

ABERDEENSHIRE COUNCIL

LOCAL REVIEW BODY

WOODHILL HOUSE, ABERDEEN, FRIDAY 27 OCTOBER, 2017

Present: Councillors F C P Hood (Chair), R Cassie, P Gibb (substituting for Cllr A Ross), J Hutchison, and J Ingram (substituting for Cllr I Sutherland).

Apologies: Councillor P K Johnston and Councillor A Ross

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

1. DECLARATION OF MEMBERS' INTERESTS

In respect of declaration of members' interests as required by the Code of Conduct for members, Councillor Cassie declared an interest in LRB 391 and 393 as both application sites were within his ward and as such intimated that he would withdraw from proceedings when those reviews were being considered. Councillor Hood declared an interest in LRB 392 as the application site was within his ward and he also intimated that he would withdraw from proceedings when that review was being considered.

The Chair noted that as he could not take part in LRB 392, and the Vice-Chair was not in attendance, the Local Review Body would require to nominate a temporary Chair when that item was being determined. Councillor Hutchison, seconded by Councillor Ingram nominated Councillor Cassie and Councillor Cassie duly accepted the nomination to act as Chair for LRB 392.

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. MINUTE OF THE LOCAL REVIEW BODY MEETING OF 29 SEPTEMBER, 2017

The Local Review Body had before them and **approved** as a correct record, the Minute of the Local Review Body meeting of 29 September, 2017 and this was duly signed in public.

4. 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).

5. PROPOSED LOCAL REVIEW BODY MEETING DATES 2018

There had been circulated a report, dated 18 October, 2017 by the Director of Business Services which presented a list of proposed meeting dates for Local Review Body meeting during 2018. The report explained that formal meetings and site visit dates would be included in the ward calendar, however, if there was no business to be determined, then those dates would be removed from the ward calendar.

The Committee Officer advised the Local Review Body that she would recommend one change to the list of dates proposed. Friday 30 March, 2018 was Good Friday and as such she proposed holding the formal meeting the previous week, which would be Friday 23 March, 2018.

After due consideration, the Local Review Body **agreed** the list of proposed meeting dates for 2018, subject the March formal meeting being held on Friday 23 March, 2018.

NEW REVIEWS

7. LRB 390 – NOTICE OF REVIEW AGAINST REFUSAL OF FULL PLANNING PERMISSION FOR INSTALLATION OF REPLACEMENT WINDOWS AT 33A DUKE STREET, HUNTLY, ABERDEENSHIRE, AB54 8DL – REFERENCE: APP/2017/1105

Local Review Body: Councillors F C P Hood (Chair), R Cassie, P Gibb J Hutchison and J Ingram.

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 the Installation of Replacement Windows at 33A Duke Street, Huntly, AB54 8DL – Reference: APP/2017/1105.

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 the Environment Service had commented that the principles of replacement windows had not been established and UPVC windows could not be supported.

It was further reported that the Environment Service had also submitted a response during the consultation period for the Notice of Review as presented on Page 70 of the agenda papers which explained that the comments referred to within the Report of Handling were part of a verbal response to the Development Management Officer which had taken place at an Environment Surgery. The response highlighted that the verbal response was in-line with the Aberdeenshire Local Development Plan 2017, Section 16 Policy HE2 Protecting Historic and

Cultural Areas and that policy seeks to preserve or enhance the character and appearance of a conservation area and would not support applications which did not achieve that. It was further reported that the Huntly Conservation Area Appraisal refers specifically to the encouragement of the repair, reinstatement and conservation of buildings, features and architectural detail (where there is historical evidence), especially frontages, timber windows and doors, chimney stacks and roof slates, boundary walls and treatments. As such the Environment Service had concluded that UPVC was not an acceptable material finish and that was the advice that was given to the applicant.

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

- (1) The replacement windows have not been justified, there is no evidence to suggest the existing traditional timber windows are beyond repair and in need of replacement. The proposed replacement windows, by virtue of their style and uPVC construction, would negatively impact on the character and appearance of Duke Street and the wider Huntly Conservation Area. The proposal is contrary to the principles of Policy P1 Layout, Siting and Design and Policy HE2: Protecting Historic and Cultural Areas 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 P1: Layout, Siting and Design; and
- Policy HE2: Protecting Historic and Cultural Areas.

Other material considerations were Historic Environment Scotland Policy Statement, June 2016 and Managing Change in the Historic Environment: Windows (October 2010).

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 could be considered to be sympathetic to the character and appearance of the Huntly Conservation Area.

