines or Policy 12 Landscape Conservation or the associated Supplementary Guidance SG Landscape 1: Landscape Character within the Aberdeenshire Local Development Plan.
- (2) The wind turbine proposed would be located in an obtrusive and exposed location within the surrounding landscape and which would thus be detrimental to the surrounding landscape. The proposal does not therefore comply with Aberdeenshire Local Development Plan Policy 12: Landscape Conservation or associated Supplementary Guidance SG Landscape 1: Landscape Character.
- (3) The wind turbine proposed would result in the loss of a significant part of the Ancient Woodland, which would thus be detrimental to the existing woodland. Therefore, the proposal fails to comply with Policy 14: Safeguarding of resources and areas of search or associated Supplementary Guidance SG Safeguarding 3: Protection and Conservation of Trees and Woodland.

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 proposed development as presented before them was whether the general policy presumption in favour of wind energy development was outweighed by potential adverse impacts to the detriment of the character and appearance of the local landscape both individually and cumulatively and also potential adverse impacts on the identified Ancient Woodland.

During discussion the Local Review Body highlighted the benefit of undertaking a site inspection to the application site and surrounding area which they agreed had allowed them to view the proposed site from a number of different vantage points to allow them to consider any potential impacts that may arise from the proposed wind turbine and also its relationship to other existing and consented wind turbines in the surrounding area. It was also reported

that the Local Review Body had also been afforded the opportunity to inspect the site from within the Ancient Woodland.

The Local Review Body focused their attention on the Appointed Officer's reasons for refusal and also the additional information received from the Forestry Commission as presented on pages 17-20 of the agenda papers along with the agent's response and they agreed that the sites inclusion within the Ancient Woodland Inventory was a significant material consideration.

When considering reason 1 for refusal, the Local Review Body made reference to the Report of Handling which had referred to the relevant planning history which had highlighted that there were 30 other approved or pending turbines which were over 20m in height and a further 7 turbines below 20m in height which were within 5km of the site. The Local Review Body took the view that when considering that information and having seen the application site from a number of vantage point during the course of the site inspection that they were minded that an additional wind turbine which was 80 meters in height would in their view have a detrimental effect on the surrounding landscape due to its prominent location and it would give the area a cluttered and untidy appearance which would be contrary to Policy 3 and 12 and SG RD2 and SG Landscape 1.

When considering reason 2 for refusal the Local Review Body agreed that the location for the site of the proposed wind turbine would be in an obtrusive and exposed location which would in their view stand alone and not relate to any existing features or developments and would have a negative visual impact on the character of the existing landscape. The LRB then voiced concerns with regards to the adverse impact that the development would have on the Deveron and Ythan Valleys LCA and the relationship to the proposed turbine which was in close proximity to the Agricultural Heartlands LCA and overall the turbine would in their view appear as an inappropriate large scale obtrusive feature resulting in an adverse impact on the landscape contrary to Policy 12 and SG Landscape 1.

When considering the final reason for refusal, reason 3 the Local Review Body took cognisance of the Forestry Commission response as presented on page 17-20 of the agenda papers and agreed that while the agent had questioned the status of designation and pointed to historical maps as evidence of the non-continuity of woodland on the site, they were minded to accept the Forestry Commissions detailed response and accept that the Ancient Woodland classification was correct and that the classification had been supported by various indicators as presented within the Ecology report. The Local Review Body recognised the offer for compensatory planting as part of the proposed development but noted the importance of an Ancient Woodland designation which was not just about the presence of trees but also about the site specific location including wildlife and biodiversity on that site. The Local Review Body agreed that the proposal would result in a loss of significant part of the Ancient Woodland which was contrary to Policy 14 and SG Safeguarding 1.

After due consideration, the Local Review Body **agreed** to Uphold the Appointed Officer's decision and Refuse Full Planning Permission.

5. LRB 267 – NOTICE OF REVIEW AGAINST REFUSAL OF FULL PLANNING PERMISSION FOR ERECTION OF 2 NO. WIND TURBINES ON 44M MASTS (TOTAL HEIGHT 70 METRES) AND ASSOCIATED ACCESS TRACKS AND INFRASTRUCTURE AT LAND AT ARDLAWHILL WOOD, NEW ABERDOUR, FRASERBURGH – REFERENCE: BB/APP/2013/2188

Local Review Body: Councillors S W Pratt (Chair), P W Bellarby and C R McKail.

Reference was made to the Minute of the Local Review Body meeting of 27 March, 2015 (Item 11, Page 1863) where the Local Review Body had deferred consideration of the Notice of

Review to allow them to follow further procedure by way of an unaccompanied site inspection to the application site and surrounding area.

It was reported that a site inspection had taken place on 29 April, 2015 and the Local Review Body then resumed consideration of the Notice of Review Against Refusal of Full Planning Permission for the Erection of 2 No. Wind Turbines on 44m Masts (Total Height 70 Metres) and Associated Access Tracks and Infrastructure at Land at Ardlawhill Wood, New Aberdour, Fraserburgh – Reference: BB/APP/2013/2188.

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

- (1) The proposed development is contrary to Policy 8: Layout, Siting and Design of New Development, SG LSD2: Layout, Siting and Design of New Development and Policy 12: Landscape Conservation, and SG Landscape 1: Landscape Character as contained in the Aberdeenshire Local Development Plan 2012, in that it is located within an area identified in the Strategic Landscape Capacity Assessment for Wind Energy as being of high value and unsuitable for wind turbine development beyond a domestic scale.

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 proposed development as presented before them was whether the general policy presumption in favour of wind energy development was outweighed by potential adverse impacts to the detriment of the quality and the character of the landscape.

