

ABERDEENSHIRE COUNCIL

LOCAL REVIEW BODY

WOODHILL HOUSE, ABERDEEN, FRIDAY 28 JULY, 2017

Present: Councillors R Cassie, J Hutchison, J Ingram, P K Johnston and A Ross.

Apologies: Councillor F C P Hood

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

1. APPOINTMENT OF INTERIM CHAIR TO THE LOCAL REVIEW BODY

The Senior Committee 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 to 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 Cassie, moved that Councillor Johnston be appointed as interim Chair and Councillor Johnston was duly appointed.

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 378 as the application site was within his ward, and as such intimated that he would withdraw from proceedings when that review 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 30 JUNE, 2017

The Local Review Body had before them, and **approved** as a correct record, the Minute of the Local Review Body meeting of 30 June, 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).

RECONVENED REVIEWS

6. 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

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

Reference was made to the Minute of the Local Review Body meeting of 30 June, 2017 (Item 9), 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 seeking additional information from the applicant, which would provide evidence of the ownership of the land.

The Local Review Body acknowledged that the information requested had been included in their agenda packs for the meeting (page 17-48), and as such the Local Review Body resumed consideration of the Notice of Review which sought a review of the Appointed Officer's decision to Refuse Full Planning Permission for 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 provided the Local Review Body with an overview of the application as presented at the initial meeting of 30 June, 2017 and a recap of 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 agreed that the relevant policies as contained 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.

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 issues for the Notice of Review as presented before them was whether the proposal would be in accordance with the policy criteria that would normally apply to the erection of new development in the countryside.

During discussion the Local Review Body made reference to the relevant development plan policy (RD2 from the Aberdeenshire Local Development Plan 2017) and Aberdeenshire Planning Advice 1/2016 – Housing and Business Development in the Countryside. The Local Review Body agreed that Policy R2 was similar in its wording from the now superseded Policy 3 from the Aberdeenshire Local Development Plan 2012 and that had confirmed that single homes would be permitted for the retirement succession of a viable farm holding.

From the onset, the Local Review Body expressed a certain degree of sympathy for the applicants position and they acknowledged their desire for the retired farmer to live adjacent to the site of the family run business, however, it was clear that the case, as presented by the applicant did not overcome the key policy considerations as set out in Policy R2 of the Aberdeenshire Local Development Plan 2017 and Aberdeenshire Planning Advice 1/2016.

The Local Review Body made reference to the additional information requested from the applicant/agent which was presented on (Page 17-48) of the agenda papers circulated, which had confirmed that even though the farm technically no longer has an associated house (even though one of the partners and the person succeeding with the farm business owns and lives in Bellfield Farmhouse), there was insufficient evidence presented to support the case for a new house as the farm holding was still considered to be unviable.

The Local Review Body made reference to the supporting SAC Report provided in the applicant's submission which had confirmed that the land holding of (20 ha.) combined with the nature of the farm enterprise generates a labour requirement of only 0.38 units whereas the planning policy advice states that a farm enterprise must be viable as a standalone unit. It also stated that the farm should be the successors main employment and that an income had been derived from the holding. The Local Review Body also highlighted that it was also evident from the planning advice that a farm enterprise under 50ha would have to provide conclusive evidence that the farm unit was viable and they then noted that the applicant had failed to present anything to justify that within any of the supporting documents.

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 grounds that the proposal would not comply with the policy criteria contained within Policy R2 of the Aberdeenshire Local Development Plan, 2017.

7. 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

Local Review Body: Councillors P K Johnston (Chair), J Hutchison, J Ingram and A Ross.

Reference was made to the Minute of the Local Review Body meeting of 30 June, 2017 (Item 10), 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 seeking additional information, namely:-

- (a) An unaccompanied site inspection to the application site and surrounding area, which had included a visit to a similar planning application APP/2016/0008;
- (b) Background information on LRB 345, Planning Application APP/2015/2796;
- (c) Background information on LRB 348, Planning Application APP/2016/1364; and
- (d) The applicant's response to the additional information (b) and (c) above.

The Local Review Body noted that the site inspection had been undertaken on Friday 21 July, 2017 and they acknowledged that the information requested had been included in their agenda packs for the meeting (page 117-231), and the applicant's response to that information (page 238-239) was presented. As such the Local Review Body then resumed consideration of the Notice of Review which sought a review of the Appointed Officer's decision to Refuse Full Planning Permission for the Replacement of 18 No. Windows at the Cliff's, 87 Main Street, Gardenstown, Aberdeenshire, AB45 3YP – Reference: APP/2017/0382.

