

ABERDEENSHIRE COUNCIL

LOCAL REVIEW BODY

SKYPE MEETING, FRIDAY, 29 JANUARY 2021

Present: Councillors J Hutchison (Chair), R Cassie, P Gibb and A McKelvie.

Apologies: Councillors J Ingram and P Johnston.

Officers: Planning Advisers to the Local Review Body, (Senior Planner, Sheena Lamont for LRB 504, 506, 508 and 509) and (Senior Planner, James Wheater for LRB 507); Legal Adviser to the Local Review Body, (Senior Solicitor, Peter Robertson) and Committee Officer (Frances Brown).

1. DECLARATION OF MEMBERS' INTERESTS

The Chair asked members' if they had any interests to declare in terms of the Councillors' Code of Conduct. Councillor Cassie declared an interest in Agenda Item 5, (LRB 504) having not taken part in consideration of that review when it was initially considered. Councillor Cassie concluded that he would withdraw from proceedings when that review was being determined.

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

3. MINUTE OF THE LOCAL REVIEW BODY MEETING OF 18 DECEMBER, 2020

The Local Review Body had before them and **approved** as a correct record, the Minute of the Local Review Body meeting of 18 December 2020, subject to one amendment. Item 505, Page 7 of the agenda pack, Councillor Cassie should be recorded in the list of those having taken part in that review.

As the meeting was being held remotely, it was **noted** the Chair would sign the minute at an appropriate time, in the future, when social distancing measures had been relaxed.

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).

RECONVENED REVIEW

5. LRB 504 – NOTICE OF REVIEW, AGAINST REFUSAL OF PLANNING PERMISSION IN PRINCIPLE, FOR THE ERECTION OF A DWELLINGHOUSE AT LAND AT ARDMACHRON, MEMSIE, FRASERBURGH – REFERENCE: APP/2020/0899.

Local Review Body: Councillors J Hutchison (Chair), P Gibb and A McKelvie.

With reference to the Minute of the Local Review Body meeting of 27 November 2020 (Item 6), 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:

- (1) to **request** that the applicant/agent be afforded the opportunity to comment on the additional submission received from an objector, received in response to the Notice of Review.
- (2) to **request** that the applicant provide further information by way of a land holding map and a business identification number, or if available, the single application form which all farmers must submit to the department of agriculture annually.
- (3) to **request** that information to be provided by the applicant which relates to the final reason for refusal, a survey to assess land contamination of the site and the suitability for residential use; and
- (4) to **note** that when the review comes for determination by the Local Review Body, they would give consideration, if granted, to imposing a condition to deal with the matter of water supply to service the site.

There had been circulated, the additional information requested, as presented on Pages 14-36 of the agenda papers. The Local Review Body then resumed consideration of the Notice of Review, 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 Ardmachron, Memsie, Fraserburgh – Reference: APP/2020/0899.

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 27 November 2020 and a recap of the Appointed Officer's reasons for refusal, namely:-

- (1) The proposed development is contrary to Policy R2 Housing and employment development elsewhere in the countryside, as contained in the Aberdeenshire Local Development Plan 2017, as the proposed dwelling house fails to meet the criteria set out in the policy, in that:
 - a) It is not of a type that would be permissible in the green belt.
 - b) It does not contribute to the growth of a settlement identified in Appendix 4.
 - c) It is not associated with the retirement succession of a viable farm holding.
 - d) It is not for the refurbishment or replacement of an existing or disused building, or remediation of redundant brownfield land opportunities.
 - e) It is not an employment development proposal.
 - f) It is not an appropriate addition to a cluster or group of at least 5 houses.

- (2) The proposed development fails to comply with Policy P4 Hazardous and potentially polluting developments and contaminated land of the Aberdeenshire Local Development Plan 2017, in that insufficient information has been provided for Infrastructure Services (Contaminated Land) to assess potential land contamination of the site to ensure the suitability of the site for residential use.

The Planning Adviser, during her presentation of the Review, advised the Local Review Body that following the issue of the Decision Notice to the applicant, Contaminated Land had confirmed that there was no contamination of the site and as such their holding objection to the proposed development could be removed.

The Local Review Body considered that the relevant policies as contained within the Local Development Plan 2017 were: Policy R1: Special rural areas; 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 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, for members to consider the review without further procedure.

