

7. **LRB 554** – Notice of Review Against Refusal of Full Planning Permission for Change of Use and Extension from Business (Class 4) to Dwellinghouse (Class 9) at Muirskie Grange, Durris, Banchory, AB31 6EB – Reference: APP/2021/2863.

(iii) Representations submitted by Consultee and Interested Parties.

APP/2021/2863 - Ref LRB 554 - Muirskie Grange, Durris,  
Banchory, AB31 6EB

8 June 2022

9:41

|                |   |
|----------------|---|
| <b>Subject</b> | <b>Re: LRB 554 - New Notice of Review - APP/2021/2863</b> |
| <b>From</b>    | Drew Russell  |
| <b>To</b>      | Local Review Body Submissions                             |
| <b>Sent</b>    | Monday 6 June 2022 18:26                                  |

Drambeel Lodge  
Durris  
Banchory  
AB31 6EB  
6 June 2022

Ref : LRB 554

APP/2021/2863

Change of use and extension from Business (Class4) to Dwellinghouse  
(Class9)

Dear Sirs,

Further to your letter of today's date, whilst I continue to fully understand, and to a lessening degree, sympathise with the Applicant's situation, I feel I must continue object to the development on the following grounds:

1. The Office could be reused for its original permitted purpose and as such there is no justification for its reclassification. *I'd respectfully refer you to clause 4.0 (1) of LRB 405 where it was determined, by the LRB, that a neighbouring building in question was 'still capable of being utilised for it's intended purpose, and therefore could not be considered redundant'— surely the same stance should apply in this case.*
2. The proposed development presents significant and fundamental over development of the plot on which the building sits

3. The proposed development presents a significant threat to the overall aspect, amenity and ambiance of the wider development, further threatening the value and ability sell on the adjacent properties
4. The proposal is totally out of character with the original stable block
5. The proposal significantly reduces the access/egress to property No 3 (the southernmost property), especially for delivery vans, emergency services and indeed the current occupants for their camper van.

The Planning Statement refers to “Welcoming” and “Safe and Pleasant” as two of the six qualities relating to ALDP P1. Surely the effective narrowing of the approach to Property No 3 by some c60%, making every access/egress a daily test of manoeuvrability and driving skill, cannot be described as ‘Welcoming’, ‘Safe’ or indeed ‘Pleasant’ for the residents of No 3 and their visitors.

6. The proposal presents a privacy threat, especially to Property No 2 (the middle property) and to the original farmhouse at Muirskie Grange (to the north east)
7. The proposal significantly reduces the access/egress to the common utility area, which is required for the purposes of maintaining the grass, cleaning of the four septic tanks, delivery of heating oil and for me to turn my trailer. It would be worthwhile for someone from the Planning Department or indeed the LRB to visit the site, mark out the extent of the proposed extension and actually see the impact on access. I’d also question the ability, for all but the smallest of motor vehicles, to be able to access the proposed garage and/or carport, given the proximity to the existing boundary walls.
8. As the current utility area (Common Green Space as noted on the site plan) contains four septic tanks, four soakaways, several inspection pits, numerous rodding points and an oil tank, it cannot seriously be considered as “*existing communal garden area*” as described in Applicant’s Planning Statement. Nor indeed because of this, could the private garden area, adjacent to the septic tanks and soakaways, be described as “high quality”
9. The Planning Statement describes the proposal as “fitting with the character and pattern of the existing development” The development is made up of large detached, semi-detached and linked buildings with significant open dedicated garden ground and associated land. This Proposal certainly does not align with that character or pattern.
10. The Planning Statement makes reference to the proposed development’s ability to benefit from open views and direct sunlight throughout the day etc,

but fails to recognise the adverse impact and threat that the development makes to the current views of, and sunlight to, the existing adjacent properties.

11. In relation to the refusal of the previous application to alter and change the use of the Office, the current Planning Statement states: *“The only reasons for the refusal of planning application reference APP/2018/2093 were then concerns about the layout and siting of the proposed development, in particular in terms of the extent to which this would respect the character of the surrounding area and existing pattern of development, protect the privacy and amenity value of neighbouring properties, and create a suitable level of amenity for future occupiers.* If the previous application, without such a significant extension, which must be c50% by volume and in no means “modest” as described by the Applicant, was refused on the basis that it threatened the character, amenity, privacy and value, then surely adding an extension of such magnitude only serves to make the situation for adjacent properties worse, not better.
12. I remain unclear, and **would seek clarity** from the Planning Department, as to how an application can be made to alter and extend a building - which I partly own - without consultation and without my consent.
13. Should the proposal be considered further for Approval, I **would seek confirmation** and assurance from both the Applicant and from the Planning Department that:
  - a. I will suffer no increase in liability relating to the enlarged building. Currently I am responsible for a one third share of any remedial works to the common roof, rainwater goods and system etc. I would seek assurance that the upkeep and repair of the modified and extended areas of the roof, including the areas of the existing roof impacted by the modifications, are to the account of the Applicant/ Developer or future owner.
  - b. Any and all legal issues associated with modifications to the existing deeds etc are identified by the Applicant prior to Approval and that any and all costs associated with any such amendments, including my solicitor’s fees etc, are borne by the Applicant / Developer.
  - c. Any potential threats to the existing underground services are fully identified prior to construction and that any and all damage or required modifications are to the account of the Applicant or Developer.

