

3. Minute of Meeting of the Local Review Body of 24 June 2022.

# ABERDEENSHIRE COUNCIL

## LOCAL REVIEW BODY

### VIRTUAL MEETING, FRIDAY, 24 JUNE, 2022

**Present:** Councillors D Lonchay (Chair), P Johnston (Vice-Chair), S Adams, I Davidson (for LRB 551 only), J Goodhall and C Victor.

**Apologies:** Councillor C Simpson.

**Officers:** Planning Adviser to the Local Review Body (Senior Planner, James Wheater for LRB 548, 550 and 551), (Senior Planner, Shenna Lamont for LRB 549), Legal Adviser to the Local Review Body (Solicitor, Amanda de Candia) and Senior 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.

- (1) Councillor Victor declared an interest in Agenda Item 5, LRB 548, by virtue of the application site being within her ward. Councillor Victor concluded that she would withdraw from proceedings when that review was being determined.
- (2) Councillor Johnston declared an interest in Agenda Item 8, LRB 551, by virtue of the application site being within his ward. Councillor Johnston concluded that he would withdraw from proceedings when that review was being determined.

Councillor Davidson was in attendance as the substitute member for the Formartine Area, and as such would take part in that item of business.

#### 2. PUBLIC SECTOR EQUALITY DUTY.

In making decisions on the following items of business, the Local Review Body **agreed**, in terms of Section 149 of the Equality Act, 2010: -

- (1) to have due regard to the need to: -
  - (a) eliminate discrimination, harassment, and victimisation.
  - (b) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
  - (c) foster good relations between those who share a protected characteristic and persons who do not share it.
- (2) where an Integrated Impact Assessment was provided, to consider its contents and take those into account when reaching their decision.

### **3. MINUTE OF THE LOCAL REVIEW BODY MEETING OF 29 APRIL, 2022**

The Local Review Body had before them and **approved** as a correct record, the Minute of the Local Review Body meeting of 29 April, 2022. As the meeting had been held virtually, it was **noted** the Chair would sign the minute at an appropriate time, in the future.

### **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, as contained within the Aberdeenshire Local Development Plan (2017).

Before proceeding to consider each of the reviews, the Planning Adviser noted that in addition to the matters raised within the papers, the current Aberdeenshire Local Development Plan 2017 was now beyond the five-year lifetime of the plan. When a development plan was more than five years old Scottish Planning Policy (SPP) states that there is a presumption in favour of development which contributes to Sustainable Development. The Local Review Body should keep this consideration in mind.

That presumption would be a significant material consideration; however, it did not mean that planning permission must be granted just because the plan was technically out of date. The Council's Local Development Plan remained a key document for assessing the acceptability of a planning application as it was considered to accord with the principles and policies of Scottish Planning Policy. The position regarding the Development Plan did however introduce the need for the Local Review Body to specifically consider that presumption and consider whether any application subject to review before them could be considered to contribute to sustainable development.

### **NEW REVIEWS**

#### **5. LRB 548 – NOTICE OF REVIEW AGAINST REFUSAL OF FULL PLANNING PERMISSION FOR ALTERATIONS TO DWELLINGHOUSE AT THE GRANARY, SHOREHEAD, STONEHAVEN, ABERDEENSHIRE, AB39 2JY – REFERENCE: APP/2021/2221.**

Local Review Body: Councillors D Lonchay (Chair), S Adams, J Goodhall, and P Johnston.

There was circulated, a Notice of Review, and supporting documents submitted by the agent, which sought a review of the Appointed Officer's decision to Refuse Full Planning Permission for Alterations to a Dwellinghouse at the Granary, Shorehead, Stonehaven, Aberdeenshire, AB39 2JY – Reference: APP/2021/2221.

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 documentation as presented before them and no further procedure. The Planning Adviser then provided the Local Review Body with the background to the applicant's case, along with a series of slides and 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 for the application prior to determination.

Further to consultation undertaken, it was reported that Environment – Built Heritage had stated that whilst the modest enlargement of the small bi-partite windows on the ground floor of the principle elevation would be acceptable, the enlargement of the existing second and third floor openings and the formation of an inverted dormer balcony would not be acceptable as the style, design and proportions of those alterations would be adjudged to detract from the character of the property and have a detrimental impact on the principle elevation of the listed building, and the wider conservation area.