In response to questions raised, the Planning Adviser confirmed:

- (1) The representation, as circulated, had raised concerns with what they considered to be inaccuracies in the Labour Requirement Calculation submitted by the applicant in July 2020 in terms of livestock management at Fordafourie Farm.

The Local Review Body agreed that they had enough information before them and proceeded to determine the Notice of Review. A site visit or hearing was considered, but it was determined that neither were required.

The Local Review Body agreed that the main determining issues for the Notice of Review, as presented before them was the principle of development, the layout and siting, as well as access and servicing.

During discussion, the Local Review Body acknowledged that one of the key issues which they had considered previously was the labour requirements for the farm, based on livestock and the need for an essential worker and that is why they had requested additional information to provide them with some clarity. The Local Review Body referred to the additional information submitted by the applicant and noted that it was clear that there was no livestock at the farm, however, there may be 17 sheep at some point in the future. The Local Review Body suggested that the submission of the single application form which must be submitted to the Department of Agriculture would have been helpful as actual livestock numbers would have been declared on that document.

Having considered all of the information before them, the Local Review Body were unanimous in their view that the owner did not reside at the farm, all the other properties were on long term lease and the extra information requested did not provide enough information to establish livestock numbers to justify the need for an essential worker.

When considering Reason 2 for refusal, the Local Review Body acknowledged that Planning Adviser's update on the matter of contaminated contamination of the land and noted that Contaminated Land had now withdrawn their objection to the proposed development.

After due consideration, the Local Review Body **agreed** to DISMISS the Notice of Review and to Uphold the Appointed Officer's decision to REFUSE Planning Permission in Principle, for the Reason 1 contained in the Decision Notice issued on 21 August 2020, with the removal of Reason 2 from the final decision.

NEW REVIEWS

6. LRB 506 – NOTICE OF REVIEW, AGAINST REFUSAL OF PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF DWELLINGHOUSE AT SLATEHEUGH, FYVIE, AB53 8QA – REFERENCE: APP/2020/1376.

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

There had been circulated, 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 Slateheugh, Fyvie, AB53 8QA – Reference: APP/2020/1376.

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 with 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 photographs of the site and surrounding area.

The Planning Adviser ended her presentation by reporting that no valid representations had been received during the consultation period, prior to determination.

Further to consultations undertaken, it was reported that Developer Obligations had confirmed that Fyvie Primary School and Turriff Academy were currently operating within capacity and as such the proposed development would not engage the Developer Obligations and Affordable Housing policies or associated supplementary planning guidance of the Aberdeenshire Local Development Plan 2017 and no contributions would be required; Contaminated Land had stated that due to past and current activities onsite the ground was potentially contaminated. Under an early planning application at the same site (APP/2015/0399) a formal note to the applicant was recommended to be appended to the planning decision and the same would apply to the current application if approved; Environmental Health had objected to the application due to lack of information as the service had noted that the proposed house would be located next to a storage yard and shed with the potential for noise impacts. A Noise Impact Assessment had been requested to assess that impact with the methodology to be agreed with the Service; Natural Heritage had noted that the site was located in an area which had good bat foraging habitats and records of bats nearby, however, the building was of a metal construction that would make it draughty and subject to temperature fluctuations which would not be suitable for bat roosts therefore a survey would not be required; Roads Development no objection subject to conditions if granted and Scottish Water had stated that it had no objection to the application as the development would be fed from the Turriff Water Treatment Works, however, they were unable to confirm the current capacity and they also stated that there was no public Scottish Water Waste Water Infrastructure nearby.

It was further reported that Environmental Health had submitted a further representation, in response to the Notice of Review, as presented on Page 153 of the agenda pack, which reiterated their original objection to the proposed development, on the grounds that insufficient information had been provided, as highlighted in bullet points 1-6 of their response.

The applicant/agent had responded to that submission, as presented on Pages 155-173 of the agenda pack, which had provided information on each of the bullet points raised, confirming (1) operational hours, (2) noise impact assessments; (3) subjective assessment of tonality/impulsivity if reversing alarms were used on site; (4) activities not readily distinctive against residual noise and (5) information on the height of a noise barrier.