The Planning Adviser introduced the Notice of Review and provided the Local Review Body with an overview of the application as presented at the initial meeting of 30 June, 2017 and a recap of 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 agreed that the relevant policies as contained 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. 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 issues for the Notice of Review as presented before them was whether the proposal was considered to be sympathetic to the character and appearance of the property and the Gardenstown Conservation Area.

Before proceeding the Local Review Body sought responses to specific questions, namely:-

- (1) the Planning Adviser confirmed that no scaled drawings of the proposed window details had accompanied the application;
- (2) Additional information sought had confirmed that the applicant's intention was to retain the 2 stain glassed windows on the rear elevation of the property which was at odds with the description of the original proposal;
- (3) The applicant offered to alter the proposed profile and colour of the proposed replacement windows; and

- (4) The Local Review Body noted an inaccuracy on the rear elevation drawing when visiting the site in that two ground floor windows are shown as split by a solid wall whereas the two windows actually sit together and are split by a timber mullion.

During discussion the Local Review Body acknowledged that it was clear from the applicant's submissions that the proposed uPVC windows and door would bring about a number of benefits which would include greater energy efficiency as a direct result from the reduction in heat loss and for the ongoing cost of maintenance.

The Local Review Body took cognisance of the fact that the Gardenstown Conservation Area had been designated as a conservation area in 2011, although, it was recognised that there did not appear to be any published Conservation Area Appraisal or Guidance.

During discussion the Local Review Body agreed that the site inspection had been extremely beneficial as it had afforded them the opportunity to view the streetscape where it had become evident that many properties located within the Conservation Area had already installed uPVC windows and doors. It was also acknowledged that in the majority of cases the introduction of replacement uPVC windows and doors had taken place under permitted development rights that were available prior to 2011.

The Local Review Body highlighted that the 2011 date was extremely important, as that was the point when the Conservation status and planning policy position altered, and as such any future alterations and improvements should be in the form of traditional timber sash and case windows. While they did acknowledge that there was a mix of styles and materials, the Conservation Area designation had been put in place for a reason and that had to be considered when determining the application before them

The Local Review Body sought additional information on a similar application which was previously determined by the Local Review Body at Cairnbulg (LRB 348 – Planning Ref: APP/2016/1364), presented on Pages 116 – 236 of the agenda papers. The Local Review Body agreed that the Notice of Review had been determined as an exception due to the evidence presented for flooding and sea ingress to that property. While it had been noted during the course of the site inspection that the property at 25 Seatown was also located close to the sea where an exception could have been deemed to be appropriate for similar reasons, the Local Review Body agreed that the Notice of Review as presented before them was a substantial house, located higher up the hill and positioned in the heart of the Conservation Area.

Having considered all of the information before them, the Local Review Body agreed with the conclusions of the Appointed Officer and the views of the Environment Team in that the replacement windows would not retain or replace like for like for the original sash and case style of windows which was the current clearly defined planning policy position. As there was no specific guidance for that Conservation Area, the policy guidance as set out in Historic Environment Scotland Guidance on Managing Change in the Historic Environment: Windows, would help to determine whether a proposal was acceptable or not and the Local Review Body noted that in future this guidance should be publicly available on the council's website to help assist applicant's with their proposals.

The Local Review Body took the view that the applicant's proposals were too fluid; lacked clarity and detail and should have been more concise. The replacement windows 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 where replacements must match the original windows in terms of design, construction and material finish.

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, as the proposal would not comply with the policy criteria contained within P1 and HE2 of the Aberdeenshire Local Development Plan, 2017 and it had failed to adhere to the relevant Historic Environmental Scotland Guidance relating to managing change in the historic environment.

The Local Review Body also agreed that a letter should be sent to the Head of Service (Planning and Building Standards) which would seek assurances from that Service that applicant's/agents, when submitting planning applications would have access to published guidelines on conservation areas, which should include a series of appropriate information when submitting applications. If such information was not readily available, reference should be made in the Report of Handling to any decision being made using the Historic Scotland Guidance for decision making and Historic Scotland's Guidance should be published on the Aberdeenshire Planning Portal.