During discussion the Local Review Body highlighted the benefit of undertaking a site inspection which they agreed had afforded them the opportunity to gain a greater appreciation of the potential impacts that may arise from the proposed wind turbines and also their setting within the wider landscape and their relationship to nearby dwellinghouses.

From the onset, the Local Review Body noted that there were two non-involved residential properties which were located within 350 metres of the southernmost turbine and would therefore be located within a distance ten times the rotor diameter of that particular turbine which the Local Review Body felt was important. While not a reason for refusal the Local Review Body agreed that if approved there would need to be a condition to ensure that the Environmental Health Service could monitor the potential for shadow flicker.

When considering the size and scale of the proposed turbines, the Local Review Body took the view that the wind turbines would be a prominent feature on the landscape and would have a significant affect to the detriment of the surrounding countryside. The Local Review Body agreed that the resulting magnitude of change would create an inappropriate and unacceptable visual impact in that landscape where the Strategic Landscape Character Assessment had clearly stated that that area of Coastal Farmland should not be subject to the development of further wind turbine developments unless of a very small domestic scale.

After due consideration, the Local Review Body **agreed** to Uphold the Appointed Officer's decision and Refuse Full Planning Permission.

6. LRB 268 – NOTICE OF REVIEW AGAINST REFUSAL OF FULL PLANNING PERMISSION FOR THE ERECTION OF A DWELLINGHOUSE AT A SITE TO THE REAR OF THE OLD POST OFFICE HOUSE, HIGHTOWN, COLLIESTON – REFERENCE: F/APP/2014/3848

Local Review Body: Councillors S W Pratt (Chair), P W Bellarby and D A Ross.

Reference was made to the Minute of the Local Review Body meeting of 27 March, 2015 (Item 12, Page 1864) where the Local Review Body agreed to defer consideration of the Notice of Review to allow them to follow further procedure by way of an unaccompanied site inspection to the application site.

It was reported that a site inspection had taken place on 15 May, 2015 and the Local Review Body then resumed consideration of the Notice of Review Against Refusal of Full Planning Permission for the Erection of a Dwellinghouse at a Site to the Rear of the Old Post Office House, Hightown, Collieston – Reference: F/APP/2014/3848.

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

- (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 towards over development of the site.

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 proposed development as presented before them 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.

During discussion the Local Review Body agreed that the site inspection had been very informative as it had afforded members the opportunity to gain a real appreciation of the character and pattern of development in the surrounding area and it had provided them with an understanding of how the village at Collieston 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.

The Local Review Body made reference to the community facility at Boule Rink which was located immediately to the North of the proposed application site. The Local Review Body raised concerns that there was a potential for the proposed development to constrain the use of the community facility due to its relationship which was 2 metres from the proposed boundary. In addition the Local Review Body agreed that the proposed layout, siting and access arrangements for the dwellinghouse would raise significant issues relating to 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 dwellinghouse.

After due consideration, the Local Review Body **agreed** to Uphold the Appointed Officer's decision and Refuse Full Planning Permission.

7. LRB 270 – NOTICE OF REVIEW AGAINST REFUSAL OF FULL PLANNING PERMISSION FOR ERECTION OF 1 NO. WIND TURBINE (HUB HEIGHT 25 METRES), TOTAL HEIGHT 35 METRES AT SITE AT STONEWALL, GAMRIE, BANFF – REFERENCE: BB/APP/2014/0263

Local Review Body: Councillor S W Pratt (Chair), P W Bellarby, F C P Hood and C Shand.

Reference was made to the Minute of the Local Review Body meeting of 24 April, 2015 (Item 7, Page 1965) where the Local Review Body agreed to defer consideration of the Notice of Review to allow them to follow further procedure by way of (1) to request that the agent provide a complete Ecological Survey Report and (2) to undertake an unaccompanied site inspection to the application site and surrounding area.

It was reported that a site inspection had taken place on 15 May, 2015 and the agent had presented the complete version of the Ecological Survey Report as presented on Page 31 – 39 of the agenda papers. The Local Review Body then resumed consideration of the Notice of Review Against Refusal Full Planning Permission for the Erection of 1 No. Wind Turbine (Hub Height 25 Metres), Total Height 35 Metres at the Site at Stonewall, Gamrie, Banff – Reference: BB/APP/2014/0263.

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

- (1) The proposed development is contrary to Policy 3: Development in the Countryside, SG Rural Development 2: Wind Farms and Medium to Large Wind Turbines, Policy 4: Special Types of Rural Land, SG STRLtype 1: Development in the Coastal Zone, Policy 12: Landscape Conservation, SG Landscape 1: Landscape Character and Policy 13: Protecting, Improving and Conserving the Historic Environment SG Historic Environment : Listed Buildings and SG Historic Environment 2: Conservation Areas, as contained within the Aberdeenshire Local Development Plan, for the following reasons:-
 - (a) The proposed development would have a detrimental impact upon the established character of this coastal zone and would not respect the character and amenity of the surrounding area as required by this policy;
 - (b) The proposed development would have a detrimental impact upon the character and setting of the Crovie Outstanding Conservation Area as well as numerous listed buildings contained within the village; and
 - (c) The cumulative impact of the proposed development, as viewed along with other consented and pending applications for wind turbines in the immediate and wider area would detrimentally change the character of this coastal zone resulting in an overall loss of visual amenity and changing the landscape character to an unacceptable degree.

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 proposed development as presented before them was whether the general policy presumption in favour of wind energy development was outweighed by potential adverse impacts to the detriment of the

overall composition and quality of the landscape character and visual amenity of the area; the potential adverse impacts upon the character and visual amenity of the area; the potential adverse impacts upon the character and setting of Crovie Outstanding Conservation Area and listed buildings within the village and also the potential cumulative impact of the turbine on the character of the coastal zone.