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

- (1) The Planning Authority considers that the application is for a development that is not in accordance with the Aberdeenshire Local Development Plan 2017. The principle of development is not established as the structure to be replaced could be of some use to the adjacent business yard and therefore the building is not redundant. The use of the land within the site has Class 6 Use and is therefore not redundant. The structure is also too impermanent and could be dismantled without significant trace with relative ease. Security

of the adjacent business does not need to be established with a new dwellinghouse. The flexibility of business operations could be improved should the applicant choose to live in nearby Fyvie instead of at a new house at this site. The application fails to accord with Policy R2 Housing and employment development elsewhere in the countryside from the Aberdeenshire Local Development Plan 2017.

- (2) There are unknown noise impacts upon the proposed dwellinghouse from the adjacent storage yard business and the application therefore fails to comply with Policy P1 Layout, siting, and design from the Aberdeenshire Local Development Plan 2017 due to the lack of an acceptable Noise Impact Assessment. The application fails to demonstrate that there would be no adverse impact on residential amenity of future occupants of the proposed dwellinghouse.

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; Policy RD2 Developer's obligations.

The Chair then asked the Local Review Body to consider whether there was now sufficient information before them, for members to consider the review without further procedure.

In response to questions raised, the Planning Adviser confirmed:

- (1) The applicant's response to Environmental Health's comments (as presented on Page 155-163 of the agenda pack) had not been provided back to the Environmental Health team for further comment as procedurally, that did not form part of the review process.
- (2) The Roads Service had not objected to the proposed development as part of their response dated August 2020 on the grounds of road safety, however, they had asked that a condition on required visibility splays be attached to any consent.

The Local Review Body agreed that they had enough information before them and proceeded to determine the Notice of Review. A site visit or hearing was considered, but it was determined that neither were required.

The Local Review Body agreed that the main determining issues for the Notice of Review, as presented before them was (1) the principle of development and whether a dwellinghouse could be accommodated on the site without detriment to the character and amenity of neighbouring properties and the wider area, (2) the adequacy of servicing arrangements and (3) whether the house would be subject to noise impacts from the adjacent business.

During discussion, the Local Review Body were unanimous in their view, having considered all of the information before them, that they would support the Appointed Officer's decision to Refuse Planning Permission in Principle as they had significant concerns relating to land use, when considering the history of development on the site. The Local Review Body acknowledged that the application site was allocated as Class 6 (Storage and Distribution) and as such they had reservations with siting a residential property within that site. Having considered the Notice of Review and supporting statement, the applicant had failed, in their view to provide anything material, which would warrant a departure from Policy R2 and Policy P1 of the Aberdeenshire Local Development Plan 2017.

After due consideration, the Local Review Body **agreed** to DISMISS the Notice of Review and to Uphold the Appointed Officer's decision to REFUSE Planning Permission in Principle, for the reasons contained in the Decision Notice issued on 18 September 2020.

7. LRB 507 – NOTICE OF REVIEW AGAINST REFUSAL OF FULL PLANNING PERMISSION FOR ERECTION OF 2 DWELLINGHOUSES AT LAND ADJACENT TO HILL OF FINDON, PORTLETHEN, ABERDEENSHIRE, AB12 4SL – REFERENCE: APP/2020/0728.

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

There had been circulated, 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 Two Dwellinghouses at Land Adjacent to Hill of Findon, Portlethen, Aberdeenshire, AB12 4SL – Reference: APP/2020/0728.

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 with 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 photographs 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, prior to determination.

Further to consultations undertaken, it was reported that Developer Obligations had advised that developer obligations contributions had not yet been agreed by the applicant; Archaeology had requested a planning condition requiring submission of a Level 1 Standing Building Survey; Contaminated Land had not objected to the proposed development; Roads Development had not objected to the proposed development, subject to planning conditions if granted which would deal with access geometry and surfacing and a refuse bin uplift store and Scottish Water had not objected to the proposal but had advised that there were currently no available public waste water infrastructure within the vicinity of the proposed development and in relation to surface water, advised that for reasons of sustainability and to protect customers from potential future sewer flooding, it would not accept any surface water

connections into its combined sewer system.

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

- (1) The planning authority considers that the application is for a development that is not in accordance with the Aberdeenshire Local Development Plan 2017. The proposal would result in the erection of two new dwelling houses in the designated Greenbelt and Coastal Zone areas which would be contrary to Policy R1: Special rural areas of the Aberdeenshire Local Development Plan 2017.
- (2) The planning authority considers that the application is for a development that is not in accordance with the Aberdeenshire Local Development Plan 2017. The proposal would lead to the loss of a building which is considered to be of vernacular architectural merit and worthy of retention. The proposal would significantly alter the character of the site, which is distinctive with a strong sense of local identity, thus having a positive contribution to the rural character of the surrounding landscape. As such, it is considered that the proposal fails to comply with Policy P1: Layout, siting and design and Policy E2: Landscape.