They also stated that the siting of the escape ladder on the secondary elevation was deemed to be discretely positioned and was therefore acceptable, however, they would request a condition be attached to any consent, requiring that the stainless steel on the ladder be painted to match the harling finish of the walls, and subsequently reduce visual impact and that a condition stipulate that any re-rendering of external walls be carried out using lime based finish as opposed to K-Rend.

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

- (1) The application is considered by the Planning Authority to not be in compliance with the Aberdeenshire Local Development Plan 2017. The proposed alterations, by virtue of the enlarged window openings and external finishing materials proposed are deemed to detract from the historical integrity and aesthetic quality and character of the principal elevations of the listed building, and therefore do not comply with Policy HE1 Protecting Historic Buildings, Sites, and Monuments of the Aberdeenshire Local Development Plan 2017.
- (2) The proposed alterations, by virtue of the enlarged window openings and external finishing materials proposed are not considered appropriate for a traditional building located within the conservation area and would detract from the character and appearance of the overall streetscape and therefore do not comply with Policy HE1 Protecting Historic Buildings, Sites, and Monuments 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 P3: Infill and Householder Developments within Settlements (including home and

work proposals); Policy HE1: Protecting Historic Buildings, Sites and Monuments and Policy HE2: Protecting Historic and Cultural areas.

The Local Review Body considered that the relevant policies, as contained within the proposed Local Development Plan 2020 were: Policy P1: Layout, Siting and Design; Policy HE1: Protecting Listed Buildings, Scheduled Monuments and Archaeological Sites and Policy HE2: Protecting Historic, Cultural and Conservation Areas.

As part of their consideration of the review, the Local Review Body noted that as the 5-year plan period associated with the Aberdeenshire Local Development Plan 2017 had now ended they must consider whether the proposal constituted development which contributed to sustainable development. If so, there would be a presumption in favour of such development unless any adverse impacts arising from the proposal that were significant and demonstrable would indicate against a grant of planning permission.

Whilst the Planning Adviser reiterated that the principles of Scottish Planning Policy had been incorporated within the Local Development Plan, and therefore still embodied those principles, he noted that it would be incumbent on the Local Review Body to consider whether the proposal could contribute to sustainable development as part of their consideration of the review.

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

In response to questions raised, the Planning Adviser confirmed:

- (1) Whilst it was within the capabilities of the Local Review Body to make a decision which did not align with the decision of the reporter on the Listed Building Consent Application, given both applications covered the same works, due regard should be taken of that decision when determining the review.
- 2) Policy HE2 was, in his view, a relevant policy given that the proposed development was located in a conservation area and the Report of Handling had made it clear that the Appointed Officer had concerns regarding the impact of the changes to the fenestration of the building on the character of the wider conservation area.

Having considered all of the information before them, the Planning Adviser's presentation, and the response to questions raised, the Local Review Body were unanimous in their view that they did not have enough information before them to determine the Notice of Review. The Local Review Body considered that they would require additional information to assist with their decision making for the proposal before them, namely:

- (1) The applicant/agent should be asked to provide an updated plan, which should include the use of lime render, which had been omitted from the original plan.

- (2) The Planning Service should be asked to comment on the differences between the Report of Handling and the Decision Notice in respect of the reasons for refusal, and the omission of references to Policy HE2.
- (3) The Planning Service should be asked to comment on the proposed development in relation to the Local Development Plan Historic Environment Policy and the wider conservation area.
- (4) The Planning Service should be asked to comment on the omission of lime render on the plans as submitted.
- (5) The Planning Service should be asked to provide a copy of the Scottish Government's reporter's decision on the Listed Building Consent appeal APP/2021/2402.

After due consideration, the Local Review Body **agreed** to **DEFER** consideration of the Notice of Review, to allow them to follow further procedure, by way of seeking additional information, as noted at (1) to (5) above.