During discussion the Local Review Body noted that the site inspection had been very informative as it had provided members with the opportunity to visit what was considered as a beautiful part of the countryside and it had allowed them to gain a real appreciation of the potential impacts that may arise from the proposed wind turbine development and its setting within the wider landscape as well as the relationship to the coast and the villages at Crovie and Gardenstown.

The Local Review Body focused their attention on the Appointed Officer's reasons for refusal which they were minded had focused on specific policies sought to protect the beauty of the countryside in terms of the character of the coastal zone; the character and setting of the Crovie Outstanding Conservation Area and the cumulative impact when considering all other consented and pending wind turbine applications which were listed on page 105-107 of the agenda papers.

The Local Review Body noted that the application site was located close to the boundary between two Landscape Character Areas. It was acknowledged that the proposed wind turbine was not particularly large, however, when taking into account the scale and size of the wind turbine they took the view that in that particular area of attractive undulating landscape which was close to the iconic northern coast and conservation villages which were located at the foot of the cliffs, that the proposed wind turbine would become a focal point in an area of sensitive landscape which would be to the detriment of the quality of the landscape character for that area. The Local Review Body took cognisance of the Aberdeenshire Council Planning Advice 1/2014 – Landscape Capacity Assessment which had confirmed that at strategic level, neither the LCA is considered suitable for a wind turbine above 15 metres to blade tip due to the high visibility of the LCAs and their qualities which increase their landscape value.

The Local Review Body also agreed with the Appointed Officer's conclusions that the wind turbine (albeit 10 metres lower than the previous refused turbine proposed on this site) would have a significant magnitude of change and as a result negative visual impact on the coastal zone and the character of the surrounding countryside, contrary to the policies and supplementary guidance contained within the ALDP 2012.

Finally the LRB also noted that the visual assessments submitted in support of the application had demonstrated that the site would be prominently located on higher ground above Crovie and they concurred with the views of the Environment Service who had maintained their objection to the proposals in terms of the adverse impact upon the historic environment.

After due consideration, the Local Review Body **agreed** to Uphold the Appointed Officer's decision and Refuse Full Planning Permission.

8. LRB 271 – NOTICE OF REVIEW AGAINST REFUSAL OF FULL PLANNING PERMISSION FOR ERECTION OF 1 NO. 800KW WIND TURBINE (HUB HEIGHT 50M, TOTAL HEIGHT 74M) AND ASSOCIATED INFRASTRUCTURE AT LAND AT UPPER MAINS OF TURRIFF – REFERENCE: F/APP/2014/4222

Local Review Body: Councillors S W Pratt (Chair), P W Bellarby, F C P Hood and C Shand.

Reference was made to the Minute of the Meeting of the Local Review Body of 24 April, 2015 (Item 8, Page 1967) where the Local Review Body agreed to defer consideration of the Notice

of Review to allow them to follow further procedure by way of and unaccompanied site inspection.

It was reported that a site inspection had taken place on 15 May, 2015 and the Local Review Body then resumed consideration of the Notice of Review Against Refusal of Full Planning Permission for Erection of 1 No. 800kW Wind Turbine (Hub Height 50m, Total Height 74m) and Associated Infrastructure at Land at Upper Mains of Turriff – Reference: F/APP/2014/4222.

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

- (1) The application fails to comply with Policy 3 Development in the countryside and Supplementary Guidance Rural Development 2: Wind farms and medium to large wind turbines of the Aberdeenshire Local Development Plan 2012. The proposal will have an adverse cumulative effect and add a further turbine to previously granted permissions in very close proximity.

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 proposed development as presented before them was whether the general policy presumption in favour of wind energy development was outweighed by potential adverse impacts to the detriment of the character and appearance of the local landscape both individually and cumulatively.

During discussion the Local Review Body highlighted the benefit of having undertaken a site inspection to the application site and surrounding area which had afforded them the opportunity to gain a real appreciation of the potential impacts that may arise from the proposed wind turbine development. The Local Review Body took cognisance of the wind turbine developments relationship to other existing and pending wind turbine developments in the surrounding area; the relationship to nearby residential dwellinghouses and the potential for cumulative impact when considering two operational wind turbine developments at Mahon Farm which was located to the west of the application site.

The Local Review Body were in agreement that having seen the site and surrounding area the main consideration for the proposal before them was whether the proposed erection of a single wind turbine at a height of 74 metres to blade tip would be more preferable than that of the extant planning permission for two smaller wind turbines at a height of 45m to blade tip at the application site and whether the proximity to other proposed or consented wind turbines in the surrounding area of differing heights would result in an unacceptable cumulative visual and landscape impact.

Opposing views were expressed and one member of the Local Review Body indicated that they were minded to uphold the Notice of Review as they took the view that the proposal while larger than the two smaller granted wind turbines, would not be detrimental to landscape as it would result in one less wind turbine in that area.

Those who were minded to dismiss the Notice of Review took the view that having visited a number of vantage points during the course of the site inspection, they had formed the view that due to the significant increase in size and scale of the proposed wind turbine it would be prominent and overbearing and would lead to an unacceptable cumulative impact on the landscape when considering separation distances and differing heights of other wind turbine

developments within the surrounding landscape and which would lead to a disharmonious impact on the wider landscape to the detriment of the overall quality of the landscape character for the area.

After due consideration, the Local Review Body **agreed** to Uphold the Appointed Officer's decision and Refuse Full Planning Permission.

