

ABERDEENSHIRE COUNCIL**LOCAL REVIEW BODY****WOODHILL HOUSE, ABERDEEN, FRIDAY 26 JUNE, 2015**

Present: Councillors S W Pratt (Chair), F C P Hood, P K Johnston, C R McKail, C H Nelson and D A Ross.

Apologies: Councillors P W Bellarby, R Cassie and C Shand (for LRB 276 and 278).

Officers: Planning Adviser (Mark Myles), Senior Solicitor (Peter Robertson) and Committee Officer (Frances Brown).

OPENING REMARKS BY THE CHAIR

- (1) The Chair advised the Local Review Body that he had to leave the meeting at 11.15am to attend a private appointment and Councillor F C P Hood (Vice Chair) would act as Chair in his absence.
- (2) The Chair advised the Local Review Body that the agent for LRB 285, Agenda Item 11 had requested that the Notice of Review be deferred until the next formal meeting of the Local Review Body to allow his client to be in attendance.

1. DECLARATION OF MEMBERS' INTERESTS

In respect of declaration of members' interests as required by the Code of Conduct for members Councillor Ross declared an interest in Agenda Item 7, LRB 280 and Agenda Item 11, LRB 285 as both cases were in his ward. Councillor Ross reported that he would withdraw from proceedings when both cases were being considered.

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 272 – NOTICE OF REVIEW AGAINST REFUSAL OF FULL PLANNING PERMISSION FOR THE ERECTION OF 11 DWELLINGHOUSES AT PHASE 2, LAND TO THE NORTH OF SUNNYSIDE FARM, SUNNYSIDE DRIVE, DRUMOAK, BANCHORY – REFERENCE: KM/APP/2014/3232

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

Before proceeding Councillor Johnston advised the Local Review Body that he did not consider himself prepared to hear the case at that juncture as he did not have his original papers which were issued to the Local Review Body at their meeting of 24 April, 2015 when the Notice of Review was initially considered. As such he sought agreement that the case be deferred to the next formal meeting of the Local Review Body to ensure that he had sight of all the information he would require which would include his own hand written notes.

After due consideration, the Local Review Body **agreed:-**

- (1) to defer consideration of the Notice of Review until the next formal meeting which was scheduled to take place on Friday 31 August, 2015.

5. 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), F C P Hood and D A Ross.

Reference was made to the Minute of the Meeting of the Local Review Body of 29 May, 2015 (Item 11) where the Local Review Body had 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 the site inspection had been scheduled to take place on Friday 19 June, 2015 but had been cancelled as officers were made aware that the site inspection would not be quorate.

The Local Review Body were asked to consider a new date to hold the site inspection and following discussion it was agreed that the site inspection would take place in advance of the next formal meeting of the Local Review Body.

Councillor Ross advised the Local Review Body that he would not be available on 31 July, 2015 and as such and to ensure that the site inspection would be quorate Councillors P W Bellarby, R Cassie and C Shand who had previously heard the Notice of Review would be invited to attend and then determine the application on 31 July, 2015.

After due consideration, the Local Review Body **agreed:-**

- (1) that an unaccompanied site inspection would take place on Friday 31 July, 2015 in advance of the next formal meeting of the Local Review Body and the case would be remitted back to the formal meeting for determination;
- (2) to record Councillor D A Ross's apologies for that site visit and meeting; and

- (3) to invite Councillors P W Bellarby, R Cassie and C Shand to the rescheduled site visit and meeting on 31 July, 2015.

6. 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), F C P Hood and D A Ross.

Reference was made to the Minute of the Local Review Body meeting of 29 May, 2015 (Item 12) where the Local Review Body had 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 the site inspection had been scheduled to take place on Friday 19 June, 2015 but had been cancelled as officers were made aware that the site inspection would not be quorate.

The Local Review Body were asked to consider a new date to hold the site inspection and following discussion it was agreed that the site inspection would take place in advance of the next formal meeting of the Local Review Body.

Councillor Ross advised the Local Review Body that he would not be available on 31 July, 2015 and as such and to ensure that the site inspection would be quorate Councillors P W Bellarby, R Cassie and C Shand who had previously heard the Notice of Review would be invited to attend and then determine the application on 31 July, 2015.

