

ABERDEENSHIRE COUNCIL

LOCAL REVIEW BODY

WOODHILL HOUSE, ABERDEEN, FRIDAY 30 JUNE, 2017

Present: Councillors R Cassie, F C P Hood, J Hutchison, J Ingram (as substitute for N Smith), P K Johnston and A Ross.

Apologies: Councillor N Smith.

Officers: Planning Adviser (Mark Myles), Senior Solicitor – Governance (Peter Robertson) and Principal Committee Services Officer (Ann Riddell).

1. APPOINTMENT OF INTERIM CHAIR TO THE LOCAL REVIEW BODY

The Principal Committee Services Officer welcomed Members to the meeting and explained that Aberdeenshire Council, at its meeting on 28 September 2017, would be invited to appoint a Chair and Vice Chair of the Local Review Body. In the meantime, the Local Review Body would be required to appoint an interim Chair for each meeting. Nominations for the appointment of a Chair were invited.

Councillor Ross, seconded by Councillor Hutchison, moved that Councillor Hood be appointed as interim Chair.

Councillor Ingram, seconded by Councillor Cassie, moved as an amendment that Councillor Johnston be appointed as interim Chair.

The members of the Committee voted –

for Councillor Hood (3) Councillors Hood, Hutchison and Ross

for Councillor Johnston (3) Councillors Cassie, Johnstone and Ingram

There being an equality of votes, the decision was made by the drawing of lots in terms of Standing Order 5.4 and Councillor Hood was duly appointed as interim Chair.

2. DECLARATION OF MEMBERS' INTERESTS

In respect of declaration of members' interests as required by the Code of Conduct for members, Councillor Cassie declared an interest in LRB 374 and 378 and Councillor Hood declared an interest in LRB 376 as the application sites for those applications were within their wards. Both members' intimated that they would withdraw from proceedings when the review within their ward was being considered.

3. 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.

4. MINUTE OF THE LOCAL REVIEW BODY MEETING OF 19 APRIL, 2017

The Local Review Body had before them and **approved** as a correct record, the Minute of the Local Review Body meeting of 19 April, 2017 and this was duly signed in public.

5. MINUTE OF THE LOCAL REVIEW BODY MEETING OF 23 APRIL, 2017

The Local Review Body had before them and **approved** as a correct record, the Minute of the Local Review Body meeting of 23 April, 2017 and this was duly signed in public.

6. 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 (2017) and not (2012) as stated in the heading on the spreadsheet.

NEW REVIEWS

7. LRB 374 – NOTICE OF REVIEW AGAINST REFUSAL OF FULL PLANNING PERMISSION FOR CHANGE OF USE OF ANCILLARY ACCOMMODATION TO DWELLINGHOUSE AND FORMATION OF 2 NO. DORMERS AT MILL OF PLAIDY, PLAIDY, TURRIFF, ABERDEENSHIRE, AB53 5RH – REFERENCE: APP/2017/0233

Local Review Body: Councillors F C P Hood, J Hutchison, J Ingram, P K Johnston and A Ross.

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 Ancillary Accommodation to Dwellinghouse and Formation of 2 No. Dormers at Mill of Plaidy, Plaidy, Turriff, Aberdeenshire, AB53 5RH – Reference: APP/2017/0233.

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 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 and confirmed that there had been no request for site inspection or hearing session.

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 Roads Development had no comment on the application and Developer Obligations had highlighted the requirement for the payment of developer obligations for affordable housing and a commuted sum for expenditure within the catchment area of Turriff Academy and the applicant had confirmed their intentions to comply with that requirement.

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

- (1) The siting of a new dwellinghouse in this location is not viewed to be an appropriate addition in scale and character to this existing cohesive group of 6 houses. This is due to the siting of the house in this location not viewed to be in keeping with the character and pattern of development of the existing cohesive group. The proposed house would exceed the 20% limit for new dwellinghouses in this plan period (from 1 January 2017) as an appropriate addition to an existing cohesive group of 6 houses. The proposal does not comply with any of the other housing in the countryside criteria, specifically it does not constitute the refurbishment or replacement of existing or disused building. Therefore, the proposal does not comply with Policy 3 and associated SG RD1: Housing and Business Development in the Countryside of the adopted Aberdeenshire Local Development Plan, 2012.
- (2) The proposal does not comply with Policy 8 Layout, Siting and Design of New Development and associated SG LSD2: Layout, Siting and Design of New Development of the adopted Aberdeenshire Local Development Plan, 2012. The existing garage and ancillary accommodation is not of an appropriate design for an independent dwellinghouse in the countryside due to its appearance as a garage and its relationship with the neighbouring dwellinghouse approximately 25m to the west.

