

9. **LRB 449** – Notice of Review Against Refusal of Full Planning Permission for Change of Use from Office (Class 4) and Extension to Form Dwellinghouse (Class 9) at Office / Store, Land at 3 Garden Place, Cornfield Road, Turriff, Aberdeenshire, AB53 4SR – Reference: APP/2018/2816.

(ii) Supporting Documents as submitted by the Planning Service.





**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**Application Reference: APP/2018/2816**

TO: D K Meldrum Ltd  
The Drum  
10 Cheynes Lane  
Turriff  
AB53 4FQ

FOR: Mrs Alice Johnston  
Andante  
3 Garden Place  
Cornfield Road  
Turriff  
Aberdeenshire  
AB53 4SR

In pursuance of the powers exercised by them as Planning Authority, this Council having considered your application for the following:

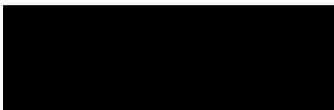
**Full Planning Permission for Change of Use from Office (Class 4) and Extension to form Dwellinghouse (Class 9) at Office / Store, Land at 3 Garden Place, Cornfield Road, Turriff, Aberdeenshire, AB53 4SR**

and in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, do hereby give notice of their decision to **REFUSE Full Planning Permission** for the following reasons:

- (1) The proposed property is too small to provide the dwellinghouse with any meaningful amenity space. The proposals are considered contrary to the following policies from the Aberdeenshire Local Development Plan 2017;

Policy P1 Layout, siting and design  
Policy P3 Infill and householder developments within settlements (including home and work proposals)

Dated: 28 February 2019



**Head of Planning and Building Standards**

**IMPORTANT – THIS IS A LEGAL DOCUMENT PLEASE RETAIN WITH YOUR  
TITLE DEEDS**



**List of Plans and Drawings**

Reference Number: 1R/W Version A Elevations, Sections & Floor Plans

Reference Number: 2R/W Location Plan

Reference Number: 2R/W Site and Block Plan Location



## NOTES

- (i) In the case of any permission granted, this does NOT incorporate any building warrant for any operations or change of use which may be required under the Building (Scotland) Act 2003. This must be obtained separately from the Council prior to the start of building operations.
- (ii) Any permission granted does not incorporate any listed building consent which may be required. This must be obtained separately prior to the start of building operations.
- (iii) Any permission granted is without prejudice to any further consents required from Aberdeenshire Council in its role as landowner.
- (iv) If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A Notice of Review form should be obtained from and submitted to:

Head of Legal and Governance  
Business Services  
Aberdeenshire Council  
Woodhill House  
Westburn Road  
Aberdeen  
AB16 5GB

Tel: 01467 532862

Email: [committee.services@aberdeenshire.gov.uk](mailto:committee.services@aberdeenshire.gov.uk)

A form may also be obtained from a local Planning office or the Council's website at [www.aberdeenshire.gov.uk/committees/localreviewbody.asp](http://www.aberdeenshire.gov.uk/committees/localreviewbody.asp)

- (v) If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

A copy of the appeal form and any documents should be sent to:

Head of Planning and Building Standards  
Aberdeenshire Council  
45 Bridge Street  
Ellon  
Aberdeenshire  
AB41.9AA

## **REPORT OF HANDLING**

**Application Reference: APP/2018/2816**

**Proposal: Change of Use from Office (Class 4) and Extension to Form Dwellinghouse (Class 9)**

**Address: Office / Store, Land at 3 Garden Place, Cornfield Road, Turriff, Aberdeenshire, AB53 4SR**

### **1. Description of proposal**

The applicant seeks full planning permission for a change of use from an office (Class 4) to form a dwellinghouse (Class 9) and the erection of an extension and a fence on land at 3 Garden Place, Cornfield Road, Turriff.