After due consideration, the Local Review Body **agreed:-**

- (1) that an unaccompanied site inspection would take place on Friday 31 July, 2015 in advance of the next formal meeting of the Local Review Body and the case would be remitted back to the formal meeting for determination;
- (2) to record Councillor D A Ross's apologies for that site visit and meeting; and
- (3) to invite Councillors P W Bellarby, R Cassie and C Shand to the rescheduled site visit and meeting on 31 July, 2015.

NEW REVIEWS

7. LRB 280 – NOTICE OF REVIEW AGAINST REFUSAL OF FULL PLANNING PERMISSION FOR ERECTION OF DWELLINGHOUSE INCLUDING CHANGE OF USE OF LAND FROM AGRICULTURAL TO DOMESTIC GARDEN GROUND AT LAND TO THE NORTH WEST OF WOODEND OF BRACO, CHAPEL OF GARIOCH, INVERURIE – REFERENCE: M/APP/2014/3936

Local Review Body:- Councillors S W Pratt (Chair), F C P Hood, P K Johnston and C H Nelson.

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, Including the Change of Use of Land from Agricultural to Domestic Garden Ground at Land to the North West of Woodend of Braco, Chapel of Garioch, Inverurie – Reference: M/APP/2014/3936.

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 ended his presentation by reporting that 1 valid letter of representation had been received which was opposed to the proposed development and the material issues raised within that representation were:-

- Previous refusals of planning permission for development on this site;
- Impact on the area and Bennachie Centre;
- The new access will border popular tourist trails of Bennachie;
- The dwelling would be in direct sight of the paths on Bennachie, impacting on the scenery and the privacy of the proposed dwelling;
- Existing access cannot withstand an increase in traffic, including the impact of construction traffic; and
- Not in keeping with local house designs or the local landscape

Further to consultations undertaken it was reported that Developer Obligations had undertaken an assessment of the application and contributions would be sought towards affordable housing and education; Environmental Health had no comments, however, if permission were granted they had requested that a condition should be attached which would require the submission of details relating to private water supply so that it could be fully assessed; the Environment Team had commented that the scale and design was likely to have a detrimental impact on the visual amenity of the area and if planning permission were to be granted they had requested additional conditions relating to the Council's Buffer Strip Guidance, protection of existing trees on site and the provision for continuing public access to the surrounding path network should be identified and the Roads Service had no objection to the proposal subject to conditions involving the shared private access at its junction with the public road in terms of visibility splays and the requirement to pave the first 10m of the private road.

It was reported that two further representations had been received in response to the Notice of Review and they were from the Environmental Health Service who had commented that the application did not contain enough information to allow the Environmental Health Service to establish if the proposal would meet the required criteria of an adequate and potable water supply and the second representation was from an objector to the proposal which reiterated their original concerns.

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

- (1) The proposal relates to the undeveloped land outwith the curtilage of previously developed land and therefore does not accord with Policy 3: Development in the Countryside and SG Rural Development 1: Housing and Business Development in the Countryside;
- (2) The proposed development is of a scale and design contrary to that of the character of the local area and will create an adverse impact on the amenity of the area in terms of Policy 8: Layout, Siting and Design of New Development and SG LSD2: Layout, Siting and Design of New Development; and
- (3) The proposal will have an adverse impact on an identified visually sensitive landscape in terms of Policy 12: Landscape Conservation and SG Landscape 1: Landscape Character.

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; SG Developer Contributions 3: Water and Waste Water Drainage Infrastructure and SG Developer Contributions 4: Waste Management Requirements for New Development and Policy 12: Landscape Conservation and SG Landscape 1: Landscape Character. Other material considerations were Aberdeenshire Council Planning Advice Notes: 11/2012 Nature Conservation; 12/2012 Landscape Character Advice for Small Scales Development and 13/2012 Housing and Business Development in the Countryside and Greenbelt.

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 review as presented before them was whether the proposal was in accordance with the policy criteria that would normally apply to the erection of a new development in the countryside and whether the proposed layout, siting and design respected the landscape character and amenity of the surrounding area.

Before proceeding and following a question from the Local Review Body the Planning Adviser confirmed that access to the site would be through three separate agricultural fields and there was nothing to indicate that those fields were not in the ownership of the applicant as they were all within the red line boundary.

During discussion opposing views were expressed.