The Local Review Body considered that the relevant policies as contained within the 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 Policy 9: Development Contributions and SG DC1: Developer Contributions; SG DC2: Access to New Development and SG DC3: Water and Waste Water Drainage Infrastructure.

The Local Review Body were then reminded that the Aberdeenshire Local Development Plan, (2012) policies had now been replaced by the policies contained within the newly adopted Aberdeenshire Local Development Plan, 2017 and as such the Local Review Body considered that the relevant policies within the Aberdeenshire Local Development Plan (2017) were: Policy P1: Layout, Siting and Design; Policy R2: Housing and Business Development Elsewhere in the Countryside; Policy RD1: Providing Suitable Services and Policy RD2: Developer Obligations. Other material policy considerations were Planning Advice Note 01/2016: 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.

Discussion took place on the number of applications previously approved under the Aberdeenshire Local Development Plan 2012 Policy SG Rural Development 1: Housing and Business Development in the Countryside; as part of a cohesive group and those considered under the Aberdeenshire Local Development Plan 2017 Policy R2: Housing and Business Development Elsewhere in the Countryside; which provided for small scale addition to an existing cluster or group of at least five houses up to a maximum of 2 houses. Reference was also made to correspondence circulated with the committee papers from Grampian Assessor dated 22 June 2016 providing notification of the addition of an entry in the Council Tax Valuation List for the property known to them as the Loft, Lower Plaidy Mill, Turriff.

The Planning Adviser confirmed that planning permission had been granted for the erection of a dwellinghouse on **an adjacent site** (APP/2016/3487) in February 2017 under the Aberdeenshire Local Development Plan 2012. In terms of the collection of Council Tax, he

confirmed that this would only become relevant if the ancillary accommodation had been used as a dwellinghouse for over 4 years.

Thereafter, the Local Review Body **agreed** to DEFER consideration of the Notice of Review to allow them to follow further procedure, by way of seeking additional information, and then reconvene at a later date to determine the application. The information sought included:

- (a) the Planning Service Report of Handling for application APP/2016/3487 - to establish if approval of that application had been based on the provisions contained within the Aberdeenshire Local Development Plan (ALDP) 2017 Policy R2: Housing and Business Development Elsewhere in the Countryside, and
- (b) confirmation from the Aberdeenshire Council Policy Planning Team of the commencement date for the plan period for the Aberdeenshire Local Development Plan 2017.

8. LRB 375 – NOTICE OF REVIEW AGAINST REFUSAL OF FULL PLANNING PERMISSION FOR INSTALLATION OF REPLACEMENT WINDOWS AND DOOR AT 22A LITTLEJOHN STREET, HUNTLY, ABERDEENSHIRE, AB54 8HL – REFERENCE: APP/2017/0048

Local Review Body: Councillors R Cassie, F C P Hood, J Hutchison, J Ingram, P K Johnston and A Ross.

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 the Installation of Replacement Windows and Door at 22A Littlejohn Street, Huntly, Aberdeenshire, AB54 8HL – Reference: APP/2017/0048.

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 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. He confirmed that there had been no request for site inspection or hearing session.

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 the Environment Team were consulted on the application and had stated that they would seek an enhancement in the form of timber sash and case windows.

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

- (1) The proposed replacement PVC windows and door are not considered to be acceptable replacements as they would fail to respect and enhance the original character and appearance of the property, and would fail to respect or enhance the Huntly Conservation Area, therefore, the proposal fails to comply with Policy 13: Protecting, Improving and Conserving the Historic Environment and SG Historic Environment 2: Conservation Areas of the Aberdeenshire Local Development Plan, 2012. The proposal is also deemed unacceptable under the relevant policies within the emerging Aberdeenshire Local Development Plan 2017.