The site is located in a central area of Turriff in an area characterised by a variety of uses. The site includes a cottage of traditional style constructed from red sandstone and harling, as well as a small area of ground immediately west of the building. The property is immediately to the north and west of existing residential properties with a tower and small fire station to the west, and a contractor business to the north-west. The site is bounded by Garden Place to the north, from which it would take its vehicular access.

The proposal involves the conversion of the existing building, which functions as an office, to a residential property. In addition to this, a single storey extension would be added to the west elevation. The extension would measure approximately 1m wide and 4.7m in length, and feature a grey glassfibre, flat roof. The walls would be finished with a roughcast to match the colour of the existing building and a door will be formed on the west elevation of this extension. Alterations to the existing building are as follows:

- Windows would also be formed on the north elevation at ground level and on the roof at first floor level. A ground level window to be blocked up.
- A window to be formed on the upper level on the south elevation. 2 windows (1 dormer) and a door to be blocked up.

A 1.8m boundary fence would also be erected along the western boundary of the site, extending around the southern boundary of the property. The existing boundary wall to the north would be retained, with a personnel access gate to be formed approximately 1.6m along the wall from the existing western gable of the building.

## 2. Relevant Planning History

APP/2013/3128 – Change of use class 4 to class 9 and extension – Refused  
APP/2014/1023 – Change of use class 4 to class 9 and extension – Refused  
APP/2018/0854 – Change of use class 4 to class 9 and extension – Refused  
LRB 427 – APP/2018/0854 – Refused yet acknowledged that the conversion of the building was acceptable in principle.

## 3. Supporting Information

Review Body Direction – (Received 22/11/18)

## 4. Variations & Amendments

None.

## 5. Representations

No valid representations have been received.

## 6. Consultations

**Business Services (Developer Obligations)** stated that the proposed development for a single bedroom house does not engage Policy RD2 as these types of properties are not large enough to accommodate children who would use school services. As the proposal is for a single house only, it does not engage Policy H2 which requires developments of at least 4 houses to contribute towards affordable housing.

**Infrastructure Services (Roads Development)** was consulted and commented that parking can be accommodated on street. It had no further comments.

**Scottish Water** was consulted and had no specific objection. It commented that there is currently sufficient capacity in the Turriff Water Treatment Works. The development will be serviced by Turriff Waste Water Treatment Works and SW are unable to confirm capacity at this time.

## 7. Relevant Policies

### Scottish Planning Policy

The aim of the Scottish Planning Policies is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and

- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning system guides the future development and use of land in cities, towns and rural areas in the long term public interest. The goal is a prosperous and socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

#### Aberdeen City and Shire Strategic Development Plan 2014

The purpose of this Plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. All parts of the Strategic Development Plan area will fall within either a strategic growth area or a local growth and diversification area. Some areas are also identified as regeneration priority areas. There are also general objectives identified. In summary, these cover promoting economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapt to the effects of climate change and limit the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

#### Aberdeenshire Local Development Plan 2017

Policy P1 Layout, siting and design  
 Policy P3 Infill and householder developments within settlements (including home and work proposals)  
 Policy RD1 Providing suitable services  
 Policy RD2 Developers' obligations

### **8. Other Material Considerations**

An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.

### **9. Implications and Risk**

No implications.

### **10. Directions by Scottish Ministers**

None

## 11. Discussion

The main issues to consider are the principle of development and the likely impact upon the character and amenity of the surrounding area.

### Principle of development

In principle, Policy P3 allows for the change of use of buildings within a settlement. Such a proposal would be expected to respect the scale, density and character of the surrounding area, and not erode the character or amenity of the surrounding area. Compliance with this policy is dependent upon the assessment of the application under the following section.