**6. LRB 549 – NOTICE OF REVIEW AGAINST REFUSAL OF FULL PLANNING PERMISSION FOR ERECTION OF DWELLINGHOUSE, GARAGE / WORKSHOP AND HOLIDAY LODGE AT LAND TO THE NORTH WEST OF BEECHFIELD, BRIDGEND TERRACE, TURRIFF, ABERDEENSHIRE – REFERENCE: APP/2021/2402.**

Local Review Body: Councillors D Lonchay (Chair), P Johnston, S Adams, J Goodhall, and C Victor.

There was circulated, a Notice of Review, and supporting documents submitted by the agent, which sought a review of the Appointed Officer's decision to Refuse Full Planning Permission for Full Planning Permission for the Erection of a Dwellinghouse, Garage / Workshop and Holiday Lodge at Land to the North West of Beechfield, Bridgend Terrace, Turriff, Aberdeenshire – Reference: APP/2021/2402.

The Planning Adviser introduced the Notice of Review and advised the Local Review Body that in terms of review procedure, the applicant had requested a site inspection, to allow the Local Review Body to appreciate how the site visually relates to the Kinnermit Cottage Group and a review of the documentation 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 no valid representations had been received during the consultation period for the application prior to determination.

Further to consultation undertaken, it was reported that:

- Developer Obligations had sought contributions towards primary education and the applicant had agreed to the Heads of Terms.
- Contaminated Land had requested that a formal note be attached to any decision notice to give instruction should contaminants be discovered.
- Environment – Natural Heritage had advised that the area for the holiday lodge comprised predominantly of broadleaved woodland and was included in the Forestry Commission’s Native Woodland Inventory. The NESBReC report had indicated that the site comprised of broadleaved woodland and neutral grassland. The holiday lodge would be constructed on screw foundations in order to minimise any adverse impacts on the tree roots, which was acceptable. In addition, in the Tree Protection Plan, it had appeared that services could be brought into the site along the line of the walkway into the lodge, which was unlikely to have a significant adverse impact on any trees. However, excavation works required for the installation of the septic tank, sample chamber and both foul and surface water soakaways had potential to adversely affect the trees, and that did not appear to have been addressed within the report. The tree protection measures for the new access and proposed house were acceptable.
- Flood Risk and Coastal Protection had assessed the application and had no comments to make.
- Roads Development did not object to this application, subject to conditions regarding the provision of access, off street parking, visibility splays, lay-by, and a bin store.
- Scottish Water had no objection to this application. The site would be served by the Turriff Water treatment works and Turriff Waste Water Treatment works, but Scottish Water could not confirm capacity at that time.

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

- (1) The planning authority considers that the application was for a development that was 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 was not located on a brownfield opportunity site, it was 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 within 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 could not be demonstrated that the proposed drainage arrangements for the holiday let would not have an adverse impact on the existing trees and their root system.

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, and Policy RD2: Developers’ Obligations.

The Local Review Body considered that the relevant policies, as contained within the proposed Local Development Plan 2020 were: Policy E2: Landscape; Policy P1: Layout, Siting and Design; Policy P4: Hazardous and Potentially Polluting Developments and Contaminated Land; Policy R2: Development Proposals Elsewhere in the Countryside and Policy RD2: Developer Obligations.

As part of their consideration of the review, the Local Review Body noted that as the 5-year plan period associated with the Aberdeenshire Local Development Plan 2017 had now ended they must consider whether the proposal constituted development which contributed to sustainable development and if so, there would be a presumption in favour of such development unless any adverse impacts arising from the proposal that were significant and demonstrable would indicate against a grant of planning permission.

Whilst the Planning Adviser reiterated that the principles of Scottish Planning Policy had been incorporated within the Local Development Plan, and therefore still embodied those principles, he noted that it would be incumbent on the Local Review Body to consider whether the proposal could contribute to sustainable development as part of their consideration of the review.

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

In response to questions raised, the Legal Adviser confirmed:

- (1) If the Appointed Officer's decision were to be overturned, it would be possible to put conditions on the granted planning consent; however, the Local Review Body should seek advice from the Planning Adviser to ensure they were clear on which matters could be conditioned. Conditions could then be drafted and remitted back to the Local Review Body for approval.
- (2) The Local Review Body could seek additional information from the Rights of Way Officer to clarify any rights of access which may run through the proposed development.
- (3) If the Local Review Body felt that the principle of development had been established, technical matters could be dealt with separately.