NEW REVIEWS

8. LRB 377 – NOTICE OF REVIEW AGAINST REFUSAL FULL PLANNING PERMISSION FOR ERECTION OF DWELLINGHOUSE WITH INTEGRAL GARAGE AT LAND TO NORTH WEST OF BRIDGEND FARMHOUSE, TURRIFF, ABERDEENSHIRE, AB53 8AA – REFERENCE: APP/2016/3466

Local Review Body: Councillors P K Johnston (Chair), R Cassie, J Hutchison, J Ingram 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 Erection of a Dwellinghouse with Integral Garage at Land to North West of Bridgend Farmhouse, Turriff, Aberdeenshire, AB53 8AA – Reference: APP/2016/3466.

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.

The Planning Adviser ended his presentation by reporting that 6 valid letters of representation had been submitted (3 opposed and 3 in support of the proposed development) and the material issues raised within those submissions were:-

Opposed to the Proposed Development

- Water and drainage issues;
- Not part of a cohesive group;
- Road safety concerns;
- Impact on an adjacent listed building;
- Erode landscape character; and
- Overshadowing, overlooking and privacy concerns.

In support of the Proposed Development

- Proposed footpath would allow safe walking access to Turriff;
- Footpath would be a safe route to school for children; and
- Proposed house design would complement other dwellings in the area.

Further to consultations undertaken, it was reported that Developer Obligations had been consulted and had confirmed that contributions had been sought towards affordable housing within the area towards the replacement Markethill Primary School; Environmental Health had been consulted and had no objections to the proposal, however, if for any reason a public water supply was not used, the applicant would be required to provide a private supply which was adequate, to the satisfaction of Environmental Health prior to the dwellinghouse being occupied; Roads Development had confirmed that they had no objection to the development subject to standard conditions and informatives being attached if permission was granted and Scottish Water had been consulted but had not responded during the consultation period.

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

- (1) The proposed development is contrary to 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 it is not an appropriate additional to an existing cohesive group of at least five houses.

Furthermore, the application has also been considered against Policy R2: Housing and Business Development elsewhere in the countryside, of the emerging Aberdeenshire Local Development Plan 2017 and it is not considered that the proposal would not comply with this policy as it would not be an appropriate addition to an existing cluster of at least five houses.

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 SG LSD 11: Carbon Neutrality in New Development; Policy 9: Developer Contributions and SG Developer Contributions 1: Developer Contributions, SG Developer Contribution 2: Access to New Development and SG Developer Contribution 3: Water and Waste Water Drainage Infrastructure; Policy 11: Natural Heritage and SG Natural Environment 2: Protection of the Wider Biodiversity and Geodiversity and Policy 12: Landscape Conservation and SG Landscape 1: Landscape Character.

Following the adoption of the Aberdeenshire Local Development Plan (2017) on 17 April 2017, the Local Review Body agreed that the relevant policies within the Aberdeenshire Local Development Plan (2017) which would apply, would be: Policy R2: Housing and Business Development in the Countryside; Policy P1: Layout, Siting and Design; Policy C1: Using Resources in Buildings; Policy RD1: Providing Suitable Services; Policy RD2: Developers' Obligations; Policy E1: Natural Heritage and Policy E2: Landscape. Other material considerations were Aberdeenshire Council Planning Advice 10/2016 – 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. 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 issues for the Notice of Review as presented before them was whether the principle of the development was considered to meet with any of the criteria set out in the development in the countryside policy; whether the design and scale of the proposed development was in keeping with the surrounding area and whether there would be any impact on amenity or on the landscape character of the area.

During discussion the Local Review Body acknowledged that the proposed site was located adjacent to, but, outwith the defined settlement boundary of Turriff as identified in the Aberdeenshire Local Development Plan, 2017 and as such it was agreed that the principle for the proposed development would have to be assessed against Policy R2 - Housing and business development elsewhere in the countryside. When considering the relevant criteria it was also noted that the site was located within the Rural Housing Market Area (RHMA) and as such support could be given to proposals if they were an appropriate addition in scale and character to an existing cohesive group of at least 5 houses. The Local Review Body took the view, having considered the Applicant's submissions and the assessment contained in the Appointed Officer's Report of Handling, that it was clear that there were only 4 existing properties within the cohesive group (to the south of the site) and the 5th house was located (to the north) within the Turriff settlement boundary rather than within the cohesive grouping. The Local Review made reference to the settlement boundary line which could be seen to separate the existing cluster of 4 houses to the south from the housing located within Turriff to the north and as such they were minded that proposal if approved would effectively lead to an extension of the existing settlement boundary.