The Local Review Body considered that the relevant policies as contained within the 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 Policy 13: Protecting, Improving and Conserving the Historic Environment and SG Historic Environment 2: Conservation Areas. Other material planning policy considerations were Historic Environment Scotland Policy Statement 2016.

The Local Review Body were then reminded that the Aberdeenshire Local Development Plan, (2012) policies had now been replaced by the policies contained within the newly adopted Aberdeenshire Local Development Plan, 2017 and as such the Local Review Body considered that the relevant policies within the Aberdeenshire Local Development Plan (2017) were: Policy P1: Layout, Siting and Design and Policy HE2: Protecting Historic and Cultural Areas. Other material planning policy considerations were Historic Environment Scotland Policy Statement 2016.

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 replacement windows and door would be sympathetic to the character and appearance of the dwellinghouse and the wider Huntly Conservation Area.

During discussion the Local Review Body noted that the property, with the existing PVC windows installed, had been incorporated in to the Huntly Conservation Area when the boundary was expanded in 2013. The reasons for refusal related not only to the proposed materials to be used but also to the shape and design of the replacements which were not considered to be in keeping with the traditional appearance of the property and the Local Review Body agreed with the Appointed Officer in the identification and application of the policies.

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 on the basis that the development would be contrary to Aberdeenshire Local Development Plan 2017 Policies P1: Layout, Siting and Design and Policy HE2: Protecting Historic and Cultural Areas.

9. LRB 376 – NOTICE OF REVIEW AGAINST REFUSAL OF FULL PLANNING PERMISSION FOR ERECTION OF DWELLINGHOUSE AT LAND ADJACENT TO BELLFIELD FARMHOUSE, NEWMACHAR, ABERDEENSHIRE, AB21 0RJ – REFERENCE: APP/2017/0034

Local Review Body: Councillors R Cassie, J Hutchison, J Ingram, P K Johnston and A Ross.

Having previously declared an interest in this item, the Chair withdrew from the meeting and Councillor Johnston was appointed to the Chair during consideration and determination of this item.

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 the Erection of a Dwellinghouse at Land Adjacent to Bellfield Farmhouse, Newmachar, Aberdeenshire, AB21 0RJ – Reference: APP/2017/0034.

The Planning Adviser introduced the Notice of Review and advised the Local Review Body that in terms of review procedure the applicant had requested one or more hearing sessions; 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. He reported that the appellant had questioned the officer's interpretation of information submitted certifying land ownership and advised that further clarification on this matter could be requested if deemed appropriate.

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 have agreed terms and the payment has been settled; Environmental Health had requested further details on the operation of the adjacent slurry tank and following receipt of information from the applicant were now satisfied subject to conditions regarding the public water connection if approved; Flood Prevention were satisfied with the proposal; Roads Development were satisfied with the proposal subject to a number of planning conditions if approved and Roads Development were also satisfied with the proposal, again subject to a number of planning conditions if approved.

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

- (1) The proposed development to erect a dwellinghouse does not comply with Policy 3: Development in the Countryside and associated SG RD1: Housing and Business Development in the Countryside in Part A of RD1: Housing and Business Development in the Countryside precludes development unless it meets one, or more of the criteria contained within that policy. It has not been demonstrated that the farm is a viable enterprise and therefore a new dwellinghouse cannot be supported under the retirement succession aspect of policy. The proposal does not meet any of the other criteria stated within the policy. The proposal does not therefore accord with the adopted Aberdeenshire Local Development Plan, 2012 and no other material considerations have been identified that indicate the application should be supported.

The Local Review Body considered that the relevant policies as contained within the Local Development Plan (2012) were: Policy 3: Development in the Countryside and SG Rural Development 1: Housing and Business Development in the Countryside; Policy 7: Layout, Siting and Design of New Development and SG LSD2: Layout, Siting and Design of New Development, SG LSD9: Hazardous Development and SG LSD11: Carbon Neutrality in New Development and Policy 9: Development 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.