One member who was minded to support of the proposed development took the view that while the proposed dwellinghouse would be located on an area of undeveloped land outwith the curtilage of the former croft, the site was only 10 metres from the walled remains which they felt was of material consideration when determining the Notice of Review as presented before them. While the Aberdeenshire Council Planning Advice 13/2012 advises that replacement of a redundant building must be contained within the curtilage of the existing building site, there was some dubiety with regards to the Appointed Officer's assessment of where the curtilage may have been extended and not just defined by the dry stone dyke. They also considered that the proposed design for the new dwellinghouse was of good quality and while there were many traditional vernacular designs within Aberdeenshire there were also some good examples of innovative designs which had won awards. With regards to the location/siting of the new dwellinghouse, they took the view that as the site would only be visible from a 47 metre stretch of a nearby 2km footpath any impact on the sensitive landscape area would be regarded as minimal. In conclusion, they took the view that each of the three reasons for refusal could be mitigated, however, if granted any planning consent would require to be conditioned.

Those who were minded to uphold the Appointed Officer's decision to refuse planning permission took the view that when looking at the decision notice and when interpreting the policy criteria they considered that the development would result in the application site covering a larger area of land which extended onto undeveloped greenfield site which was beyond the footprint and curtilage of the former croft and which could reasonably be considered as a brownfield site. While they agreed that the design of the dwellinghouse was

innovative, they also recognised that the site was a visually sensitive site and as such the proposed location for the new dwellinghouse would be sited in the wrong location and would result in an adverse impact on the amenity of the area.

After due consideration, the Local Review Body **agreed** to dismiss the Notice of Review and Uphold the Appointed Officer's Decision to REFUSE Full Planning Permission.

8. LRB 282 – NOTICE OF REVIEW AGAINST REFUSAL OF PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF JOINERS WORKSHOP AND DWELLINGHOUSE (INCLUDING CHANGE OF USE OF LAND FROM AGRICULTURAL TO DOMESTIC) AT SITE ADJACENT TO BURNHEAD, PERKHILL, LUMPHANAN – REFERENCE: M/APP/2014/4224

Local Review Body: Councillors F C P Hood (Chair), P K Johnston, C H Nelson and D A Ross.

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 Erection of a Joiners Workshop and Dwellinghouse (Including the Change of Use of Land from Agricultural to Domestic) at the Site Adjacent to Burnhead, Perkhill, Lumphanan – Reference: M/APP/2014/4224.

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 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 would seek contributions towards affordable housing and education and a full assessment had been sent to the applicant/agent; Roads Development had no objection to the development subject to a number of conditions regarding parking, turning and visibility splays being attached should permission be granted and Scottish Water had not responded during the consultation period however it was reported that their separate consent would be required to connect to their infrastructure.

It was reported that one further representation had been received in response to the Notice of Review and that was from Developer Obligations which advised that no agreement had been reached with the applicant regarding contributions towards affordable housing and education and if the application were to be granted a cash payment would be required before a Review Decision Notice could be issued.

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

- (1) The application is contrary to Policy 3: Development in the Countryside and SG Rural Development 1: Housing and Business Development in the Countryside, which refers to Policy 4: Special Types of Rural Land and SG STRLtype 2: Greenbelt of the Aberdeenshire Local Development Plan 2012, for the reason that the proposed dwellinghouse on a greenfield site is not for a worker in a primary industry.
- (2) The application is also contrary to Policy 12: Landscape Conservation and the associated SG Landscape 1: Landscape Character, for the reason that the proposed development would sit alongside a main road which is contrary to the existing pattern

of development and character in the area, thus having an unacceptable impact on the landscape character.

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 4: Special Types of Rural Land and SG STRLtype 2: Greenbelt; 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 Developments 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 Greenbelt.

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 before them was whether the principle of development would comply with the policy criteria which would normally apply to the erection of new housing and business development in the countryside.

During discussion the Local Review Body expressed some sympathy for the applicant's case when taking into account their personal circumstances and the difficulties which were faced by local tradesmen when trying to find suitable premises within rural Aberdeenshire for their businesses. After due consideration the Local Review Body were minded that they had to support the Appointed Officer's reasons for refusal on the grounds that the guidance for housing and business development in the countryside was very clear and a consistency of approach for that type of application was required. Having considered the applicant's Notice of Review, they took cognisance of the constraints that the applicant was under, however, the applicant had failed to present any material considerations within the submission which could warrant a departure from the key policy considerations as set out in Policy 3 and SG RD1. The Local Review Body agreed that the existing business could not be considered as a primary industry which could justify a new dwellinghouse in the countryside based on operational needs for an essential worker.