The Local Review Body then gave consideration to whether the proposed development was located within 200m of an identified small-scale settlement as listed in Appendix 4 to the Aberdeenshire Local Development Plan, 2017. In response to a number of questions raised, the Planning Adviser was able to confirm that Turriff was not defined as one of the small-scale settlements listed under Appendix 4 and no other settlement listed under Appendix 4 was located within 200 m of the proposed site. Having taken that information into account, the Local Review Body agreed that the principle of development could not be supported as it would fail to comply with any of the qualifying criteria specified in Policy R2 of the Aberdeenshire Local Development Plan 2017.

The Local Review Body agreed that the proposed siting and design of the house would generally fit in with the other neighbouring properties (in accordance with Policy P1 of the ALDP 2017) and no amenity, landscape character or access and servicing issues were likely to be raised by the proposed development.

When taking into account any material considerations, the Local Review Body noted that the potential footpath link to Turriff to be located alongside the application site had not formed part of the original planning application. It was noted that further plans had been submitted by the agent to confirm that the applicant did own the agricultural field to the west of the application site, however, no further details of the proposed footpath link had been provided as part of the formal application submission.

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, as the proposal would not comply with the policy criteria contained within Policy R2 of the Aberdeenshire Local Development Plan, 2017.

9. LRB 379 – NOTICE OF REVIEW AGAINST REFUSAL OF FULL PLANNING PERMISSION FOR ERECTION OF 2 DWELLINGHOUSES AT LAND AT ROSEHALL FARM, NEWMACHAR, ABERDEENSHIRE, AB21 0UT – REFERENCE: APP/2017/0215

Local Review Body: Councillors P K Johnston (Chair), R Cassie, J Hutchison, J Ingram 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

Erection of 2 Dwellinghouses at Land Rosehall Farm, Newmachar, Aberdeenshire, AB21 0UT
– Reference: APP/2017/0215.

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.

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 Contaminated Land had no objection to the proposed development as details had been provided regarding the previous potential for contaminate use and as such an informative would be recommended to highlight to the applicant that if any contamination was discovered, the Planning Authority should be notified immediately; Environmental Health had no objections to the proposed development; Roads Development had no objection to the proposal which would use an existing access sufficient in terms of visibility, gradient and surfacing to accommodate the additional traffic generated by the proposed development; Developer Obligations had highlighted the requirement for payment of developer contributions and the applicant had confirmed their intentions to comply with that requirement; BP had no objection to the development as it would lie within the middle of the consultation zone for BP's Forties Pipeline and National Grid and Scottish Water had not responded during the consultation period for the planning application.

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

- (1) The proposed dwellinghouse does not demonstrate compliance with any of the criteria of Policy 3 and related SG RD1: Housing and Business Development in the Countryside of the Aberdeenshire Local Development Plan, 2012. Specifically, the buildings on site are not considered redundant for their original purpose due to their siting within the domestic curtilage of a dwellinghouse and their current use for domestic storage. Also, the proposed plot for 'House 1' would not be situated within the curtilage of the building to be replaced.

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 SG LSD11: Carbon Neutrality in New Development; Policy 9: Developer Contributions and SG DC1: Developer Contributions, SG DC2: Access to New Development and SG DC3: Water and Waste Water Drainage Infrastructure and Policy 11: Natural Heritage and SG Natural Environment 2: Protection of the Wider Biodiversity and Geodiversity.

Following the adoption of the Aberdeenshire Local Development Plan (2017) on 17 April 2017, the Local Review Body agreed that the relevant policies within the Aberdeenshire Local Development Plan (2017) which would apply, would be: Policy R2: Housing and Business Development Elsewhere in the Countryside; Policy P1: Layout, Siting and Design; Policy P4: Hazardous and Potentially Polluting Development and Contaminated Land; Policy C1: Using Resources in Building; Policy RD1: Providing Suitable Services and Policy RD2: Developers' Obligations. Other material considerations were Aberdeenshire Planning Advice 06/2012: Implementation of Policy SG LSD2: Layout, Siting and Design of New Development and Aberdeenshire Council Planning Advice 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 and 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 issues for the Notice of Review as presented before them was whether the proposal was in accordance with the policy criteria that would normally apply to the erection of new development in the countryside and whether the proposed layout, siting and design was considered to be acceptable.