### Layout, siting and design

It is considered that the very small-scale size of the proposed dwellinghouse (the total footprint would be approximately 45m<sup>2</sup>, internal 32m<sup>2</sup>) would be too small to reasonably be used as a dwellinghouse. The proposed garden ground would be less than 7m<sup>2</sup> in area which is barely adequate to contain standard clothes drying apparatus. It is expected that a dwellinghouse would only ideally occupy approximately 33% of the plot area in order to allow for a reasonable proportion of garden ground for amenity value. In this instance, the proportion of the plot that would be developed would be approximately 87%. This space would also not benefit from any sunlight given the height of the fence and the spaces position relative to the existing house.

The proposed 1.8m high fence will block some light from entering the front windows of the existing dwellinghouse at number 3. These north facing windows will not benefit from direct sunlight. Overall the amenity impacts from this aspect of the development are not significant. The addition of the fence will also impact the character of the house to some slight degree but again this is not deemed to be a significant issue.

### Servicing and access

The creation of the garden ground to the west of the building would also result in the loss of some of the land used by No.3 Garden Place for car parking and manoeuvring vehicles in the site. It is considered this could potentially impact upon the suitability of the car parking provision of the neighbouring property, and may increase the dependency of parking provision on the street rather than within the curtilage of the property. This is generally viewed unfavourably by the Planning Service. However, Roads Development are satisfied that the proposal does not require off street parking in this instance. The access arrangements are considered compliant with Policy RD1 Providing suitable services.

The property can be serviced by a public water supply and can achieve a connection to the public sewer (if remaining capacity is available). There is no requirement for SUDS details as the proposals do not involve the

development of significant undeveloped surfaces. The servicing arrangements are compliant with Policy RD1 Providing suitable services.

### Developer Obligations

Developer Obligations have advised that no contribution is required for the development in this particular instance, therefore the proposal complies with Policy RD2.

### Overall

The proposed property and garden ground are too small to provide the dwellinghouse with any meaningful amenity space. The proposals are considered contrary to the following policies from the Aberdeenshire Local Development Plan 2017;

Policy P1 Layout, siting and design  
Policy P3 Infill and householder developments within settlements (including home and work proposals)

## **12. Recommendation**

REFUSE for the following reasons:

01. The proposed property is too small to provide the dwellinghouse with any meaningful amenity space. The proposals are considered contrary to the following policies from the Aberdeenshire Local Development Plan 2017;

Policy P1 Layout, siting and design  
Policy P3 Infill and householder developments within settlements (including home and work proposals)

## **13. Process of Determination**

The application was the subject of consultation with Local Members under the Council's Scheme of Governance.

## **14. Planning Obligations**

No



Viewmount Arduthie Road Stonehaven AB39 2DQ Tel: 01569 690544 Email: [planningonline@aberdeenshire.gov.uk](mailto:planningonline@aberdeenshire.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100092851-003

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Type of Application

What is this application for? Please select one of the following: \*

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Change of use office to dwelling alter and extend

Is this a temporary permission? \*  Yes  No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*  Yes  No

Has the work already been started and/or completed? \*

No  Yes – Started  Yes - Completed

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	D K Meldrum Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	DAVID	Building Name:	The Drum
Last Name: *	MELDRUM	Building Number:	10
Telephone Number: *		Address 1 (Street): *	Cheynes Lane
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Turriff
Fax Number:		Country: *	Scotland
		Postcode: *	AB53 4FQ
Email Address: *	Dmeldrum1957@aol.com		

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Andante
First Name: *	Alice	Building Number:	3
Last Name: *	Johnston	Address 1 (Street): *	Garden Place
Company/Organisation		Address 2:	Cornfield road
Telephone Number: *		Town/City: *	turriff
Extension Number:		Country: *	Aberdeenshire
Mobile Number:		Postcode: *	AB53 4SR
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

Aberdeenshire Council

Full postal address of the site (including postcode where available):

Address 1:

ANDANTE

Address 2:

3 GARDEN PLACE

Address 3:

CORNFIELD ROAD

Address 4:

Address 5:

Town/City/Settlement:

TURRIFF

Post Code:

AB53 4SR

Please identify/describe the location of the site or sites

Northing

850071

Easting

372710

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Site Area

Please state the site area:

53.41

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Architects Office

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

Yes  No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*  Yes  No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

**Water Supply and Drainage Arrangements**

Will your proposal require new or altered water supply or drainage arrangements? \*  Yes  No

Do your proposals make provision for sustainable drainage of surface water?? \*  Yes  No  
(e.g. SUDS arrangements) \*

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

**Assessment of Flood Risk**

Is the site within an area of known risk of flooding? \*  Yes  No  Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*  Yes  No  Don't Know

**Trees**

Are there any trees on or adjacent to the application site? \*  Yes  No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

**Waste Storage and Collection**

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*  Yes  No

If Yes or No, please provide further details: \* (Max 500 characters)

concrete slabbed standing in fenced walled enclosure

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

Yes  No

How many units do you propose in total? \*

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

Yes  No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) \*

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

Yes  No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

Yes  No

Is any of the land part of an agricultural holding? \*

Yes  No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

# Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: DAVID MELDRUM

On behalf of: Mrs Alice Johnston

Date: 22/11/2018

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

Yes  No  Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

- |  |                              |   |
|--|------------------------------|---|
| A copy of an Environmental Statement. *  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. *                                   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. *   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. *  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. *  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. *  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. *  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr DAVID MELDRUM

Declaration Date: 22/11/2018



NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION

**PROJECT DETAILS**

Re-establish Dwelling house @  
3 Garden Place  
Turriff  
  
for Mrs Alice Johnston

**DRAWING DETAILS**

Proposals:  
Scale N/A  
Date 02;1;2018  
Drawn DKM  
REF No **EXISTING**



D K MELDRUM LTD  
ARCHITECTURAL SERVICES  
BUILDING CONSULTANCY

Mob: 07800841674  
E-Mail: Dmeldrum1957@aol.com  
Office: THE DRUM  
10 Cheynes Lane  
Turriff  
AB53 4FQ **360**

**Aberdeenshire Council Local Review Body****Reference LRB 427 - APP/2018/0854****Review Decision Notice**

---

**Decision by Aberdeenshire Council Local Review Body (LRB)**

- Site address: 3 Garden Place, Cornfield Road, Turriff
- Application for review by Mrs Alice Johnston c/o D K Meldrum Ltd against the decision by an Appointed Officer
- Application reference APP/2018/0854 for Full Planning Permission for change of use from office (class 4) and extension to form dwellinghouse (class 9) and erect 2.1 m high fence refused by decision notice dated 14 June 2018.
- Application drawings: Location Plan and Site Plan @ 1/1250 & 1/100 scale (drawing no: 1AJ); Existing Elevations and Floor Plan @ NTS (drawing no: 3AJ) and Elevations, Floor Plans and Sections @ 1/50 scale (drawing no: 2AJ).
- An unaccompanied site inspection took place on 26 October 2018.

**Date of Decision:** 6 November, 2018

---

**Decision**

The Local Review Body (LRB) agrees in part with the decision reviewed by it and to refuse Full Planning Permission for the reason set out in paragraph 4 below.

**1.0 Preliminary**

- 1.1 This Notice constitutes the formal decision notice of the Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The LRB reviewed the determination of the above application for planning permission at its meeting held on 26 October 2018. The LRB was attended by Councillors F C P Hood (Chair), R Cassie, J Hutchison, and J Ingram and P K Johnston. As part of the review the LRB carried out an unaccompanied site inspection earlier on the same day, which the LRB had previously agreed to undertake when it deferred consideration of the case at its previous meeting held on 28 September 2018.
- 1.3 Having undertaken the earlier site inspection and having also now received the additional information requested at their earlier meeting on 28 September 2018, from the Planning Service in respect of details of the previous planning applications for similar proposals at the site (APP/2013/1023 & APP/2014/3128), and a response from the agent as to why the current proposal was similar to the originally refused application (APP/2013/1023), the LRB agreed that there was now sufficient information before it to consider the review and that no further information was required.