9. LRB 274 - NOTICE OF REVIEW AGAINST REFUSAL OF FULL PLANNING PERMISSION FOR INSTALLATION OF MODULAR UNIT FOR RETAIL USE AT UNIT 6, CASTLE STREET, CASTLEPARK INDUSTRIAL ESTATE, ELLON – REFERENCE: F/APP/2014/4081

Local Review Body: Councillors S W Pratt (Chair), P W Bellarby, R Cassie and F C P Hood.

Reference was made to the Minute of the Meeting of the Local Review Body of 24 April, 2015 (Item 11, Page 1973) where the Local Review Body deferred consideration of the Notice of Review to allow them to follow further procedure by way of (1) requesting that the applicant provide information on other retail units which are currently trading within Castlepark and evidence of that and (2) to request that the Planning Service provide information on consents for Class 1 retail units at Castlepark, the type of units and their trading hours.

It was reported that the applicant had responded to the request for information as presented on Page 47 of the agenda papers and that response had declined to provide the names of other retail units within Castlepark but had requested that the Local Review Body consider the Notice of Review and whether they could consider granting a temporary one year consent for use of the modular unit. It was also reported that the Planning Service had responded to request for information and had advised that there were no other retail units within Castlepark that had Class 1 consent and that was supported by a location map which was presented and highlighted the existing businesses currently occupying units within the industrial park.

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

- (1) The operation of a retail unit from this industrial site would not relate to the character and use of the site as existing, as such this cannot be considered to conform to Aberdeenshire Local Development Plan Policies 8: Layout, Siting and Design of New Development, along with Supplementary Guidance LSD2: Layout, Siting and Design of New Development or Policy 14: Safeguarding of Resources and Areas of Search and Associated SG Safeguarding 5: Safeguarding Employment Land.

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 proposed development as presented before them was whether the proposal was in accordance with the development plan policy and supplementary guidance criteria contained within the Aberdeenshire Local Development Plan, 2012 in respect of the principle of a retail facility within an industrial estate and the impact of the proposed development on neighbouring industrial units.

During discussion the Local Review Body focused their attention on the single reason for refusal and the additional information sought from the Planning Service and were unanimously in support of the Appointed Officer's decision as they were minded that it was an unsuitable location for ancillary retail use. The Local Review Body referred directly the previous

permission which had allowed the change of use for the industrial unit to allow food preparation for outside catering but that consent was on the proviso that no direct sales or collections were made to the public and the public did not visit the site.

After due consideration, the Local Review Body **agreed** to Uphold the Appointed Officer's decision and Refuse Full Planning Permission.

NEW REVIEWS

10. LRB 275 – NOTICE OF REVIEW AGAINST REFUSAL OF FULL PLANNING PERMISSION FOR ERECTION OF A DWELLINGHOUSE AT THE SITE TO THE REAR OF 5 JOHNSTON PARK, TURRIFF – REFERENCE: F/APP/2014/3826

Local Review Body:- Councillors S W Pratt (Chair), P W Bellarby, R Cassie, F C P Hood, D A Ross and C Shand.

There had been submitted a Notice of Review and supporting documents by the agent which sought a review of the decision by the Appointed Officer to Refuse Full Planning Permission for the Erection of a Dwellinghouse at a Site to the Rear of 5 Johnston Park, Turriff – Reference: F/APP/2014/3826.

The Planning Adviser introduced the Notice of Review and advised the Local Review Body that in terms of review procedure, the agent had requested a review of the documents as presented before them and no further procedure. The Planning Adviser then provided the Local Review Body with the background to the applicant's case along with a series of slides and photomontages of the site and surrounding area.

The Planning Adviser highlighted an inconsistency in the agent's submission as presented on page 98 of the agenda papers. It was reported that the section plan on page 98 of the agenda papers was incorrect as it showed the south elevation and the Local Review Body should refer to the correct section plan which was presented on page 111 of the agenda papers which showed the west elevation.

The Planning Adviser ended his presentation by reporting that 2 valid letters of representation had been received which were opposed to the proposed development and the material issues raised within those representations were:-

- Loss of light;
- Effect on privacy; and
- Surface water disposal

Further to consultations undertaken it was reported that Developer Obligations had negotiated a financial contribution with the applicant but payment had not been concluded; Roads Development and Environmental Health had no objection to the development and the Waste Service and Scottish Water had not responded during the consultation period.

The Local Review Body then considered the Appointed Officer's primary reasons for refusal, namely:-

- (1) The proposed development would have a detrimental effect on the character and setting of the surrounding area and would not comply with Policy 8: Layout, Siting and Design of New Development, SG LSD2: Layout, Siting and Design of New Development and SG LSD4: Infill Development of the Aberdeenshire Local Development Plan, 2012.

The Local Review Body considered that the relevant policies as contained within the Aberdeenshire Local Development Plan (2012) were:- Policy 8: Layout, Siting and Design of New Development and SG LSD2: Layout, Siting and Design of New Development and SG LSD4: Infill Development; Policy 9: Developer Contributions and SG DC1: Developer Contributions, SG DC2: Access to New Development and SG DC3: Water and Waste Drainage Infrastructure.

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 whether the proposal was in accordance with the layout, siting and design policy criteria that would normally apply to the erection of new infill development within an existing settlement.

During discussion opposing views were expressed.

Those who were minded to support the proposed development took the view that the entire plot size was relatively large when compared to other plot ratios within Johnston Park. Having taken that into account and the Appointed Officer's reason for refusal, they were minded that there was sufficient justification to reverse the decision as they considered that it would be doubtful that the proposed single storey dwellinghouse would be overly dominant and the proposal would provide sufficient private amenity space and useable garden ground for both the existing dwellinghouse and the new dwellinghouse. It was also considered that the proposal would not have a detrimental effect on the character and setting of the surrounding area as it was highlighted that there were other examples of feu splits within the surrounding area.