The Local Review Body noted that the application site was within the Aberdeen Housing Market Area (AHMA) and as such that policy criteria would not allow for any consideration under the terms of the cohesive groups/cluster category which would only apply in the Rural Housing Market Area (RHMA). As such the Local Review Body agreed that it was clear from the applicant's submission and the assessment contained within the Appointed Officer's Report of Handling that the key consideration would be based upon the redundancy or otherwise of the existing buildings on the site.

The Local Review Body acknowledged that the proposed building for redevelopment had been redundant for their original agricultural purpose, however, they had more recently been used for domestic storage purposes associated with the extended curtilage of the farmhouse.

During discussion opposing views were expressed.

One member of the Local Review Body was sympathetic to applicant's Notice of Review and upheld the applicant's supporting statement on the grounds that the agricultural building had not been used for its designated original purpose for over 20 years and as such he took the view that the site would now qualify as a brownfield site. It was highlighted that this would in his view be considered as ready for redevelopment, which could involve the remediation of a redundant building on brownfield land in accordance with Policy R2 of the Aberdeenshire Local Development Plan, 2017 as the current building was dilapidated and in its current state detracts from the character of the surrounding area.

Those who were opposed to the proposed development supported the Appointed Officer's conclusions as contained within the Report of Handling (page 420 of the agenda papers), as they took the view that it could be seen that the existing buildings were being used for storage purposes for some time. Accordingly, they were minded that the buildings were still serving a purpose and could not be considered to be redundant and there was no apparent reason why they could not continue to be used for continued storage purposes. They also noted that while the buildings may be in a moderate condition at the moment they do not necessarily have to be allowed to deteriorate through 'cultured dereliction' and the applicant could continue to maintain them for their current use (storage purposes).

Reference was then made to the Aberdeenshire Council Planning Advice 1/2016 where the guidance on buildings or sites currently being used for storage purposes stated that even if a building was not originally designed for that purpose then it would not qualify as being redundant or as a suitable brownfield redevelopment opportunity within the provisions of that Policy.

Concerns were also raised about the proposed size and position of Plot 1 as it was located outwith the curtilage of the building that it was proposed to replace and extended into an existing agricultural field which was separated from the curtilage of what would be considered the existing site. For that reason they were minded that the proposal failed to meet the criteria set out in Policy P1 – Layout, Siting and Design of the Aberdeenshire Local Development Plan 2017.

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, subject to planning policy references being amended to reflect the policies contained within the newly adopted Aberdeenshire Local Development Plan, 2017.

Councillor J Ingram did not accord with this view and requested that his dissent be recorded.

10. LRB 380 – NOTICE OF REVIEW AGAINST REFUSAL OF PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF DWELLINGHOUSE, INCLUDING FORMATION OF ACCESS AT LAND AT SILVERCROFT, CLATT, HUNTLY, AB54 4PJ – REFERENCE: APP/2017/0741

Local Review Body: Councillors P K Johnston (Chair), R Cassie, J Hutchison, J Ingram 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 Planning Permission in Principle for the Erection of a Dwellinghouse, including Formation of Access to Land at Silvercroft, Clatt, Huntly, AB54 4PJ – Reference: APP/2017/0741.

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.

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 objection to the proposed development subject to standard conditions relating to paving; parking; a lay-by; visibility splays and refuse bin uplift being attached to any granted planning consent; Developer Obligations had sent their Assessment Report which has sought contributions which had yet to be agreed with the applicant; Scottish Water did not respond during the consultation period and the Flood Prevention Unit (FPU) had advised that there was no known flooding history on the site and it did not lie within a sensitive area.

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

- (1) The housing near to the site does not form a cohesive group of at least 5 dwellings, and therefore does not present the opportunity for an addition to a cohesive group. The proposal does not present any other opportunity for residential development, and is contrary to Policy R2 Housing and Employment Development elsewhere in the countryside of the Aberdeenshire Local Development Plan (2017).
- (2) Insufficient information has been provided to demonstrate the site can be satisfactorily drained in relation to foul and surface water, and the proposal therefore has not demonstrated compliance with Policy RD1 Providing suitable services of the Aberdeenshire Local Development Plan (2017).

The Local Review Body considered that the relevant policies as contained within the Local Development Plan (2017) were: Policy R2: Housing and Employment Development Elsewhere in the Countryside; Policy P1: Layout, Siting and Design; Policy E2: Landscape; Policy RD1: Providing Suitable Services and Policy RD2P: Developers' Obligations.