The Local Review Body also gave consideration to the Appointed Officer's second reason for refusal which related to the site's prominence and location within the wider landscape. The Local Review Body highlighted that the site was located in a prominent position, directly fronting the A980 and development on that site would detract from the established pattern of development within this part of the countryside which would be contrary to the aims of Policy 12 and SG Landscape 1 of the ALDP. The LRB also agreed that the wording of the 2nd reason for refusal should be amended slightly to highlight that their concerns relating to the development creating an unacceptable impact on the landscape character of the area were also as a direct result of the fact that this is considered to be a prominent site.

After due consideration, the Local Review Body **agreed** to dismiss the Notice of Review and Uphold the Appointed Officer's Decision to REFUSE Planning Permission in Principle.

9. LRB 283 – NOTICE OF REVIEW AGAINST REFUSAL OF FULL PLANNING PERMISSION FOR ERECTION OF HOLIDAY CHALET AT LAND AT KNOCKHILL, STRACHAN, BANCHORY – REFERENCE: M/APP/2014/2514

Local Review Body: Councillors F C P Hood (Chair), P K Johnston, C H Nelson and D A Ross.

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 Holiday Chalet at Land at Knockhill, Strachan, Banchory – Reference: M/APP/2014/2514.

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 ended his presentation by reporting that 4 valid letters of representation had been received (1 in support and 3 objections) to the proposed development and the material issues raised within that representation were:-

In support

- One letter supports the principle, siting and design of the proposal citing the need for this type of development/accommodation provision in the area.

Objections

- Road safety
- Potential flooding issues from nearby burn
- Visual impact on the landscape
- Viability of an isolated chalet in this location
- Loss of agricultural land

Further to consultations undertaken it was reported that the Roads Development Service had no objection to the proposal, subject to standard conditions and the Feughdee West Community Council had objected to the proposal and had raised concerns relating to visual impact, road safety and viability of the proposal.

It was reported that one further representation had been submitted in response to the Notice of Review and that submission was in support of the proposed development and it asked the Local Review Body to consider that the proposal could be justified through the Aberdeenshire Council's desire to support tourism in the area which would in turn create employment in the countryside.

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

- (1) The development proposal does not accord with Policy 1: Business Development and SG Bus4: Tourist Facilities and Accommodation for the following reasons:
 - a) The development proposal does not demonstrate a locational requirement based on the need to be near a specific tourist attraction, and is not related to an existing settlement or business.

- b) The proposal creates a precedent for inappropriate and dispersed development patterns outwith a designated settlement boundary and in a remote location with limited access to public transport.

The Local Review Body considered that the relevant policies as contained within the Aberdeenshire Local Development Plan (2012) were: Policy 1: Business Development and SG Bus4: Tourist Facilities and Accommodation; Policy 8: Layout, Siting and Design of New Development and SG LSD2: Layout, Siting and Design of New Development; Policy 9: Developer Contributions and 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 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 reason for the Notice of Review as presented before them was whether the proposed chalet accommodation met with the specific locational criteria for new tourist facilities or accommodation.

During discussion the Local Review Body were in agreement that there was indeed a need for tourist accommodation within the Deeside area, however, they also agreed that type of development in an isolated location should not be permitted as the Aberdeenshire Local Development Plan policies aimed to restrict sporadic development of that nature. It was recognised that some tourists may wish to stay in more isolated locations when visiting Aberdeenshire but they had to agree with the Appointed Officer's assessment when considering the application before them as it would not in their view offer a locational requirement based on the need to be close to a specific tourist attraction or an existing settlement or business.

The Local Review Body then voiced some concerns with regards to the precedent that this type of isolated proposal could set and they also shared the concerns raised by the objectors and the community council which related to the difficulties of applying occupancy conditions to that type of development and the fact that these types of developments could simply end up being occupied as a dwellinghouse which would also be contrary to policy.

After due consideration, the Local Review Body **agreed** to dismiss the Notice of Review and Uphold the Appointed Officer's Decision to REFUSE Full Planning Permission.

**10. LRB 284 – NOTICE OF REVIEW AGAINST REFUSAL OF PLANNING PERMISSION
IN PRINCIPLE FOR ERECTION OF DWELLINGHOUSE AND GARAGE AND
DEMOLITION OF STEADING AT PETTYMUCK CROFT, UDNY STATION, ELLON –
REFERENCE: F/APP/2015/0071**

Local Review Body: Councillors S W Pratt (Chair). F C P Hood and D A Ross.