During discussion the Local Review Body expressed some sympathy with the applicant's position, as it was clear from the photographic evidence presented, that the majority of the windows, (particularly to the rear of the property) did appear to be in very poor condition and would require replacement.

Further discussion then ensued and opposing views were expressed.

Those who were minded to uphold the Notice of Review took cognisance of the circumstances of the application site, and the particular location of the two pitched roofs to the rear of the property, which had meant that there was no direct access to those rear windows from the outside. They also considered the poor condition of the existing timber windows and the style and type of windows proposed, and took the view that on balance the replacement windows would actually enhance the existing building and as such the proposal could be supported under the terms of Policies P1 and HE2 of the Aberdeenshire Local Development Plan, 2017.

Those who were minded to uphold the Appointed Officer's decision to Refuse Full Planning Permission supported the conclusions of the Appointed Officer and the views of the

Environment Team as they were minded that the proposal should demonstrate that there were no alternative repair measures available to them, and, if none were possible, then the new windows should replicate the original in every way, including the material. As the applicant had failed to submit a supporting window condition report to demonstrate that the windows were beyond a state of repair and demonstrate appropriateness of the proposed windows within the Huntly Conservation Area, they took the view that like for like replacements should be sought as UPVC would not be an acceptable material finish and the proposal would be considered to be contrary to the principles of Policy P1 and HE2 of the Aberdeenshire Local Development Plan 2017.

Thereafter, Councillor Cassie, seconded by Councillor Ingram, moved to uphold the Notice of Review and reverse the decision reviewed by the Local Review Body and Grant Full Planning Permission.

Councillor Hutchison, seconded by Councillor Gibb, moved as an amendment to uphold the Appointed Officer's decision to Refuse Full Planning Permission.

The members of the Local Review Body then voted:-

For the motion (2) Councillors Cassie and Ingram

For the amendment (3) Councillors Hood, Hutchison and Gibb

The amendment was carried and 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 391 – NOTICE OF REVIEW AGAINST REFUSAL OF FULL PLANNING PERMISSION FOR ALTERATIONS TO DWELLINGHOUSE AT 49 SEATOWN, GARDENSTOWN, ABERDEENSHIRE, AB45 3YQ – REFERENCE: APP/2017/1305

Local Review Body: Councillors F C P Hood (Chair), P Gibb J Hutchison and J Ingram.

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 Alterations to a Dwellinghouse at 49 Seatown, Gardenstown, AB45 3YQ – Reference: APP/2017/1305.

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 one valid representation had been received which objected to the proposed development, having raised the following material issues:-

- Objecting to the use of UPVC windows for the application, stating that all new windows in the conservation area should be wooden/timber-framed.

Further to consultations undertaken, it was reported that the Environment Team had responded, and had indicated that the proposed development would not be acceptable on the grounds that while the property had evolved with different proportions and styles of windows in UPVC, and any new fenestrations, especially on the north elevation, would require careful consideration to avoid further erosion to the quality of the conservation area. The suggested

expansion of the existing kitchen window to create an opening of horizontal proportions would not be traditional details and could not be supported by the Planning Service. The Environment Service had indicated that the use of UPVC windows would conflict with national guidance with respect to not enhancing or preserving the character of the conservation area and the proposal would be at odds with Policy HE2 of the Aberdeenshire Local Development Plan, 2017, however, if they were to concede to UPVC units, they would have to consist of true sash and case units.

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

- (1) The proposed development will introduce architectural elements that would detract from the qualities of the Gardenstown Conservation Area and undermine the principles of the conservation area's original designation. The application therefore does not meet the policy requirements of Policy HE2: Protecting Historic and Cultural Areas, which requires development proposals to enhance rather than detract from the qualities of the conservation area. There are no other material considerations that would justify setting aside Policy HE2 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 P1: Layout, Siting and Design; and
- Policy HE2: Protecting Historic and Cultural Areas.

Other material considerations were Managing Change in the Historic Environment: Windows.

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.

During discussion the Local Review Body were in general agreement that it was clearly evident from the Notice of Review documents, and the Planning Adviser's photomontages, that many properties (including the applicant's property) located within the Conservation Area already had UPVC windows and doors. In response to a number of questions raised, the Planning Adviser acknowledged that in most cases the introduction of replacement PVC windows and doors had taken place under permitted development rights that were available prior to 2011 when the Conservation Area designation was introduced.

Further discussion then ensued and opposing views were expressed.