As I said at the start of this, I do understand the Applicant’s situation. I also understand that one of the previous owners of one of the adjacent properties made

an offer to purchase the office for his personal use and for whatever reason that fell through.

As I have said previously - fundamentally this proposal is flawed. Whilst it may go some way resolve an economic issue for one party, unfortunately it does so only by creating wider social, economic and environmental issues for many others.

Recognising how out of character this proposal is and the degree of impact on neighbouring properties and householders, the LRB should uphold the decision to refuse this application .

Yours faithfully

Andrew P Russell

# APP/2021/2863 - Ref LRB 554 - Muirskie Grange, Durris, Banchory, AB31 6EB

6 June 2022

16:23

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|----------------|---|
| <b>Subject</b> | <b>Review of rejected change of use and planning at Muirskie Grange</b> |
| <b>From</b>    | Brian Martin  |
| <b>To</b>      | Local Review Body Submissions   |
| <b>Sent</b>    | Monday 6 June 2022 15:57  |

Dear sir

Many thanks for your email of today's date. It is disappointing that an application for change of use and planning consent, which has been rejected multiple times, is still being allowed to progress. We were assured after the last appeal that there was no further action allowed and the reject decision for change of use was final, apparently not.

Regardless the reasoning for our objection remain the same, namely the velux windows overlooking our garage have line of sight into both our daughters bedrooms and their bathroom. We have viewed the property internally before so know this is true as we're we're able to see the line of sight ourselves. Should the planning application/consent be subject to permanent removal of this line of sight, such as permanent opaque windows, not velux's which can be opened, or the windows being removed entirely and replaced with roofing, we would re-consider the grounds for our objection.

Regards  
Brian Martin

# APP/2021/2863 - Ref LRB 554 - Muirskie Grange, Durris, Banchory, AB31 6EB

21 June 2022

12:424

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|----------------|---|
| <b>Subject</b> | <b>Re: LRB 554 - New Notice of Review - APP/2021/2863</b> |
| <b>From</b>    | Kathryn Deakin, Health And Safety Executive Team          |
| <b>To</b>      | Local Review Body Submissions                             |
| <b>Sent</b>    | Wednesday 15 June 2022 15:51                              |

Thank you for your email seeking HSE's observations on application APP/2021/2863.

HSE is a statutory consultee for certain developments within the consultation distance of major hazard sites and major accident hazard pipelines, and has provided planning authorities with access to the HSE Planning Advice Web App - <https://pa.hsl.gov.uk/> - for them to use to consult HSE and obtain HSE's advice.

I would be grateful if you would ensure that the HSE Planning Advice Web App is used to consult HSE on this planning application and on any developments which meet the following criteria, and which lie within the consultation distance (CD) of a major hazard site or major hazard pipeline.

- residential accommodation;
- more than 250m<sup>2</sup> of retail floor space;
- more than 500m<sup>2</sup> of office floor space;
- more than 750m<sup>2</sup> of floor space to be used for an industrial process;
- transport links;
- or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area.

There are additional areas where HSE is a statutory consultee. For full details, please refer to annex 2 of HSE's Land Use Planning Methodology: [www.hse.gov.uk/landuseplanning/methodology.htm](http://www.hse.gov.uk/landuseplanning/methodology.htm)

**NB On 1 August 2021 HSE became a statutory consultee with regard to building safety (in particular to fire safety aspects) for planning applications that involve a relevant building.**

A relevant building is defined in the planning guidance at gov.uk as:

- containing two or more dwellings or educational accommodation and
- meeting the height condition of 18m or more in height, or 7 or more storeys

If the planning application relates to Fire Statements and applications relating to relevant buildings, then these are not dealt with by the Land Use Planning team and instead they should be sent to [PlanningGatewayOne@hse.gov.uk](mailto:PlanningGatewayOne@hse.gov.uk)

There is further information on compliance with the Building Safety Bill at <https://www.gov.uk/guidance/fire-safety-and-high-rise-residential-buildings-from-1-august-2021> .

Regards,  
Kathryn Deakin

HSE's Land Use Planning Support Team

HSE Science and Research Centre

Harpur Hill, Buxton, Derbyshire, SK17 9JN

Find out how HSE is Helping Great Britain work well

For HSE's Land Use Planning Advice Terms and Conditions, please click on the following link <https://www.hsl.gov.uk/planningadvice> and then click on 'terms and conditions'.