In response to questions raised, the Planning Adviser confirmed:

- (1) That the Appointed Officer's had considered that the proposed development would not form part of a defined cluster, or the cluster associated with Kinnermit.
- (2) Beechfield Terrace was within the settlement boundary, but Kinnermit was outwith the settlement boundary. The Appointed Officer had determined that the proposed development would not fit into either cluster.

- (3) Within the application there was a lack of detail on road access and there was also an error in the drawings relating to the septic tank. Both matters would need to be addressed if the proposal were to be approved.
- (4) There were no precise distances used when determining connectedness relative to a cluster and that could be seen as subjective when a house had not yet been built. There would be a range of issues which may divorce a proposal from an existing cluster, which could be a landscape element, topography, and for the review before them, possible extreme changes to the topography. There should be a connectedness and association.
- (5) She was not aware if an application had been submitted for a bid site for the Proposed Local Development Plan 2020.

During discussion, and having considered all the information before them, and the response to questions, the Local Review Body determined that they did not have enough information before them to determine the application. As such the Local Review Body requested additional information, namely:

- (1) To seek information from Aberdeenshire Council's Rights of Way Officer/Outdoor Access Forum to determine if there were any rights of way which may run through the proposed development.
- (2) To seek information from the Applicant/Agent:
  - (i) To provide further details of the engineering requirements for the proposed new access and parking to serve the development (if drawings were available, that would be helpful).
  - (ii) To provide further details on the garden and the curtilage of the proposed dwellinghouse and holiday lodge.
  - (iii) To provide clarification on inaccuracies identified on the drawings relating to the septic tank.
- (3) To seek information from the Planning Service:
  - (i) To comment on the proposed development, and the policy position with regards to Policy E2: Landscape.
  - (ii) To comment on the policy position with regards to the coalescence of a cluster and the boundary of Turriff (and its change).
- (4) To undertake an unaccompanied site inspection to the application site and surrounding area. To be arranged once all the information requested had been received.

After due consideration, the Local Review Body **agreed** to **DEFER** consideration of the Notice of Review, to allow them to follow further procedure, by way of seeking additional information, as noted at (1) to (4) above.

**7. LRB 550 – NOTICE OF REVIEW AGAINST REFUSAL OF FULL PLANNING PERMISSION FOR ERECTION OF 2 METRE HIGH WALL, AND RAILINGS (PART RETROSPECTIVE) AT 2 BRIDGE STREET, BODDAM, ABERDEENSHIRE, AB42 3NF – REFERENCE: APP/2021/1576.**

Local Review Body: Councillors D Lonchay (Chair), P Johnston, S Adams, J Goodhall, and C Victor.

There was circulated, a Notice of Review, and supporting documents submitted by the applicant, which sought a review of the Appointed Officer's decision to Refuse Full Planning Permission for the Erection of a 2 Metre High Wall and Railings (Part Retrospective) at 2 Bridge Street, Boddam, Aberdeenshire, AB42 3NF – Reference: APP/2021/1576.

The Planning Adviser introduced the Notice of Review and advised the Local Review Body that in terms of review procedure, the applicant had requested (1) one or more hearing sessions, (2) a site inspection, to allow the Local Review Body to view and consider whether the development was in keeping with the surrounding properties which had a garden facing the street which already had a wall higher than the proposed wall due to safety issues, and (3) a review of the documentation 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 then noted that the application was for Full Planning Permission and had, in his view, been determined with plans which did not accord with the description provided in the Appointed Officers Report of Handling, nor in the case of the site plan, which had clearly identified the extent of the development proposed within a continuous red line site boundary.

He also considered that it was not clear from the information which had been provided in terms of the details of the final finishing materials, as those had not been provided on the drawings.

The Planning Adviser then highlighted that the Boddam Conservation Area Appraisal had been referenced in the Appointed Officers Report of Handling but had not been provided in the submissions, although it was a document in the public domain.

The Planning Adviser ended his presentation by reporting that no valid representations; had been received during the consultation period for the application prior to determination.