## **2.0 Proposal**

- 2.1 The site is located in the central area of Turriff. The site includes a semi-detached former cottage of traditional style constructed from red sandstone and harling, as well as an area of ground immediately west of the building. The property is immediately to the north and west of existing residential properties with a tower and small fire station to the west, and a contractor business to the north-west. The site is bound by Garden Place to the north, from which it would take its pedestrian access.
- 2.2 The proposal involves the conversion of the existing building, which currently functions as an ancillary office/store to the existing adjacent residential property. In addition to this, a single storey extension would be added to the west elevation. The extension would measure approximately 1m wide and 4.7m in length, and feature a grey glassfibre, flat roof. The walls would be finished with a roughcast to match the colour of the existing building. Windows would also be formed on the north elevation at ground level and on the roof at first floor level. Windows at both levels on the southern elevation would be blocked up and the existing door on the south elevation would be altered to become a kitchen window. A 2.1m boundary fence would also be erected along the western boundary of the site, extending around the southern boundary of the property, midway between the existing office building and the adjacent bungalow. The existing boundary wall to the north would be retained, with an access gate to be formed approximately 1.6m along the wall from the existing western gable of the building.
- 2.3 Previous similar applications (APP/2014/1023 & APP/2013/3128) had both been refused planning permission under delegated powers and at the Area Committee respectively.

## **3.0 Reasoning**

- 3.1 The main determining issues in this review was whether the proposals could be accommodated without resulting in an unacceptable loss of amenity or a detrimental impact on the layout, density and character of the area.
- 3.2 The LRB agreed that the relevant policies contained in the adopted ALDP 2017 had been identified in the Report of Handling and these were as follows:
- Policy P1 – Layout, siting and design,
- Policy P3 – Infill and householder developments within settlements,
- Policy RD1 – Providing suitable services, and
- Policy RD2 – Developers' obligations.
- 3.3 The LRB agreed that their earlier site inspection had been extremely useful. The site inspection had also allowed the LRB to view the general character and mixed density of development within this central part of Turriff as well as the fact that on street parking was available adjacent to and in the vicinity of the site.

- 3.4 In response to questions from the LRB the planning adviser provided guidance in respect of the permitted development rights that would be available to the current dwellinghouse in respect of the location and heights of boundary treatments that could be erected without planning permission. Advice was also provided in respect of the mechanism that could be used to alter the proposed plans and the extent to which any planning conditions could be applied e.g. to ensure a window was finished in obscure glazing. The LRB also sought advice from the legal advisor who confirmed that the LRB should seek to uphold or dismiss the Notice of Review based on the plans that had been presented during the planning application process.
- 3.5 During their discussion, the LRB took full account of the reasons for refusal as set out in the decision notice, the appointed officer's Report of Handling as well as the statement and supporting information provided in support of the Notice of Review from the agent, including the further amended plan (page 87 of agenda papers) provided by the agent in response to the LRB's request for further information.
- 3.6 In general terms the LRB were of the view that the conversion of the existing building into a single bedroom property (including the small 1m x 4.7m side extension) would not be out of character with the surrounding area where there was already clearly a mix in size, scale and density of development. The extent of the proposed garden ground was also not considered to be out of context for the size and layout of the small property proposed, particularly when it was acknowledged that a number of properties in and around Turriff don't have garden ground areas that would meet with normal standards. In addition, the LRB did not agree with the 2<sup>nd</sup> reason for refusal as the proposed single bedroom dwellinghouse would not necessarily have to be adapted in the future and a condition could also be applied to control any future alterations and extensions through the removal of permitted development rights.
- 3.7 The key issue identified by the LRB related to the proposed boundary treatment between the existing and proposed properties. Some members considered whether the proposed fence could be reduced in height, others considered whether it could be removed completely so as to provide a single communal area of amenity space. Despite some debate on this issue all members agreed that the current layout, position and proposed height of the fence (2.1 m) wasn't a suitable method of subdivision and that it would result in poor planning and also result in a detrimental impact on the amenity of the existing dwellinghouse at no. 3 Garden Place by cutting out light, and reducing the size, area and functionality of its parking provision contrary to the requirements of Policy P3 of the ALDP. The LRB therefore agreed with the Appointed Officer in respect of this part of the 1<sup>st</sup> reason for refusal.
- 3.8 Overall the LRB had sympathy for the applicant's intentions and they agreed that there was the potential for this building to be converted into a dwellinghouse. However, because of the differences raised between the current proposals and the further amended plan provided by the agent, it was acknowledged that it would be cleaner and fairer to all interested parties for any further revisions to be considered as part of a fresh planning application submitted to the Planning Service. In response to a question the planning adviser confirmed that if a further planning application of the same character and description is submitted within 12 months from the date of refusal of an earlier application, then it would not incur an additional planning application fee.