Those who were minded to uphold the Appointed Officer's reasons for refusal took the view that while there were examples of feu splits, those sub divisions were located alongside a road frontage and were considered to be natural infill sites. In contrast, the proposal was in their view considered to be backland development which would in their view erode the character of the area and would set a precedent for further plot sub division to the detriment of the character and setting of the surrounding area which would be contrary to Policy 8 and SG LSD3 and LSD4.

Thereafter, and after full consideration Councillor Hood, seconded by Councillor Bellarby moved:-

That the Local Review Body should uphold the Applicant's Notice of Review and reverse the determination reviewed by it and GRANT Full Planning Permission, subject to appropriate conditions which should include a condition to ensure a grey dash render and a condition for appropriate drainage design to ensure that the development would not result in excess surface water.

As an amendment, Councillor Ross, seconded by Councillor Pratt moved:-

That the Local Review Body should uphold the Appointed Officer's decision and REFUSE Full Planning Permission for the following reason(s):-

- (1) The proposed development would have a detrimental effect on the character and setting of the surrounding area and would not comply with Policy 8: Layout, Siting and Design of New Development, SG LSD2: Layout, Siting and Design of New

Development and SG LSD4: Infill Development of the Aberdeenshire Local Development Plan, 2012.

The Local Review Body then voted:-

for the motion (4) Councillors Bellarby, Cassie, Hood and Shand

for the amendment (2) Councillors Pratt and Ross

After due consideration, the Local Review Body **agreed** to reverse the determination reviewed by it and GRANT Full Planning Permission as detailed in the Motion.

The Local Review Body then **agreed** that the Planning Adviser would DRAFT a set of proposed conditions which should include those included in the motion and those would be circulated to the Local Review Body for comment/approval prior to inclusion in the final Review Decision Notice before it was issued.

11. LRB 276 – NOTICE OF REVIEW AGAINST REFUSAL OF FULL PLANNING PERMISSION FOR CHANGE OF USE OF LAND FROM AGRICULTURAL TO DOMESTIC AND ERECTION OF A DWELLINGHOUSE AND LOG STORAGE WITH SOLAR ARRAY AT LAND AT OVERTON CROFT, FETTERNEAR, INVERURIE – REFERENCE: G/APP/2014/4030

Local Review Body:- Councillors S W Pratt (Chair), P W Bellarby, R Cassie, F C P Hood, D A Ross and C Shand.

There had been submitted a Notice of Review and supporting documents by the applicant which sought a review of the decision by the Appointed Officer to Refuse Full Planning Permission for Change of Use of Land from Agricultural to Domestic and Erection of a Dwellinghouse and Log Storage with Solar Array at Land at Overton Croft, Fetternear, Inverurie – Reference: G/APP/2014/4030.

The Planning Adviser introduced the Notice of Review and advised the Local Review Body that in terms of review procedure, the applicant had requested a site inspection and a review of the documents as presented before. The Planning Adviser then provided the Local Review Body with the background to the applicant's case along with a series of slides and photomontages of the site and surrounding area.

The Planning Adviser ended his presentation by reporting that 3 valid letters of representation had been received which were in support of the proposed development and the material issues raised within those representations were:-

- The site is located at the site of a former croft house within a low grade agricultural field which is pertained to the croft;
- The site has a backdrop of trees to the west, north and east sides with tree lined access along the south;
- The proposal will not appear conspicuous in the landscape;
- The design and construction material will enable the dwellinghouse to sit well and blend with the surroundings;
- The house will add to and help retain the character and history of the area;
- The applicants use the site for the growing of weather protected seasonal flowers for retail;
- The lack of suitable services, the problem of security and the 12 mile round trip from the applicant's residence to the site limits the potential of existing business;
- The site is accessed at the existing field entry;

- The house has been designed to relate to the original croft house (long narrow footprint and low ridge height);
- The house will be built to high insulation standards;
- The external finish is complimentary to the surrounding forest environment; and
- The site will be well screened from the public road (200m to the south).

Further to consultations undertaken it was reported that Developer Obligations would be sought towards affordable housing and education; Contaminated Land had indicated that there was no past use which might have caused contamination; Environmental Health had no objection to the proposal given that the development was served by public water; Roads Development had indicated that the development takes access by a private road not maintained by the Roads Authority and they had considered that the point the private road meets the public road network it would be sufficient to accommodate additional traffic likely to be generated by the proposal and the National Grid had no objection to the proposal.

The Local Review Body then considered the Appointed Officer's primary reasons for refusal, namely:-

- (1) The site has returned to a naturalised state and therefore cannot be considered as brownfield comprising the replacement of an existing or disused building nor as a redundant site. There are no other criteria within the exemptions stated in policy that apply to the site in question. The proposed development therefore fails to meet the criteria detailed in Policy 3: Development in the Countryside and SG Rural Development 1: Housing and Business Development in the Countryside as contained in the Aberdeenshire Local Development Plan 2012.

The Local Review Body considered that the relevant policies as contained within the Aberdeenshire Local Development Plan (2012) were:- Policy 3: Development in the Countryside and SG Rural Development 1: Housing and Business Development in the Countryside; Policy 8: Layout, Siting and Design of New Development and SG LSD2: Layout, Siting and Design of New Development and SG LSD11: Carbon Neutrality in New Development; 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 and Policy 12: Landscape Conservation and SG Landscape 1: Landscape Character.

The Chair asked the Local Review Body to consider whether there was sufficient information before them in order for it to consider the review without further procedure.