Those who were minded to uphold the Notice of Review took the view that it would be inconsistent to agree to any new openings, and to then insist on these being of a timber finish, when the existing windows and doors on the property were already finished in white UPVC. As such, they agreed that a departure from policy HE2 could be justified for the proposed development as they were minded that it would be more consistent to have all of the windows and doors finished in white UPVC so as to complete all of the openings in a single external finish.

Those who were minded to uphold the Appointed Officer's decision to Refuse Full Planning Permission took the view that it would not be unreasonable to have timber windows and doors as well as UPVC on the same property in accordance with Policy HE2 as there was already a mix of styles and materials in the surrounding area. It was highlighted that the Conservation Area designation had been put in place for a reason, and any new proposals should in their view always seek to enhance the character and appearance of the Conservation Area. As the property was located on the waterfront and in a prominent location, the highest standards of design and quality finishing materials should be sought and in this case the proposed UPVC finish did not achieve that aim.

Thereafter, Councillor Gibb, seconded by Councillor Ingram, moved to uphold the Notice of Review and reverse the decision reviewed by the Local Review Body and Grant Full Planning Permission.

Councillor Hutchison, seconded by Councillor Hood, moved as an amendment to uphold the Appointed Officer's decision to Refuse Full Planning Permission.

The members of the Local Review Body then voted:-

For the motion (2) Councillors Gibb and Ingram

For the amendment (2) Councillors Hood and Hutchison

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

The amendment was duly carried and the Local Review Body **agreed** to DISMISS the Notice of Review and Uphold the Appointed Officer's decision to REFUSE Full Planning Permission.

9. LRB 392 – NOTICE OF REVIEW AGAINST REFUSAL OF PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF DWELLINGHOUSE AT LAND AT NEWTON FARM, KEITHHALL, INVERURIE – REFERENCE: APP/2017/1001

Local Review Body: Councillors R Cassie (Chair), P Gibb J Hutchison and J Ingram.

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 at Land at Newton Farm, Keithhall, Inverurie – Reference: APP/2017/1001.

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 Developer Obligations had confirmed that agreement had been reached for a contribution towards secondary education; Environmental Health had no objection to the proposal, subject to a condition regarding connection to the public water supply; Flood Prevention had no objection to the proposal subject to a condition regarding the provision of a drainage system; Roads Development and the Scottish Gas Network had no comment on the application; National Grid and Scottish

Water did not respond to the consultation and SEPA did not object to the proposal, subject to a planning condition on finished floor levels.

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

- (1) In summary, the proposal is for a single dwellinghouse, however, it is not considered to fully comply with Policy R2 Housing and Employment Development Elsewhere in the Countryside as contained in the Aberdeenshire Local Development Plan 2017. Although it has been demonstrated that there is a need for an additional farm worker with the farm enterprise, it is considered that the site is not appropriate for the dwelling due to the distance from the farm 'hub' and the opportunities for other brownfield development.

The Local Review Body considered that the relevant policies as contained within the Local Development Plan (2017) were:

- Policy R2: Housing and Business Development Elsewhere in the Countryside;
- Policy P1: Layout, Siting and Design;
- Policy C1: Using Resources in Buildings;
- Policy RD1: Providing Suitable Services; and
- Policy RD2: 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 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.

In response to questions raised by the Local Review Body, the Planning Adviser provided clarification on the location of the two wind turbines at Newton Farm and their respective distances from the farm hub.

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 dwellinghouse could be justified as meeting the needs of a primary industry (agriculture) as specified in Policy R1 and R2 of the Aberdeenshire Local Development Plan 2017.

During discussion the Local Review Body made reference to the Labour Requirement Report which had stated that there was a labour unit requirement of 3.32. Having taken that into consideration the Local Review Body took the view that the essential agricultural worker was therefore acknowledged and as such the provision of a house under the terms of Policies RD1 and RD2 was considered to be acceptable in principle.

The Local Review Body then focused their attention on the reason for refusal which related to the proposed siting of the dwellinghouse and its relative distance from the farm hub. It was acknowledged that the Appointed Officer had considered that the site was too remote from the main farm hub and that the preference would be for other potential brownfield opportunity sites to be utilised, however, the Local Review Body were minded that it was not uncommon for a farm workers house to be located away from the main farm hub and the proposed distance of 1km was not considered to be overly excessive and still within the vicinity of the place of employment.

The Local Review Body then discussed appropriate conditions which should be applied to a granted planning consent and agreed that there were a number of conditions within the consultation responses which should be applied, and the requirement for the Developer Obligations contribution towards secondary education.