3.9 In conclusion, and in the absence of any 'other material considerations', the LRB resolved to uphold in part the decision of the Appointed Officer, thereby refusing Full Planning Permission for the reason set out below.

#### 4.0 Reason for Refusal

The proposal is contrary to Policy P3 Infill and householder developments within settlements (including home and work proposals) of the Aberdeenshire Local Development Plan 2017, as the erection of the fence would impact on the amenity of the existing dwellinghouse at no.3 Garden Place by cutting out light, and reducing the size, area and functionality of its parking provision.



**Karen Wiles**  
**Head of Legal and Governance**

## **TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

### **Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)**

#### **Notice Under Regulation 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.**

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
  
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

**From:** [Paul Macari](#)  
**To:** [John Todd](#)  
**Cc:** [Planning Online](#); [Developer Obligations](#)  
**Subject:** Planning Application Ref: APP/2018/2816  
**Date:** 18 January 2019 15:37:43

---

**Planning Application Ref: APP/2018/2816**  
**Change of Use from Office (Class 4) and Extension to Form Dwellinghouse (Class 9) | Office / Store Land At 3 Garden Place Cornfield Road Turriff Aberdeenshire AB53 4SR**

The proposed development seeks planning permission for the formation a one bedroom house. One bedroom housing units do not engage Policy RD2 Developer's Obligations of the Aberdeenshire Local Development Plan 2017 as it is assumed that these house types will not generate school pupils given the number of bedrooms available.

Policy H2 Affordable Housing of the Aberdeenshire Local Development Plan 2017 requires developments of 4 or more housing units to provide 25% of the development as affordable housing or make a commensurate financial/ land contribution towards the provision of affordable housing. As the proposed development involves the formation of one housing unit, planning application ref: APP/2018/2816 does not engage Policy H2 of the adopted Local Development Plan.

Regards

Paul Macari | Principal Developer Obligations Officer |  
Legal and Governance | Business Services | Aberdeenshire Council | Banchory Town Hall | 1  
Kinneskie Lane | Banchory | AB31 5RW

Tel: 01467 537559

Email: [paul.macari@aberdeenshire.gov.uk](mailto:paul.macari@aberdeenshire.gov.uk)

**Technical Consultation No 1 for Planning Application Ref: APP/2018/2816**

Application type: **FPP (Full Planning Permission)**

Proposal: **Change Of Use From Office (Class 4) And Extension To Form Dwellinghouse (Class 9) At Office / Store**

Location: **Land At 3 Garden Place, Cornfield Road, Turriff, Aberdeenshire, Ab53 4sr**

Date consultation request received: **16/01/2019**

Planning Officer: **John Todd**

Roads Officer: **Esther Mcdonald**

**1. Visibility Requirements (Not Applicable)**

Speed Limit at site: **mph**

Design speed: **mph ( ) for ( )**

Based on the minimum visibility requirements within Aberdeenshire Council's current standards and on the design speed a visibility of metres by metres will be required

Does current application provide this? Yes  No

**2. Parking Requirements:**

From Aberdeenshire Council's Parking Standards the required parking provision is **2** Spaces made up of: Operational and Non-Operational.