During discussion opposing views were expressed on whether a site visit would be required.

Those in support of a site inspection agreed that the application before them was a complicated submission and they took the view that while the policies were clear with regards to development in the countryside, it would be helpful to look at the site at ground level to get a visual understanding of whether the land could be considered as previously developed land which was now redundant.

Those who did not consider that a site inspection was necessary took the view that when considering Aberdeenshire Council Planning Advice 13/2012 it was clear from that guidance that previously developed land must be identified on the basis of its current condition and sufficient evidence of previous development must be apparent on inspection. Having considered the photomontages presented, they took the view that the site would be classified as naturalised.

The majority view expressed was that a site inspection would be helpful to afford all members the opportunity to gather sufficient information to assist them in their decision making.

After due consideration the Local Review Body **agreed** to DEFER consideration of the Notice of Review to allow them to follow further procedure by way of:-

- (1) an unaccompanied site inspection to the application site and surrounding area to be held on Friday 19 June, 2015 with a view to the Notice of Review being presented to the next formal meeting on Friday 26 June, 2015 for determination.

12. LRB 278 – NOTICE OF REVIEW AGAINST REFUSAL OF PLANNING PERMISSION IN PRINCIPLE FOR DEMOLITION OF FARM BUILDING AND ERECTION OF DWELLINGHOUSE AT LAND AT THE EAST OF SOUTH MUIR, CAIRNTRADLIN, KINELLAR, BLACKBURN – REFERENCE: G/APP/2014/4200

Local Review Body: Councillors S W Pratt (Chair), P W Bellarby, R Cassie, R McKail, D A Ross and C Shand.

There had been submitted a Notice of Review and supporting documents by the agent which sought a review of the decision by the Appointed Officer to Refuse Planning Permission in Principle for the Demolition of a Farm Building and the Erection of a Dwellinghouse at Land at the East of South Muir, Cairntradlin, Kinellar, Blackburn – Reference: G/APP/2014/4200.

The Planning Adviser introduced the Notice of Review and advised the Local Review Body that in terms of review procedure, the applicant had requested (1) further written submissions, (2) one or more hearing sessions, (3) a site inspection and a review of the documents as presented before. The Planning Adviser then provided the Local Review Body with the background to the applicant's case along with a series of slides and photomontages of the site and surrounding area.

The Planning Adviser ended his presentation by reporting that no valid representations had been received during the consultation period.

Further to consultations undertaken it was reported that Developer Obligations had requested a financial contribution towards affordable housing and Secondary and Primary Education; Contaminated Land had commented that there was no past use of the site which may have caused contamination and due to the agricultural nature of the land they had recommended that a standard informative be added should planning permission be granted; Planning Policy had comment that the proposal would not accord with Policy 3: Development in the Countryside and SG Rural Development 1: Housing and Business Development in the Countryside as despite evidence submitted the unit is a recently built agricultural building which was capable of being used for modern farming practices; Roads Development had no objection to the proposal subject to standard conditions and informatives; the National Grid had submitted a hold objection due to a high pressure gas pipeline in the vicinity of the proposal and further negotiations would be required if planning permission were granted in compliance with their guidelines and Scottish Water had had no objection to the proposal and they had indicated that the Invercarnie Water Treatment Works would have the capacity to service the proposed development.

The Local Review Body then considered the Appointed Officer's primary reasons for refusal, namely:-

- (1) The existing agricultural building is of modern construction, in a good state of repair and had been in use as recently as May 2014; it cannot therefore be considered redundant. The proposed development does not accord with Policy 3: Development in the Countryside and SG RD1: Housing and Business Development in the Countryside of the Aberdeenshire Local Development Plan 2012.

- (2) The applicant had failed to demonstrate that the development was acceptable when considered in proximity to the high pressure gas pipeline. The proposal is therefore contrary to Policy 8: Layout, Siting and Design of New Development and SG LSD9: Hazardous Development of the Aberdeenshire Local Development Plan 2012.
- (3) The applicant had not provided details of surface water or foul water drainage and has not demonstrated that the site can be satisfactorily serviced, contrary to Policy 9: Developer Contributions and SG DC 2: Water and Waste Water Drainage of the Aberdeenshire Local Development Plan 2012.

The Local Review Body considered that the relevant policies as contained within the Aberdeenshire Local Development Plan (2012) were:- Policy 3: Development in the Countryside and SG RD1: Housing and Business Development in the Countryside; Policy 8: Layout, Siting and Design of New Development and SG LSD2: Layout, Siting and Design and SG LSD9: Hazardous Development and Policy 9: Developer Contributions and SG Developer Contributions 3: Water and Waste Water Drainage. Other material considerations were Aberdeenshire Council Planning Advice 13/2012: Housing and Business Development in the Countryside.

The Chair asked the Local Review Body to consider whether there was sufficient information before them in order for it to consider the review without further procedure.

During discussion the Local Review Body took cognisance of the applicant's submission which had within their supporting statement disputed the Appointed Officer's assertion that the existing agricultural shed could not be considered as redundant and that it was suitable for modern farming practices. The Local Review Body agreed that it would be helpful in their decision making to visit the application site to allow them to get a first-hand visual perspective of the existing shed.

The Local Review Body then made reference to the Report of Handling (page 264 of the agenda papers) which had referred to the National Grids outstanding holding objection. The Local Review Body agreed that as the application site was in close proximity of High Pressure Gas Pipeline, it would be helpful to seek clarification on the status of the outstanding objection and whether that objection could be lifted.