The Local Review Body considered that the relevant policies as contained within the Local Development Plan 2017 were: Policy R1: Special rural areas; Policy P1: Layout, siting and design; Policy E2: Landscape and Policy RD1: Providing suitable services.

The Chair then asked the Local Review Body to consider whether there was now sufficient information before them, for members to consider the review without further procedure.

In response to questions raised, the Planning Adviser confirmed:

- (1) That he was not aware that any discussions had taken place between the applicant and the Planning Service with regards to the refurbishment of the steading, however, it was clear from their supporting statement that they did not feel the steading would be suitable for refurbishment due to the proximity of the steading to the road and road safety concerns.
- (2) The Roads Service had not objected to the proposed development as they had considered the application as presented before them and not the concerns that the applicant had raised related to road safety.
- (3) That there was a mix of modern replacement traditional style dwellinghouses in the wider area.
- (4) If a development came forward, which would utilise the existing building as a conversion, rather than the demolition of a building, the Planning Service would in his view, look more favourably on that proposal as it would be in compliance with policy criteria contained in Policy R1.

The Local Review Body agreed that they had enough information before them and proceeded to determine the Notice of Review. A site visit or hearing was considered, but it was determined that neither were required.

The Local Review Body agreed that the main determining issues for the Notice of Review, as presented before them was (1) whether the development site would represent an acceptable departure from Policy R1 'Special rural areas' in terms of the applicant's statement, as set out in the Notice of Review in relation to the potential improvement to road safety and consideration to the suitability of the steading for conversion and (2) whether the loss of the steading building would have an adverse impact on the character and amenity of the area contrary to Policy P1 and Policy E2 Landscape of the Aberdeenshire Local Development Plan 2017.

During discussion and having considered all of the information presented before them, the Local Review Body were unanimous in their view that the proposal would not, constitute a development which would accord with Policy R1, as it applied to the green belt and coastal zone. The Local Review Body concluded that the development would not utilise the existing vernacular building, with no other criteria under the policy having been met. The Local Review Body supported the Appointed Officer's view that the proposal would have an adverse impact on the character of the area, due to the removal of the existing steading building and its replacement with two new dwellinghouses.

Having considered the Applicant's Notice of Review and supporting statement, which had raised their concerns relating to the refurbishment of the existing steading, due to its position, hard up against the road, and what they considered would be benefits following the removal of the steading in respect of road safety and whether the position would prohibit the building from being converted, the Local Review Body acknowledged that the removal of the building would improve visibility, however in considering the weighted balance, any benefits in terms of roads safety would not in their view justify the buildings removal and replacement in the manner proposed in the application.

The Local Review Body considered that the application was not particularly sensitive to the character of the existing building or the character of the area.

After due consideration, the Local Review Body **agreed** to UPHOLD the Appointed Officer's Decision to REFUSE Full Planning Permission, for the reasons contained in the Decision Notice issued on 8 August 2020.

8. LRB 508 - NOTICE OF REVIEW AGAINST REFUSAL OF FULL PLANNING PERMISSION FOR ERECTION OF DWELLINGHOUSE AND 2 HOLIDAY LODGES AT LAND TO THE NORTH WEST OF BEECHFIELD, BRIDGEND TERRACE, TURRIFF AB53 4HA – REFERENCE: APP/2020/0730.

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

There had been circulated, 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 and Two Holiday Lodges at Land to the North West of Beechfield, Bridgend, Terrace, Turriff, AB53 4HA – Reference: APP/2020/0730.

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 with 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 photographs of the site and surrounding area.

The Planning Adviser ended her presentation by reporting that no valid representations had been received during the consultation period, prior to determination.

Further to consultations undertaken, it was reported that Developer Obligations had sent the Developer Obligations report to the applicant's agent, however, they had not received confirmation that the applicant accepts the heads of terms; Contaminated Land had recommended that a formal note be included in any decision notice that advises on action, should contamination be discovered during construction; Flood Risk and Coastal Protection had no objection to the proposed development; the Environment Team, Natural Heritage had noted that while "Treehouse style lodges" were proposed, there was no indication of what that would be, so they were unable to comment on the potential impact of the proposal on the trees in the area. While the applicant had provided a picture of the style of tree house in mind and a Biodiversity Plan, the Environmental Planner was still of the opinion that the potential impact on trees cannot be assessed and had concerns about the impacts the footing would have on the root system of the trees.