Is shown provision of **0** spaces acceptable Yes  No

**Note:**

The parking provision can be accommodated on street.

**3. Road Layout:**

- Is a Traffic Assessment required? Yes  No
- Access onto Public Road Network? Direct  Indirect
- Will the Shown Layout Require RCC? Yes  No
- Does the Shown Layout Appear to Comply with RCC? Yes  No

***If No, What are Main Items of Non-Compliance?***

**4. Other Comments:**

**5. Recommendations:**

- This Service objects to this application for the following reasons:-**
- Insufficient Visibility**       **Insufficient Parking Provision**
  - Road Safety (see comments in Section 4)**
  - Insufficient information has been submitted to comment on this application. Please treat this response as a holding objection until the required information has been submitted. (See Section 4)**
- This Service has no further comments to make on this application .**
- This Service does not object to this application subject to the following conditions and advisories being applied should planning permission be granted:-**

Initialed by: [REDACTED]

Checked: [REDACTED]

Date: 21/01/2019

Date: 22/01/2019



18<sup>th</sup> January 2018

Aberdeenshire Council  
Buchan House St Peter Street  
Peterhead  
AB42 1QF

Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Stepps  
Glasgow  
G33 6FB

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - DevelopmentOperations@scottishwater.co.uk  
www.scottishwater.co.uk

Dear Local Planner

**SITE: AB53 Turriff Land At 3 Garden Place Office-Store**  
**PLANNING REF: APP/2018/2816**  
**OUR REF: 771812**  
**PROPOSAL: Change of Use from Office (Class 4) and Extension to Form Dwellinghouse (Class 9)**

**Please quote our reference in all future correspondence**

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

#### **Water**

- There is currently sufficient capacity in the **Turriff** Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

#### **Foul**

- This proposed development will be serviced by **Turriff** Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link [www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application](http://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application)

**The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.**

### **Surface Water:**

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

### **General notes:**

- **Scottish Water asset plans can be obtained from our appointed asset plan providers:**

**Site Investigation Services (UK) Ltd**

**Tel: 0333 123 1223**

**Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)**

**[www.sisplan.co.uk](http://www.sisplan.co.uk)**

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>**

### **Next Steps:**

- **Single Property/Less than 10 dwellings**

**For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.**

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

- **Trade Effluent Discharge from Non Dom Property:**

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our->

[services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h](#)

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely

**Megan Innes**

Technical Analyst

[Megan.Innes2@scottishwater.co.uk](mailto:Megan.Innes2@scottishwater.co.uk)

## Susan Smith

---

**From:** Ward Pages <no-reply@sharepointonline.com>  
**Sent:** 28 February 2019 00:01  
**To:** Susan Smith  
**Subject:** [Ward Pages]: Planning Consultation Results: Office / Store Land ...

**Importance:** High

Dear Susan Smith,

Your planning consultation entitled Office / Store Land At 3 Garden Place Cornfield Road Turriff Aberdeenshire AB53 4SR for Planning Application Reference APP/2018/2816 on Ward Pages has closed, your proposal for this application to be determined by officers using delegated powers has been Accepted. Full results are shown below:

Councillor	Response	Comments	Interest Declared
Cllr. Iain Taylor	Agree Officer Delegation		● No Interest Declared
Cllr. Alastair Forsyth	Agree Officer Delegation		● No Interest Declared
Cllr. Anne Stirling	No Response		● No Response
Cllr. Sandy Duncan	Refer to Committee	This application warrants further discussion on the findings of the LRB	● No Interest Declared

Please do not reply to this email - you can see full details of responses to this consultation on Ward Pages.