After due consideration the Local Review Body **agreed** to DEFER consideration of the Notice of Review to allow them to follow further procedure by way of:-

- (1) to seek clarification from the National Grid on their holding objection; and
- (2) to undertake an unaccompanied site inspection to the application site and surrounding area to be held on Friday 19 June, 2015 with a view to the Notice of Review being presented to the next formal meeting on Friday 26 June, 2015 for determination.

13. LRB 279 – NOTICE OF REVIEW AGAINST REFUSAL OF FULL PLANNING PERMISSION FOR ERECTION OF DWELLINGHOUSE AND DETACHED GARAGE AT BROOMBANK, TARLAND, ABERDEENSHIRE, AB34 4TJ – REFERENCE: M/APP/2015/0014

Local Review Body: Councillor S W Pratt (Chair), P W Bellarby, R Cassie, F C P Hood, D A Ross and C Shand.

There had been submitted a Notice of Review and supporting documentation by the agent which sought a review of the decision by the Appointed Officer to Refuse Full Planning Permission for the Erection of a Dwellinghouse and Detached Garage at Broombank, Tarland, Aberdeenshire, AB34 4TJ – Reference: M/APP/2015/0014.

The Planning Adviser introduced the Notice of Review and advised the Local Review Body that in terms of review procedure, the applicant had requested (1) one or more hearing sessions; (2) a site inspection and a review of the documents as presented before them. The Planning Adviser then provided the Local Review Body with the background to the applicant's case along with a series of slides and photomontages of the site and surrounding area.

The Planning Adviser ended his presentation by reporting that 10 valid letters of representation had been received which were in support of the proposed development and the material issues raised within those representations were:-

- Unusual design but suitable for site;
- Brings old building back to life;
- Imaginative house design;
- Redevelopment of site would be of a positive benefit to the Tarland community;
- Design is sympathetic to location; and
- Proposed design would be energy efficient.

Further to consultations undertaken it was reported that Developer Obligations had sought financial contributions towards affordable housing and secondary education and an assessment had been sent to the applicant; Archaeology had no objection to the proposal subject to a "Level 1 Standing Buildings Survey Condition" survey is applied to any consent and the Roads Service had no objection to the proposal subject to standard conditions relating to on-site parking provision and bin storage.

It was reported that one further representation had been received in response to the Notice of Review and that representation was in support of the application and reiterated the previous comments made in their original submission.

The Local Review Body then considered the Appointed Officer's primary reasons for refusal, namely:-

- (1) The proposed design of the dwelling – in terms of form and character – would not suitably complement the application sites prominent setting within the rural landscape. As such, it would fail to fully comply with Policy 8: Layout, Siting and Design of New Development and the associated SG LSD2: Layout, Siting and Design of New Development in the Aberdeenshire Local Development Plan 2012.
- (2) The proposed design does not encompass features, or seek to relate to the expectations of house designs, specifically referenced in the Howe of Cromar Landscape Character Area description stated in the Aberdeenshire Council Planning Advice 12/2012. Therefore the design is not considered to be suitably coherent with local landscape character and fails to accord with Policy 12: Landscape conservation and the associated SG Landscape 1: Landscape character in the Aberdeenshire Local Development Plan 2012.

The Local Review Body considered that the relevant policies as contained within the Aberdeenshire Local Development Plan (2012) were:- Policy 3: Development in the Countryside and SG Rural Development 1: Housing and Business Development in the Countryside; Policy 8: Layout, Siting and Design of New Development and SG LSD2: Layout, Siting and Design of New Development and SG LSD11: Carbon Neutrality in New Developments; 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 and Policy 12: Landscape Conservation and SG Landscape 1: Landscape Character. Other material considerations were Aberdeenshire Council Planning Advice 13/2012: Housing and Business

Development in the Countryside and the Greenbelt and 12/2012: Landscape Character Advice for Small Scale Development.

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 whether the proposed design of the dwellinghouse responded well to the site's setting and the local landscape character area.

During discussion the Local Review Body agreed with the Appointed Officer's conclusions as presented in the Report of Handling (page 387 of the agenda papers) which had reported that the principle of development was acceptable in terms of the proposal being a suitable brownfield redevelopment opportunity within the provisions of Policy 3 and SG Rural Development 1 as well as being consistent with the Aberdeenshire Council Planning Advice 13/2012.

The Local Review Body then focused their attention on the Appointed Officer's reasons for refusal which had focused on the proposed design of the new dwellinghouse and whether that could be considered as suitable within that area of rural landscape and whether it would in their view have a detrimental impact on the landscape character of the area.

During discussion opposing views were expressed.

Those who were opposed to the development referred to the Report of Handling (page 386 of the agenda papers) which had quoted the Aberdeenshire Council Planning Advice 12/2012 and which had specifically referenced the Howe of Cromar Landscape Character Area description. Having considered that information they were minded that the proposed design of the dwellinghouse including its form and features would not meet the expectations of new dwellings in the countryside in that particular part of Aberdeenshire.

Those who were minded to support the proposed development took the view that the applicant had provided sufficient justification within their Notice of Review to suggest that the proposal could be accommodated on that site without impacting on the landscape character area. Having considered that information they took the view that the proposed site would be set back some distance from the public road and they acknowledged that there was latitude within the Aberdeenshire Local Development Plan policies to accept the innovative design of the proposal and the pavilion style of design which they were minded would be a suitable design solution for that site.