The Chair then asked the Local Review Body to consider whether there was now sufficient information before them in order for members to consider and 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 issues for the Notice of Review as presented before them was whether the proposal was in accordance with the policy criteria that would normally apply to the erection of new development in the countryside, which in this case was the Rural Housing Market Area (RHMA).

Before proceeding, the Local Review Body noted that the site lies within the Rural Housing Market Area (RHMA) and as such it was clear from the Applicants submission and the assessment contained within the Appointed Officer's Report of Handling that the key consideration was whether the proposal could meet with the '*small scale addition to an existing cluster or group of at least 5 houses which was of a scale and character that was in keeping with that cluster or group*' category as specified in Policy R2 of Aberdeenshire Local Development Plan 2017.

During discussion, the Local Review Body supported the view that approval of the proposal could possibly lead to the creation of a cohesive group/cluster, however, they also acknowledged that an existing cluster of 5 houses did not currently exist. The Local Review Body made reference to the separation distances between the group of 4 houses located to the south east (containing Wester Ford, The Chaumer, Ford of Clatt and Silverford) and the property known as Viewfield which was located to the north west and agreed that the distances would be considered to be too great and therefore could not be considered as cohesive.

The Local Review Body were minded that the existing properties were in their view too spread out to be reasonably considered as forming an existing cohesive group/cluster of houses and that the proposed site would not represent an 'infill' opportunity between the properties as had been suggested by the agent in their supporting statement.

The Local Review Body made reference to the fact that no information had been provided by the applicant to demonstrate that the site could be satisfactorily drained in relation to foul and surface water in accordance with Policy RD1 – Providing suitable services of the Aberdeenshire Local Development Plan 2017. While it was acknowledged that there was no known flooding history on the application site and the proposed drainage measures could be resolved by means of suspensive condition on any approval, the lack of information on foul and surface water drainage measures would also be a legitimate reason to dismiss the Notice of Review.

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 as the proposal would not comply with the policy criteria contained within Policy R2 and RD1 of the Aberdeenshire Local Development Plan, 2017.

11. LRB 381 – NOTICE OF REVIEW AGAINST REFUSAL OF FULL PLANNING PERMISSION FOR ALTERATIONS TO WINDOW TO FORM FRENCH DOORS AT 4 ST LEONARDS COURT, BATH STREET, STONEHAVEN, ABERDEENSHIRE, AB39 2FQ – REFERENCE: APP/2017/1053

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

There had been submitted a Notice of Review and supporting documents by the applicant, which sought a review of the Appointed Officer's decision to Refuse Full Planning Permission for Alterations to a Window to Form French Doors at 4 St Leonard's Court, Bath Street, Stonehaven, Aberdeenshire, AB39 2FQ – Reference: APP/2017/1053.

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, and no consultations were undertaken.

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

- (1) The proposal is considered contrary to Policy P1: Layout, Siting and Design, Policy P3: Infill and Householder Development within Settlements (including home and work proposals) and Policy H2: Protecting Historic and Cultural Areas as contained in the Aberdeenshire Local Development Plan (2017).

The Local Review Body considered that the relevant policies as contained within the Local Development Plan (2017) were: Policy P1: Layout, Siting and Design; Policy 3: Infill and Householder Developments within Settlements (including home and work proposals) and Policy H2: 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.

The Local Review Body agreed that the main determining issues for the Notice of Review as presented before them was whether there would be any negative impact on the character of the converted St Leonard's Hotel or the wider Stonehaven Conservation Area as a result of planning permission being granted.

During discussion, the Local Review Body were minded 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 and surrounding area. The Local Review Body were minded that to consider the merits of the application, and as such thought that it would be helpful to physically see the front facing elevation of all the properties in that area; to find out whether there was a communal entrance (taking into account photo montages where there were planters outside) and to ascertain whether French doors could be accommodated as a replacement for the existing bay windows without having a negative impact in the conservation area.

After due consideration the Local Review Body **agreed** to DEFER consideration the Notice of Review to allow them to follow further procedure by way of an 'unaccompanied' site inspection to the application site which would be scheduled to take place on Friday 25 August, 2017 at 10.30 a.m. and then reconvene at a formal meeting of the Local Review Body which was already scheduled to take place the same day.

The Local Review Body agreed that the formal meeting scheduled to take place on Friday 25 August, 2017 would start at 11.30 a.m. rather than the normal start time of 10.15 a.m. and all parties would be duly advised.