Further to consultation undertaken, it was reported that Built Environment had advised that the current proposal to replace an existing masonry wall with a solid two metre structure incorporating a decorative metal section was at odds with the character of the conservation area and as such had advised that the height and design of the wall should be reconsidered to something which would align with the inherent character of 'Old Seatown' part of the Boddam Conservation Area. They noted that at present the proposed form and height of the wall would conflict

markedly with that of the neighbouring properties and would be subsequently at odds with Policy HE2 of the Aberdeenshire Local Development Plan.

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

- (1) The Planning Service determines that the application is for a development that is not in accordance with the Aberdeenshire Local Development Plan 2017 nor Historic Environment Scotland Interim Guidance 2019 (Conservation Area Consent).

The application does not comply with Policy HE2: Protecting Historic and Cultural Areas, and Policy P1 Layout siting and design. As a result, the principle of development is in conflict with Policy P3 Infill and householder developments within settlements (including home and work proposals) of the Aberdeenshire Local Development Plan 2017. The proposal would result in a significant historical loss of streetscape character. The scale, design, and materials of the wall are not appropriate and would have a detrimental impact on the character of the area and set an undesirable precedent for future development at neighbouring properties.

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 P3: Infill and Householder Developments within Settlements (including home and work proposals) and Policy HE2: Protecting Historic and Cultural Areas.

The Local Review Body considered that the relevant policies, as contained within the proposed Local Development Plan 2020 were: Policy P1: Layout, Siting and Design; Policy P3: Infill Developments within Settlements and Householder Developments; Policy HE1: Protecting Listed Buildings; Scheduled Monuments and Archaeological Sites and Policy HE2: Protecting Historic, Cultural and Conservation Areas.

As part of their consideration of the review, the Local Review Body noted that as the 5-year plan period associated with the Aberdeenshire Local Development Plan 2017 had now ended they must consider whether the proposal constituted development which contributed to sustainable development and if so, there would be a presumption in favour of such development unless any adverse impacts arising from the proposal that were significant and demonstrable would indicate against a grant of planning permission.

Whilst the Planning Adviser reiterated that the principles of Scottish Planning Policy had been incorporated within the Local Development Plan, and therefore still embodied those principles, he noted that it would be incumbent on the Local Review Body to consider whether the proposal could contribute to sustainable development as part of their consideration of the review.

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

In response to questions raised, the Planning Adviser confirmed:

- (1) To ascertain what the possible impact the proposed development may have on the conservation area, they Local Review Body may wish to consider requesting a copy of the Conservation Area Appraisal for Boddam to ascertain what that seeks to conserve.
- (2) There were a variety of other boundary treatments within the wider conservation area of Boddam.

Having considered all of the information before them, opposing views were expressed as to whether the Local Review Body had enough information before them to determine the Notice of Review.

Councillor Johnston, seconded by Councillor Goodhall, considered that they did not have enough information to determine the Notice of Review and moved to DEFER consideration of the Notice of Review, to allow further procedure to be followed, by way of seeking additional information, namely:

- (1) The Planning Service should be requested to provide a copy of the Conservation Appraisal for Boddam,
- (2) The Applicant should be requested to submit accurate plans which would detail the colour, finish, and dimensions of the proposed wall.

Councillor Lonchay, seconded by Councillor Stewart, moved, as an amendment to Dismiss the Notice of Review and to Uphold the Appointed Officer's decision to Refuse Full Planning Permission, for the reasons contained in the Decision Notice issued on 25 January 2022, subject to additional reasons for refusal, referencing non compliance with Policy HE1 and HE2 as the proposal would have detrimental impact on the character of the area and would have a negative effect on a listed building.

The members of the Local Review Body then voted: -

For the motion (3) Councillors Goodhall, Johnston, and Simpson.

For the amendment (2) Councillors Adams and Lonchay.

Following the vote, the Local Review Body **agreed**, by a majority, that they did not have enough information before them to determine the Notice of Review. The Local Review Body considered that they would require additional information to assist with their decision making for the proposal before them, namely:

- (1) To request that the Applicant submit accurate plans, identifying the full extent and detailed finish of the proposed wall.
- (2) To request that the Planning Service provide a copy of the Conservation Area Appraisal for Boddam.