It was further reported that the applicant had provided additional information, including a Tree Protection Plan, however, the Environment Planner had stated that that information had still not addressed their original concerns. The tree protection plan showed protection fencing located in a way that would be impossible to building the tree houses or construct much of the linking boardwalk, without moving the fencing which would make erection of the protective fence pointless. In addition, the boardwalk appeared to go through the tree trunks of some of the trees. While there may be a case for some removal of trees there was no information on the species, size, and condition of the trees to make an assessment. Furthermore, the surface water soakaway and septic tank are located among the trees. The installation of the drainage arrangements could have a significant impact on the surrounding trees, potentially greater than any impact from the construction of the tree houses and boardwalk/decking

The Roads Development Service had originally objected to the application, due to insufficient information, however, the applicant's agent has since provided further information which had allowed the Roads Development team to withdraw their objection, provided a fence between the site and the property named "Lyndale" was constructed to ensure that no additional dwellings will utilise the existing private road and planning conditions regarding formation of access, on site car parking, provision of a lay-by and visibility splays. Scottish Water had not objected to the proposal, but

it was noted that they were unable to confirm capacity of the Turriff Wastewater Treatment Works when they responded.

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

- 1) The Planning Authority considers that the application is for a development that is not in accordance with the Aberdeenshire Local Development Plan 2017. The development does not comply with Policy R2 Housing and employment development elsewhere in the countryside contained in the Aberdeenshire Local Development Plan 2017. The house proposed is not located on a brownfield opportunity site, it is not required for a worker in a primary industry and would not be an addition to an existing cluster of at least five houses. In addition, Turriff is not a settlement with Appendix 4 of the Aberdeenshire Local Development Plan 2017.
- (2) The development does not comply with PR1 Protecting important resources contained in the Aberdeenshire Local Development Plan 2017 as it cannot be demonstrated that the proposed holiday lets will not have an adverse impact on the existing trees and their root system.
- (3) The application is contrary to Policy RD2 Developers' Contributions as contained in the Aberdeenshire Local Development Plan 2017. The applicant has not agreed to the terms of the contributions that were sought towards necessary infrastructure to make the proposed development acceptable, in planning terms.

The Local Review Body considered that the relevant policies as contained within the Local Development Plan 2017 were: Policy B3 Tourist facilities; Policy R2 Housing and employment development elsewhere in the countryside; Policy P1: Layout, siting, and design; Policy C1 Using resources in buildings; Policy C4 Flooding; Policy RD1 Providing suitable services; Policy RD2 Developers' obligations and the Proposed Aberdeenshire Local Development Plan 2020

The Chair then asked the Local Review Body to consider whether there was now sufficient information before them, for members to consider the review without further procedure.

In response to questions raised, the Planning Adviser confirmed:

- (1) That she could not recollect the exact alignment of the Turriff settlement boundary, however, she believed it was close to the property known as Lyndale. The Kinnermit cottages lie outwith the settlement boundary and cannot be considered and they would not form a cohesive group with the proposals as suggested by the agent.

The Local Review Body agreed that they had enough information before them and proceeded to determine the Notice of Review. A site visit or hearing was considered, but it was determined that neither were required.

The Local Review Body agreed that the main determining issues for the Notice of Review, as presented before them was the principle of development and the impact the proposed development would have on the character of the area.

During discussion, the Local Review Body considered each of the Appointed Officer's reasons for refusal, along with the applicant's Notice of Review and supporting statement, to determine whether there was anything material contained in those submissions which would result in a different decision.

When considering Reason 1 for refusal and compliance with Policy RD2, the Local Review Body were unanimous in their view that the proposed development would not comply with any of the policy criteria contained within that policy. The Local Review Body noted that the application site was outwith the settlement boundary of Turriff, the accommodation was not required for worker in a primary industry and they also noted that the applicant currently resides at a dwellinghouse located immediately adjacent to the application site, so there was no need for an additional house to support the proposed holiday lets.