After due consideration, the Local Review Body **agreed**, to Uphold the Notice of Review and reverse the decision reviewed by it, and GRANT Planning Permission in Principle, subject to appropriate conditions which would be drafted by the Planning Adviser and circulated to the Local Review Body for approval, prior to inclusion in the final Review Decision Notice.

10. LRB 393 – NOTICE OF REVIEW AGAINST REFUSAL OF PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF DWELLINGHOUSE AT SITE AT HILLSIDE, OVERBRAE, FISHERIE, TURRIFF – REFERENCE: APP/2017/1539

Local Review Body: Councillors F C P Hood (Chair), P Gibb J Hutchison and J Ingram.

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 at a Site at Hillside, Overbrae, Fisherie, Turriff – Reference: APP/2017/1539.

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 the Environmental Health had objected to the proposal on the grounds that insufficient information had been provided on the water supply and further information would be required to confirm if it would be feasible to connect to the public water main. Roads Development had no objection to the proposal, subject to conditions and Developer Obligations had confirmed that they would not require any contributions towards education at Crudie Primary School and Turriff Academy as they were currently operating within capacity.

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 R2: Housing and Employment Development Elsewhere in the Countryside, of the Aberdeenshire Local Development Plan, 2017. Specifically, the building on site is not considered redundant for its original purposes due to its construction and current use for agricultural storage. Also, the proposed dwellinghouse would be situated within the same site as the building to be replaced.
- (2) Insufficient information has been received to demonstrate that the application complies with Policy RD1: Providing Suitable Services, of the Aberdeenshire Local Development Plan 2017. Specifically, further information is required to confirm that a public water supply is available, and the reason for this. If this is demonstrated, further information is required to confirm the quality and quantity of the proposed private water supply and that this is sufficient to serve the proposed dwellinghouse. No drainage certificate has been provided to demonstrate that the proposed foul and surface drainage measures are acceptable.

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 P4: Hazardous and Potentially Polluting Developments and Contaminated Land;
- Policy E1: Natural Heritage;
- Policy E2: Landscape;
- Policy C1: Using Resources in Buildings;
- Policy RD1: Providing Suitable Services; and
- Policy RD2: 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 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 in accordance with the policy criteria that would normally apply to the erection of a new development in the countryside, and whether the proposed servicing arrangements could be considered to be acceptable.

In response to questions raised by the Local Review Body regarding the source and quality of water supply, the Planning Adviser advised the Local Review Body that the agent had confirmed that the nearest public water main is more than a mile from the site therefore a private water supply was proposed. The applicant had intimated that a water diviner had carried out a site visit to determine a location for the water supply in March 2017 and a location was identified for the borehole. However, it was reported that as boreholes were expensive to carry out and as planning permission could not be guaranteed, the borehole had yet to be carried out, and as such no information on the source or quality for a private water supply was currently available. The Local Review Body also queried what the water supply arrangements were for the existing farm house at Hillside, and it was acknowledged that that information was not available in either the planning application or the Notice of Review submissions.

Further discussion then ensued and opposing views were expressed.

Those who were minded to uphold the Notice of Review took cognisance of the statement put forward by the agent, which argued that the existing building was in their view no longer suitable for its originally intended purpose and the application would be considered to involve the redevelopment of a redundant brownfield site which would accord with the relevant provisions of policy R2 from the Aberdeenshire Local Development Plan 2017.

While those members were supportive of the proposed development, they acknowledged that there were still outstanding matters relating to the water supply to the proposed new dwellinghouse. As such they suggested that the Notice of Review should be deferred, to allow the applicant and agent further time to provide additional information and details of the private water supply which would address and respond to the concerns which had been raised by Environmental Health and also the requirements of Policy RD1 of the Aberdeenshire Local Development Plan, 2017.

Those who were minded to dismiss the Notice of Review took the view that it was clear from the Applicant's submissions, and the assessment contained within the Appointed Officer's

Report of Handling, that the key policy considerations were based on the redundancy or otherwise of the existing building on the site.

While it was recognised that part of the building to be demolished had originally been in agricultural use to house livestock, it was in their view evident from the agent's own statement and the various photographs presented, that the building was still being used for storage purposes associated with the farm along with the immediately adjoining farm building which was also still in agricultural use.

As such, they were minded to dismiss the Notice of Review on the grounds that the existing building was currently in use for agricultural storage purposes as the building was still serving a purpose and could not be described as redundant or derelict. As such there was no apparent reason why it could not continue to be used for storage purposes alongside the adjoining farm building. Policy R2 allows for remediation of redundant brownfield land opportunities but this proposal did not meet this interpretation.