After due consideration, the Local Review Body **agreed** to **DEFER** consideration of the Notice of Review, to allow them to follow further procedure, by way of seeking additional information, as noted at (1) and (2) above.

**8. LRB 551 – NOTICE OF REVIEW AGAINST REFUSAL OF FULL PLANNING PERMISSION FOR ERECTION OF STORAGE SHED FOR VINTAGE VEHICLES AT CHARLES DAWSON & SON PLANT HIRE CONTRACTORS, MIDDLEMUIR CROFT, WHITECAIRNS, ABERDEENSHIRE, AB23 8XP – REFERENCE: APP/2021/1978.**

Local Review Body: Councillors D Lonchay (Chair), S Adams, I Davidson, J Goodhall, and C Victor.

There was circulated, a Notice of Review, and supporting documents submitted by the agent, which sought a review of the Appointed Officer's decision to Refuse Full Planning Permission for the Erection of a Storage Shed for Vintage Vehicles at Charles Dawson & Son Plant Hire Contractors, Middlemuir Croft, Whitecairns, Aberdeenshire, AB23 8XP – Reference: APP/2021/1978.

The Planning Adviser introduced the Notice of Review and advised the Local Review Body that in terms of review procedure, the applicant had requested (1) further written submissions, (2) a site inspection, and (3) a review of the documentation 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 no valid representations had been received during the consultation period for the application prior to determination.

Further to consultation undertaken, it was reported that:

- Flood Risk and Coastal Protection had advised that, following the receipt of further details showing that the development would be constructed of materials that would offer a degree of resilience from water exposure, no further comment was required.
- Contaminated Land had advised that as it appeared that the site had been used for unauthorised storage in the past, the site may be potentially contaminated and as such they would recommend that an informative be included to the decision notice advising what actions should be carried out should contamination be found.
- Roads had not commented on this application.
- Environmental Health had advised that the application use was not expected to give rise to any matters that would give them concern and they had no further observations to make and would not objection to the proposed development.
- Scottish Water had no objection to the planning application, however, they confirmed that while this proposed development would be fed from Invercarnie Water Treatment Works, they could not confirm current capacity and suggested that the applicant should complete a Pre-Development Enquiry (PDE) Form. In

addition, Scottish Water confirmed that they would not accept any surface water connections into the combined sewer system.

If there was a significant justification from the applicant where a surface water discharge to the combined sewer system was anticipated, the applicant should submit that to Scottish Water at the earliest opportunity to support the intended drainage plan before making a connection request.

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 in accordance with the Aberdeenshire Local Development Plan 2017. The principle of development cannot be established under Policy R2 Housing and Employment Development Elsewhere in the Countryside in that as the development is on land that is determined to have reverted to greenfield land. Furthermore, the storage shed would not be ancillary to the adjacent general industrial land use as required by Policy R2.
- (3) While the setting of the proposed building is acceptable, no provision has been made for the disposal of surface water as required by Policy RD1 Providing suitable services.

The Local Review Body considered that the relevant policies, as contained within the Local Development Plan 2017 were: Policy P1: Layout, siting and design; Policy R2: Housing and Employment Development Elsewhere in the Countryside, Policy RD1: Providing suitable services; Policy E2: Landscape and Policy; P4: Hazardous and Potentially Polluting Developments and Contaminated Land.

The Local Review Body considered that the relevant policies, as contained within the proposed Local Development Plan 2020 were: Policy E2: Landscape; Policy P1: Layout, Siting and Design; Policy P4: Hazardous and Potentially Polluting Developments and Contaminated Land; Policy R2: Development Proposals Elsewhere in the Countryside and Policy RD2: Developer Obligations.

As part of their consideration of the review, the Local Review Body noted that as the 5-year plan period associated with the Aberdeenshire Local Development Plan 2017 had now ended they must consider whether the proposal constituted development which contributed to sustainable development and if so, there would be a presumption in favour of such development unless any adverse impacts arising from the proposal that were significant and demonstrable would indicate against a grant of planning permission.

Whilst the Planning Adviser reiterated that the principles of Scottish Planning Policy had been incorporated within the Local Development Plan, and therefore still embodied those principles, he noted that it would be incumbent on the Local Review Body to consider whether the proposal could contribute to sustainable development as part of their consideration of the review.