When considering Reason 2 for refusal and compliance with Policy PR1, the Local Review Body expressed some concern relating to environmental issues surrounding the impact the proposed development may have on the root system of trees and drainage during construction of the tree house style lodges, as they considered that there could be significant damage to the root system with piles being driven into the ground to support those structures. While they acknowledged that the applicant had provided a biodiversity plan, they also acknowledged that the Environmental Planner still had several concerns and had not withdrawn their outstanding objection to the proposed development.

When considering Reason 3 for refusal, the Local Review Body acknowledged that that matter was still outstanding and should remain as a reason for refusal.

After due consideration, the Local Review Body **agreed** to UPHOLD the Appointed Officer's Decision to REFUSE Full Planning Permission, for the reasons contained in the Decision Notice issued on 19 October 2020.

9. LRB 509 – NOTICE OF REVIEW AGAINST REFUSAL OF FULL PLANNING PERMISSION FOR ERECTION OF DWELLING HOUSE & GARAGE AT LAND ADJACENT TO BRAESIDE FARM, TARVES – REFERENCE: APP/2020/0829.

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

There had been circulated, 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 and Garage at Land Adjacent to Braeside Farm, Tarves – Reference: APP/2020/0329.

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 with 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 photographs of the site and surrounding area.

The Planning Adviser ended her presentation by reporting that no valid representations had been received during the consultation period, prior to determination.

Further to consultations undertaken, it was reported that Developer Obligations had confirmed that contributions towards secondary education had been sought and the applicant had agreed to those terms and had paid the contributions in full; Contaminated Land had, following submission of further information relating to the history of the site and potential contamination had subsequently confirmed that there was no indication of any past use which might have caused contamination and they had no further comment to make; Flood Risk and Coastal Protection had no comments on this application; Roads Development had confirmed that the existing junction of the access road with the public road was adequate to accommodate an additional dwelling house and concluded that they had no further comment to make and Scottish Water had no objection to this application, noting that the proposed development would be fed from Turriff Water Treatment Works. Unfortunately, Scottish Water were unable to confirm capacity currently so in terms of wastewater Scottish Water confirmed that there was no public infrastructure and so private treatment options would have to be investigated.

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

- (1) The Planning Authority considers that the application is for a development that is not in accordance with the Aberdeenshire Local Development Plan 2017. The proposed development is contrary to Policy R2 Housing and employment development elsewhere in the countryside as contained in the Aberdeenshire Local Development Plan 2017. While the dwellinghouse would be situated in the immediate vicinity of the place of work for a farm worker within the countryside and the applicant has established that it would be essential to have a worker on site due to the labour requirement to care for the livestock, there is suitable alternative accommodation available within the ownership of the farm business at Braeside farm, within 60 metres of the application site, at the former mill site that achieved planning permission in 2019 for a replacement house (ref APP/2018/2403). As such the applicant should utilise the redevelopment opportunity at the former mill site to accommodate a farm worker.

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 C1: Using resources in buildings; Policy RD1: Providing suitable services; Policy RD2: Developers' obligations and the Proposed Aberdeenshire Local Development Plan 2020.

The Chair then asked the Local Review Body to consider whether there was now sufficient information before them, for members to consider the review without further procedure.

In response to questions raised, the Planning Adviser confirmed:

- (1) The previous application APP/2018/2403 had been granted as the redevelopment of the former mill site and approved as a sympathetic partial conversion of building as a replacement building and not based on accommodation for an essential worker.
- (2) The applicant had expressed the view that the 2018 Planning Permissions were an asset of the farm business and the two brothers were Directors of that business.

During discussion, the Local Review Body were unclear about landownership of the site and whether the site was owned by individuals or an asset of the business. As it was not clear, the Local Review Body agreed to follow further procedure to obtain some additional information to assist them in consideration of the Notice of Review.

The Local Review Body considered what additional information would be required from the applicant and requested: -

- (1) Proof of Landownership of the site.
- (2) A copy of the single application form which must be submitted to the Department of Agriculture each year; and
- (3) A Scottish Agricultural College, Labour requirement report.

After due consideration, the Local Review Body **agreed** to DEFER consideration of the Notice of Review to allow further procedure by way of seeking additional information from the applicant (1) proof of land ownership of the site (2) a copy of the single application form which must be submitted to the Department of Agriculture each year and (3) a Scottish Agricultural College, Labour Requirement Report.