

5. **LRB 483** – Notice of Review Against Refusal of Full Planning Permission for Erection of Dwellinghouse and Integral Garage and Installation of Air Source Heat Pump at 5 Castle Street, Stonehaven – Reference: APP/2019/2734.

(i) Extract of Local Review Body Minute of 29 May 2020.

**EXTRACT  
LOCAL REVIEW BODY MINUTE  
29 MAY 2020**

**7. LRB 483 – NOTICE OF REVIEW, AGAINST REFUSAL OF FULL PLANNING PERMISSION FOR ERECTION OF DWELLINGHOUSE AND INTEGRAL GARAGE AND INSTALLATION OF AIR SOURCE HEAT PUMP AT 5 CASTLE STREET, STONEHAVEN – REFERENCE: APP/2019/2734.**

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

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 Integral Garage and the Installation of an Air Source Heat Pump at 5 Castle Street, Stonehaven – Reference: APP/2019/2734.

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, a site inspection and a review of the documents as presented before them. The Planning Adviser then provided the Local Review Body with the background to the applicant's case, along with a series of slides and photographs of the site and surrounding area.

The Planning Adviser ended his presentation by reporting that 8 valid representations had been received during the consultation period, which were opposed to the proposed development and the material issues raised within those representations were:

- Loss of light and privacy, together with overshadowing from the proposal;
- Potential noise from the Air Source Heat Pump;
- General overdevelopment of the site;
- Impact on residential amenity;
- Overlooking into bedroom window;
- Daylight and sunlight significantly reduced;
- Scale and design of proposals;
- Impact on Category C Listed Building; and
- An appreciation of the activities and noise already generated from within the adjacent Yacht Club, which could impact upon future residents.

It was further reported that two further representations had been received, in response to the Notice of Review, and those submissions had reiterated their original reasons for opposing the proposed development, as presented on Pages 176-188 of the agenda pack.

Further to consultations undertaken, it was reported that Developer Obligations had advised that the proposed development would not engage Developer Obligations

and Affordable Housing policies, therefore no contributions would be required; Archaeology had no objection to the proposed development, subject to a condition, if granted for a photographic survey; Contaminated Land had advised that they had no concerns and no further information regarding contaminated land would be required; Built Heritage had commented "In terms of significance, the old town of Stonehaven was one of the least spoilt areas of the conservation area and had a strong traditional character, which gives it not only a special interest, but also makes it a particularly attractive part of the settlement for residents and tourists alike. Although there was a place for contemporary design, overtly bold modern additions, which begin to overshadow the strong traditional character, would have a negative impact and potentially make the location less attractive to visitors and residents. The sea facing elevation, in particular, was not appropriate to the location and neither preserved, nor enhanced the conservation area, neither would it protect the special characteristics which gave rise to the designation. The Environment Team could not support the application, and they were minded that there may be a more favourable solution, and they would welcome discussions on a more sympathetic design". Environmental Health had no objection, subject to a condition relating to noise output from the proposed air source heat pump; Roads Development had initially providing a holding objection, until provision of additional information which included clarification over the dimensions of the spaces, the status of the 'enhanced flat' and dropped down kerb provision being illustrated on the site plan, with regular kerbs beyond and Scottish Water had commented that they had no objection to the application as there was sufficient capacity in the Invercarnie Water Treatment Works, as well as sufficient capacity in the Nigg Waste Water Treatment.

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

- (1) The proposal, was of a scale, significantly greater than the building which it replaces, and consequentially, has a detrimental impact upon the residential amenity of adjacent property. As such, it was considered to be contrary to Policy P3: Infill and householder development within settlements of the Aberdeenshire Local Development Plan (2017).
- (2) The proposal, and in particular the rear elevation, is of a design which does not reflect the qualities of the Stonehaven Conservation Area, within which it is located. As a result, it has a detrimental impact upon the visual and historical character of the area, and is therefore considered to be contrary to 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; Policy P2: Open Space and Access to New Development; Policy P3: Infill and Householder Development within Settlements; Policy HE1: Protecting Historic Building, Sits and Monuments; Policy HE2: Protecting Historical and Cultural Areas; Policy C1: Using Resources in Buildings; Policy RD1: Providing Suitable Services and Policy RD2: Developer Obligations.

The Local Review Body noted that the main determining issue for the Notice of Review, as presented before them, was:

- The principle of a replacement dwellinghouse on site;
- Potential impacts on neighbouring residential property and amenity;
- Whether the design was appropriate within the Conservation Area and adjacent to listed buildings; and
- Technical considerations and consultation responses.

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.

In response to questions raised, the Planning Adviser confirmed:-

- (1) The loss of private views from neighbouring properties was not a material consideration when determining a planning application, however, overshadowing and loss of amenity would be.
- (2) That if a roof was put on top of the existing structure, slide 6 was able to show that it would have a lesser impact than a 2 or 2.5 story structure.
- (3) The Planning Service had concerns over the scale of the proposed development, and during pre-application discussions had considered that if the development could be restricted to 1.5 story, rather than 2- 2.5 story structure, then that would be more acceptable, at that particular location.
- (4) No.3 Castle Terrace, to the North of the site had not featured heavily on the overshadowing analysis, but No.4 and No.7 had. The proposed wall, at the end of the roof garden terrace would significantly restrict the possibility for overlooking onto Castle Street to the right and overlooking would be confined to the boat yard and out towards the harbour area.
- (5) A shared boundary, load bearing wall, between the applicant and the boat yard, was not something planning service would get involved in if there were issues about buildability. If applicant needed access to shared boundary, that would have to be raised between the applicant and the third party.
- (6) Pre-application discussions, had considered vehicular access, and the provision of parking spaces at No.4. It was recognised that it was a tight road, however, no safety issues had been raised when considering the suitability of access and the design was determined to be acceptable.

During discussion, the Local Review Body, by a majority, determined that they did not have enough information before them to allow them to determine the Notice of Review, specifically, when considering issues relating to the design and to the points raised by members, which were specific to the application site and to the amenity of neighbouring properties. As such the Local Review Body were minded that a site inspection would allow them to gain a better understanding of all the issues raised.

After due consideration, the Local Review Body **agreed** by a majority, to **DEFER** consideration of the Notice of Review, to allow them to undertake an unaccompanied site inspection to the application site and surrounding area.

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