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 Erection of a Dwellinghouse and Garage and Demolition of a Steading at Pettymuick Croft, Udney Station, Ellon – Reference: F/APP/2015/0071.

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 site inspection and 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 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 confirmed that Developer Obligations had been agreed for affordable housing; Archaeology had confirmed that they had no objection to the proposed development subject to a photographic survey condition being attached; Environmental Health had confirmed that they had no objection to the proposed development subject to their comments on water supply, noise, dust and odour; Roads Development had no objection to the development subject to a condition that the applicant will at a later planning stage demonstrate the require visibility splays of 2.4m by 160m 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 proposal fails to comply with Policy 3: Development in the Countryside as contained in the Aberdeenshire Local Development Plan 2012 as the proposed dwellinghouse fails to meet the criteria set out in Supplementary Guidance Rural Development 1: Housing and Business Development in the Countryside in that:
 - i) It is not of a type that would be permissible in the green belt;
 - ii) It is not on a site which has previously been developed and is now redundant;
 - iii) It does not contribute to the organic growth of a settlement identified in Appendix 1;
 - iv) It is not associated with the retirement succession of a viable farm holding;
 - v) It is not an economic development proposal; and
 - vi) It is not an appropriate addition to a cohesive group.
- (2) The application is deficient in information in respect of Surface Water Certification. It is therefore not possible to make a full assessment of the implications of the development with regard to the surface water drainage of the site with regard to Policy 9: Developer Contributions and SG Developer Contributions 3: Water and waste water drainage infrastructure 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 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, SG LSD11: Carbon Neutrality in New Development; Policy 9: Developer Contributions and SG Developer Contributions 1: Developer Contributions 2: Access to New Development and SG Developer Contributions 3: Water and Waste Water Drainage Infrastructure; Policy 11: Natural Heritage and SG Natural Environment 2: Protection of the Wider Biodiversity and Geodiversity; Policy 12: Landscape Conservation and SG Landscape 1: Landscape Character and Policy 14: Safeguarding of Resources and Areas of Search and SG Safeguarding 2: Protection and Conservation of Agricultural 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.

During discussion the Local Review Body noted that the existing steading was situated on what would be classified as a brownfield site and as such the principle of development could

be supported as SGRD1 (A2) which states that there would be no restriction on the size of replacement of existing building or the footprint that such a building should occupy providing the development is on the same site but not necessarily on the same footprint. The Local Review Body noted that while the proposed new dwellinghouse would be sited approximately 33 metres from the existing building and on an area of land which had not previously been developed, there was recognition that there were other similar developments such as this which had been approved elsewhere within Aberdeenshire.

The Local Review Body took cognisance of the fact that the accompanying Land Capability for Agriculture report submitted by the agent had provided confirmation that the proposed site would not involve prime agricultural land and they also considered the sites close relationship to the existing approved developments. As the proposed site could be considered as relatively small scale and was well defined by the other consented developments to the north and the existing burn running along the southern boundary the Local Review Body agreed that all these matters were material to their decision making.

The Local Review Body then noted that the second reason for refusal could be dealt with appropriately by a suspensive condition which would deal with the requirement for a satisfactory surface water drainage certification to be provided.

After due consideration, the Local Review Body **agreed** to uphold the Notice of Review and reverse the determination reviewed by it and GRANT Planning Permission in Principle subject to:-

- (1) Standard Planning Conditions which should include a suitable drainage design, and a photographic survey. The Planning Adviser to the Local Review Body would draft a set of conditions and they would be issued to the Local Review Body for approval prior to the final Review Decision Notice being issued.

11. LRB 285 – NOTICE OF REVIEW AGAINST REFUSAL OF PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF PLUMBER’S WORKSHOP AND DWELLINGHOUSE AT LAND AT BLAIRORDENS, CUSHNIE, ALFORD – REFERENCE: M/APP/2015/0796

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

Prior to the start of the meeting, the agent had sought consideration of the Local Review Body to defer consideration of the Notice of Review until the next formal meeting of the Local Review Body to allow his client to be in attendance.

After due consideration, the Local Review Body **agreed** to DEFER consideration of the Notice of Review until the next formal meeting which was scheduled to take place on Friday 31 July, 2015.