The Local Review Body were then reminded that the Aberdeenshire Local Development Plan, (2012) policies had now been replaced by the policies contained within the newly adopted Aberdeenshire Local Development Plan, 2017 and as such the Local Review Body considered that the relevant policies within the Aberdeenshire Local Development Plan (2017) were: Policy R2: Housing and Business Development in the Countryside; Policy P1: Layout, Siting and Design; Policy RD1: Providing Suitable Services; Policy RD2: Developer Contributions; Policy P4: Hazardous Developments and Contaminated Land and Policy C1: Using Resources in Buildings.

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.

During discussion, the Local Review Body agreed that further evidence should be sought from the applicant to confirm land ownership, including Bellfield Farmhouse, and that this in addition to the paperwork already circulated would provide sufficient information to allow the Local Review Body to determine the Notice of Review.

Thereafter, the Local Review Body **agreed** to DEFER consideration of the Notice of Review to allow them to follow further procedure, by way of seeking additional information, and then reconvene at a later date to determine the application. The information sought included:

- (1) further information from the applicant in the form of evidence of ownership of land, particularly Bellfield farmhouse, and confirmation of its materiality to the case.

10. LRB 378 – NOTICE OF REVIEW AGAINST REFUSAL OF FULL PLANNING PERMISSION FOR REPLACEMENT 18 NO. WINDOWS AT THE CLIFFS, 87 MAIN STREET, GARDENSTOWN, ABERDEENSHIRE, AB45 3YP – REFERENCE: APP/2017/0382

Councillor Hood returned to the meeting and took the Chair.

Local Review Body: Councillors F C P Hood, J Hutchison, J Ingram, P K Johnston and A Ross.

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 the Replacement of 18 No. Windows at the Cliffs, 87 Main Street, Gardenstown, Aberdeenshire, AB45 3YP – Reference: APP/2017/0382.

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 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 no valid representations had been received during the consultation period.

Further to consultations undertaken, it was reported that Environment – Built Heritage had commented that the installation of non-timber windows in a building located in a conservation area would conflict with council policy. They had stated that it would not only erode the traditional appearance of the building but the wider character of the Gardenstown Conservation Area. The proposal would in their view result in the loss of original architectural elements and undermine the principles of the original designation. As such the new replacement must match the original windows in terms of design, construction and material finish.

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

- (1) The development fails to comply with Policy 13: Protecting, Improving and Conserving the Historic Environment and Supplementary Guidance Historic Environment 2: Conservation Areas of the Aberdeenshire Local Development Plan 2012, in that the proposed development would neither preserve nor enhance the character and appearance of the Gardenstown Conservation Area. If these uPVC replacement windows were to be allowed, the special architectural features of the building would be

lost, which would be detrimental to the character of the Gardenstown Conservation Area and undermine the principles of the original designation. The proposal equally fails to comply with the relevant policies contained within the Proposed Aberdeenshire Local Development Plan 2017.

The Local Review Body considered that the relevant policies as contained within the 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 Policy 13: Protecting, Improving and Conserving the Historic Environment and SG Historic Environment 2: Conservation Areas. Other material planning policy considerations were Scottish Planning Policy and Historic Scotland's Managing Change in the Historic Environment guidance note series.

The Local Review Body were then reminded that the Aberdeenshire Local Development Plan, (2012) policies had now been replaced by the policies contained within the newly adopted Aberdeenshire Local Development Plan, 2017 and as such the Local Review Body considered that the relevant policies within the Aberdeenshire Local Development Plan (2017) were: Policy P1: Layout, Siting and Design and Policy HE2: Protecting Historic and Cultural Areas.

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.

During discussion, clarification was sought on the availability of appraisal documentation relating to the Conservation Area designation and the Planning Adviser confirmed that the only documentation available was a map confirming the Conservation Area boundary. In the absence of guidance documentation, the Local Review Body agreed that it would be beneficial to their determination of the Notice of Review to undertake a site inspection to view the property in situ and the surrounding area.

Thereafter, 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 take place on Friday 21 July 2017 at a time to be confirmed; (2) seeking additional information and then reconvene at a later date to determine the application. The information sought included:

- (a) the Planning Service decision notice, detail of application and report of handling in respect of planning application for alterations to dwellinghouse at Helens Cottage, 25 Seatown, Gardenstown (APP/2016/0008), and
- (b) the LRB decision notice and background information on a similar application within the conservation area of Gardenstown.