In addition, they did not accept that the proposal met with the general requirements of Policy R2 as it also raised concerns about the proposed size of plot and that the proposed western boundary which was located out with the curtilage of the building which it was proposed to replace and extended into open agricultural land.

Thereafter, Councillor Hutchison, seconded by Councillor Hood, moved to dismiss the Notice of Review and Uphold the Appointed Officer's decision to Grant Planning Permission in Principle.

Councillor Ingram, seconded by Councillor Gibb, moved as an amendment to defer the decision of the Notice of Review to allow further procedure by way of seeking clarification from the applicant, supported by an Environmental Health response, that a suitable water supply would be available to the new dwellinghouse.

The members of the Local Review Body then voted:-

For the motion	(2)	Councillors Hood and Hutchison
For the amendment	(2)	Councillors Gibb and Ingram

As there was an equality of votes, the Chair used his casting vote, and voted for the motion.

The motion was duly carried and the Local Review Body **agreed** to uphold the Notice of Review and reverse the Appointed Officer's decision and Grant Planning Permission in Principle, subject to conditions, which the Planning Adviser would draft and circulate to the Local Review Body for approval, prior to the final Review Decision Notice being issued.

11. LRB 394 – NOTICE OF REVIEW AGAINST REFUSAL OF FULL PLANNING PERMISSION FOR ERECTION OF BOUNDARY FENCE AND GATE (RETROSPECTIVE) AT ROWAN, NETHERLY, STONEHAVEN, AB39 3RB – REFERENCE: APP/2017/1031

Local Review Body: Councillors F C P Hood (Chair), R Cassie, P Gibb J Hutchison and J Ingram.

There had been submitted a Notice of Review and supporting documents by the applicant's, which sought a review of the Appointed Officer's decision to Refuse Full Planning Permission for the Erection of a Boundary Fence and Gate (Retrospective) at Rowan, Netherly, Stonehaven, AB39 3RB – Reference: APP/2017/1031.

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

The Planning Adviser ended his presentation by reporting that two valid representations had been received which were in support of the proposed development, having raised the following material planning issues on Road Safety. Concern was also raised in respect of the applicant's dog and the need for it to be contained within a fence, as erected, however that was not considered as a material planning reason in support of the application.

Further to consultations undertaken, it was reported that Roads Development had confirmed that the fence, as positioned, did not obstruct visibility and as such had no comment to make on the application.

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

- (1) Due to its height and materials, the proposed fence and gate is out of character with the local rural setting and has a detrimental visual impact. The application is therefore contrary to Policy R2: Housing and Employment Development Elsewhere in the Countryside and to Policy P1: Layout, Siting and Design 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 P1: Layout, Siting and Design;
- Policy R2: Housing and Employment Development Elsewhere in the Countryside; and
- Policy R1: Special Rural 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 style, height and colour of the fence and gate, respected the character and amenity of the surrounding rural area.

In response to questions raised by the Local Review Body, the Planning Adviser confirmed that the reason permitted development rights had been removed as part of the original planning application for the steading conversion was in the interests of the character and appearance of the development.

During discussion opposing views were expressed.

One member of the Local Review Body expressed the view that he was fully supportive of the Appointed Officer's decision as contained within the Report of Handling and Decision Notice, on the grounds that the proposed fence and gate was in his view considered to be out of character with the local rural setting, and the development had resulted in a detrimental visual impact particularly when viewed from the public road.

Those who were minded to uphold the Notice of Review took the view that the property did not sit in isolation being located immediately adjacent to other dwellinghouses. They also highlighted that the style of fence and gate was of a good quality and not out of keeping with the design and scale of the existing property as well as other fences and gates in the vicinity, and that overall it was considered to fit into this countryside setting without any significant adverse visual impact.

While the majority view held was to uphold the Notice of Review, on the grounds that the proposal would be in accordance with policies P1: Layout, siting and Design and P2: Development in the Countryside of the Aberdeenshire Local Development Plan, 2017, it was agreed that conditions should be placed on the granted planning consent which would require the applicant to paint or stain the fence and to ensure the implementation of a suitable landscape scheme within the garden of the property

After due consideration, the Local Review Body, by majority, **agreed** to Uphold the Notice of Review and reverse the decision reviewed by it, and GRANT Full Planning Permission (Retrospective), subject to appropriate conditions which would be drafted by the Planning Adviser and circulated to the Local Review Body for approval, prior to inclusion in the final Review Decision Notice.

Councillor Gibb did not accord with the decision and requested that his dissent be recorded.