Thereafter, and after full consideration Councillor Hood, seconded by Councillor Bellarby moved:-

That the Local Review Body should uphold the Appointed Officer's decision and REFUSE Full Planning Permission for the following reason(s):-

- (1) The proposed design of the dwelling – in terms of form and character – would not suitably complement the application sites prominent setting within the rural landscape. As such, it would fail to fully comply with Policy 8: Layout, Siting and Design of New Development and the associated SG LSD2: Layout, Siting and Design of New Development in the Aberdeenshire Local Development Plan 2012.
- (2) The proposed design does not encompass features, or seek to relate to the expectations of house designs, specifically referenced in the Howe of Cromar

Landscape Character Area description stated in the Aberdeenshire Council Planning Advice 12/2012. Therefore the design is not considered to be suitably coherent with local landscape character and fails to accord with Policy 12: Landscape conservation and the associated SG Landscape 1: Landscape character in the Aberdeenshire Local Development Plan 2012.

As an amendment, Councillor Shand, seconded by Councillor Ross moved:-

That the Local Review Body should uphold the Notice of Review and reverse the determination reviewed by it and GRANT Full Planning Permission subject to appropriate planning conditions.

The Local Review Body then voted:-

for the motion (3) Councillors Bellarby, Cassie and Hood

for the amendment (3) Councillors Pratt, Ross and Shand

As there was an equality in the vote, the Chair used his casting vote and then voted for the amendment.

After due consideration, the Local Review Body **agreed** to reverse the determination reviewed by it and GRANT Full Planning Permission as detailed in the amendment.

The Local Review Body then **agreed** that the Planning Adviser would DRAFT a set of proposed conditions and those would be circulated to the Local Review Body for comment/approval prior to inclusion in the final Review Decision Notice before it was issued.

14. LRB 281 – NOTICE OF REVIEW AGAINST REFUSAL OF FULL PLANNING PERMISSION FOR CHANGE OF USE OF UPPER FLOOR STORAGE AREA TO HOUSE IN MULTIPLE OCCUPANCY (SUI GENERIS) INCLUDING CONVERSION OF ATTIC SPACE AT QUOITERS, SKATERAW ROAD, NEWTONHILL – REFERENCE: KM/APP/2015/0459

Local Review Body:- Councillors S W Pratt, P W Bellarby, R Cassie, F C P Hood, D A Ross and C Shand.

There had been submitted a Notice of Review and supporting documents by the agent which sought a review of the Appointed Officer's decision to Refuse Full Planning Permission for Change of Use of Upper Floor Storage Area to House in Multiple Occupancy (Sui Generis) Including Conversion of Attic Space at Quoiters, Skateraw Road, Newtonhill – Reference: KM/APP/2015/0459.

The Planning Adviser introduced the Notice of Review and advised the Local Review Body that in terms of review procedure, the applicant had requested further written submissions and a review of the documents as presented before them. The Planning Adviser then provided the Local Review Body with the background to the applicant's case along with a series of slides and photomontages of the site and surrounding area.

The Planning Adviser highlighted a few anomalies in the applicant's supporting statement, namely, page 441 had suggested that the Appointed Officer had recommend that the application be approved, that was an incorrect statement and should be disregarded. The applicant had also originally applied for 6 car parking spaces in their original application but the Notice of Review had referred to 9 car parking spaces.

The Planning Adviser ended his presentation by reporting that no valid representations had been received during the consultation period.

Further to consultations undertaken it was reported that Developer Obligations had sent a full assessment report to the applicant and Developer Obligations would be sought towards Sports and Recreation and Healthcare; Environmental Health had acknowledged that the premises would require to be licensed under the Housing (Scotland) Act 2006 prior to use as a HMO and noise and disturbance could be controlled under licensing standards and Roads Development had objected to the proposal due to insufficient parking at the site and on street parking immediately adjacent to the site would be problematic as it was on a main bus route.

The Local Review Body then considered the Appointed Officer's primary reasons for refusal, namely:-

- (1) As a result of the lack of on site parking and availability of parking in the general area, the proposal does not meet the identified parking provision requirement for the development. No mitigation solution can be provided therefore the proposal is not considered to comply with the relevant Policy 8: Layout, Siting and Design of New Development of the Aberdeenshire Local Development Plan 2012 as it does not adequately provide suitable on-site parking facilities, therefore adversely impacting upon the surrounding amenity of the area.

The Local Review Body considered that the relevant policies as contained within the Aberdeenshire Local Development Plan (2012) were:- Policy 4: Special Types of Rural Land and SG STRLtype 1: Development in the Coastal Zone; Policy 8: Layout, Siting and Design of New Development and SG LSD2: Layout, Siting and Design of New Development and SG LSD4: Infill Development and Policy 9: Developer Contributions and SG Developer Contributions 1: Developer Contributions. Other material considerations were Circular 2/2012: Houses in Multiple Occupation: Guidance on Planning Control and Licensing.

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 whether there would be sufficient off street parking provision so as not to lead to a negative impact on the amenity and character of the area, in accordance with Policy 8 and SG LSD4 on Infill Development of the Aberdeenshire Local Development Plan.

During discussion the Local Review Body referred to the Roads Development's assessment as presented on page 448/449 of the agenda papers which had stated that there was insufficient parking provision at the application site. The Local Review body voiced concerns that this assessment was not necessarily precise as it had stipulated that four car parking spaces would be required in addition to the existing six spaces already available. The applicant had indicated that by removing the outside tables and chairs within the parking lot, there would be provision for 9 car parking spaces if approved and the Local Review Body were minded that this strict application of the parking standards would for the application before them be overly restrictive. The Local Review Body recognised that the applicant was operating a relatively modest scale business and there was nothing to suggest that there would be a negative impact on off street parking in the area if approved.

After due consideration, the Local Review Body **agreed** to reverse the determination reviewed by it and GRANT Full Planning Permission.

The Local Review Body then **agreed** that the Planning Adviser would DRAFT a set of proposed conditions and those would be circulated to the Local Review Body for comment/approval prior to inclusion in the final Review Decision Notice before it was issued.