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

In response to questions raised, the Planning Adviser confirmed:

- (1) In his professional opinion, at least part of the site and the adjacent sites benefitted from planning permission which allowed for the storage of materials and that would constitute a Class 6 Storage and Distribution Use. There were no specific conditions restricting the storage of materials to plant or drainage equipment and whilst the Local Review Body could choose to restrict a development to a specific use, even within a use class, it would need sufficient planning justification to do so.
- (2) Although the plans associated with the previous permissions were not conclusive, it would appear that part of the site to the south of the building's location did not appear to benefit from express planning permission. Notwithstanding that, based on the information available, the site as presented, appeared to have been in use for a considerable period of time and certainly beyond the 10-year period where such a change of use would be subject to control via the Planning Enforcement regime and therefore likely to be sufficient to establish a lawful use.
- (3) In his opinion, for a site to become abandoned usually required an intention to abandon for that use as well as significant evidence that the site no longer functioned for that use. The presence of some vegetation growing through the hardcore did not necessarily mean the site was abandoned or had reverted to green field land.
- (4) The reason that the glossary definition of brownfield did not include land that was, or could be, used for storage was that such land would be extremely difficult to be considered redundant for such uses.
- (5) The Local Review Body could seek further information regarding the planning history of the site.
- (6) During the Planning Adviser's site visit he had considered that a connection point to an existing surface water drainage system could be provided on site, however, normally further details of the drainage proposal including certification or confirmation from a suitably qualified person would be required as part of the proposal.
- (7) Permitted development rights would allow for a change to the use of floorspace from Class 5 to Class 6, subject to a size limit of 235sqm but that this was limited to floorspace.

The Local Review Body agreed that they did have enough information before them and proceeded to determine the review.

The Local Review Body considered that the main determining issues for the Review as presented before them was whether the proposed development could be considered to contribute to sustainable development and whether that would meet the criteria set out in Policy R2: Housing and employment development elsewhere in the countryside in respect of the use of the building for a storage use.

During discussion, the Local Review Body considered the matters raised within the applicant's Notice of Review, and the reasons for refusal as set out in the Decision Notice and the Appointed Officer's Report of Handling. The Local Review Body considered that Policy R2 would in their view allow for extensions of existing uses, and by association intensification of existing uses when considering the terms of the linked Policy R1: Special Rural Areas. As such and having considered all the information provided and the photographic evidence, the Local Review Body were unanimous in their view, to support the proposal on the grounds that it would be an intensification of the existing use of the wider site, and that use was clear from the use for the wider area and the site.

The Local Review Body recognised that policy R2: Housing and employment development elsewhere in the countryside would allow for such development and as the proposal was small scale and unlikely to cause any other planning concerns other than those noted in the Appointed Officers second reason for refusal it should be supported.

When considering the detailed matters raised within the Appointed Officer's Decision Notice, the Local Review Body considered that the applicant had not provided sufficient detail in respect of the drainage proposal. When considering whether a condition could be applied, the Local Review Body noted that the proposal was for a connection to an existing system. The Local Review Body concluded that a negative suspensive condition that required full details and certification that the existing drainage system could accommodate the run off from the building should be applied in order to ensure that the development accorded with the provisions of Policy RD1: Providing Suitable Services of the Aberdeenshire Local Development Plan 2017.

The Local Review Body concluded that the proposed development would contribute to sustainable development and there were no significant adverse impacts that would result from the proposed development subject to the use. The Local Review Body unanimously agreed that the proposal would be in accordance with the provisions of Policy R2: Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017 and those technical matters can be dealt with by condition.

After due consideration, the Local Review Body **agreed** to reverse the Appointed Officer's and GRANT Full Planning Permission for the reasons set out below:

The application was for a development that represents an intensification of an existing use and was therefore in accordance with Policy R2: Housing and employment development in the Countryside of the Aberdeenshire Local Development Plan 2017, and when taking into account all the relevant policy, and material considerations, the development would contribute to sustainable development.

In assessing the proposed development, the Local Review Body considered that there were no adverse impacts which would significantly and demonstrably outweigh the benefits of the proposal that could not be dealt with by way of condition.

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