

3. Minute of Meeting of the Local Review Body of 28 October 2022.

## ABERDEENSHIRE COUNCIL

### LOCAL REVIEW BODY

#### VIRTUAL MEETING, FRIDAY, 28 OCTOBER, 2022

**Present:** Councillors D Lonchay (Chair), G Crowson (substitute for Councillor C Simpson, if any of the new reviews could not achieve a quorum), P Johnston, and C Victor.

**Apologies:** Councillors S Adams, J Goodhall, and C Simpson.

**Officers:** Planning Adviser to the Local Review Body (Senior Planner, James Wheater), Legal Adviser to the Local Review Body (Solicitor, Amanda de Candia) and Senior Committee Officer (Frances Brown).

In respect of declaration of members' interests as required by the Code of Conduct for members, no declarations of members' interests were intimated.

#### 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 30 SEPTEMBER, 2022

The Local Review Body had before them and **approved** as a correct record, the Minute of the Local Review Body meeting of 30 September, 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).

The Local Review Body also 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 proposed Aberdeenshire Local Development Plan (2022).

## **5. PROPOSED MEETING DATES 2023.**

There had been circulated a report, dated 19 October 2022, by the Director of Business Services, which presented a list of proposed meeting dates for Local Review Body meetings during 2023. The report explained that formal meetings and site visit dates would be included in the ward calendar, however, if there was no business to be determined, then those meeting dates would be removed from member's diaries.

During discussion the Local Review Body sought assurances that efforts would be made to ensure that there were no conflicts with members required attendance at Party Conferences during 2023, and for all future meeting dates going forward.

After due consideration, the Local Review Body **agreed**:

- (1) to **approve** the proposed meeting dates for 2023 as presented in Appendix 1 to the report, subject to ensuring that there were no conflicts with Party Conferences during 2023;
- (2) to **acknowledge** that site visits would be scheduled in the ward calendar, 3 weeks after the formal meetings, and **note** that they would be removed if those dates were no longer required; and
- (3) to **request** that a report should be presented in October 2023 meeting, to consider proposed meeting dates for 2024.

## **RECONVENED REVIEW**

- 6. LRB 554 – NOTICE OF REVIEW AGAINST REFUSAL 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.**

Local Review Body: Councillors P Johnston, (Chair) and C Victor.

With reference to the apologies recorded for the meeting, it was noted that Councillor Goodhall, who previously took part in consideration of the review was not able to attend the meeting and as such the required quorum of three members could not be achieved.

As such, the Local Review Body **acknowledged** that the Notice of Review would have to be deferred to the next formal meeting of the Local Review Body on 25 November 2022.

## **NEW REVIEWS**

### **7. LRB 562 – NOTICE OF REVIEW AGAINST REFUSAL OF FULL PLANNING PERMISSION FOR ERECTION OF STORAGE SHED AT LAND ADJACENT TO BOTANY VIEW, SCHOOL ROAD, ST FERGUS, PETERHEAD, ABERDEENSHIRE, AB42 3EF – REFERENCE: APP/2022/1251.**

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

The Local Review Body had before them, 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 at Land Adjacent to Botany View, School Road, St Fergus, Peterhead, Aberdeenshire, AB42 3EF – Reference: APP/2022/1251.

The Planning Adviser introduced the Notice of Review and advised the Local Review Body that in terms of review procedure, further written submissions and an assessment of the review 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 five valid representations, (objections), had been received during the consultation period for the application prior to determination and the material issues raised within those representations were:

- the Masterplan for the land showed that space as football pitches / green space and children would miss the recreational space.
- The single access through the development would have increased traffic and noise in the area. There was concern about safety of children playing in the area due to the traffic.
- Houses are to be built would not tie in with the current layout of the development, making their appearance look odd.

Further to consultations undertaken, it was reported that:

- Developer Obligations) had confirmed that a Developer Obligations Assessment Report has been sent to the agent. Contributions would be required for Affordable Housing, Sport and Recreation, and Healthcare.
- Learning Estates had confirmed that they had no objection to the application.
- Contaminated Land had stated that no evidence of contamination or potentially contaminated materials were recorded.
- Flood Risk and Coast Protection had no comments to make on the application, following the submission of drainage assessment and drawings.
- Housing Strategy had no objection to the application. Onsite contributions of 25% of affordable housing in line with the Local Development Plan's affordable housing policy would be 3.5 units (plot 2, 3, 4) based on the proposal of 14 residential units. The proposal meets Housing need as identified by Aberdeenshire Council waiting list 2021 and the Housing Need and Demand Assessment 2017. It was also in accordance with the Local

Development Plan's Affordable Housing Policy providing an onsite contribution. The Low-Cost Shared Equity (LCSE) would need to be secured by a S75 agreement to ensure they would remain affordable in perpetuity.

- Roads Development had confirmed that they had no objection to the proposal.
- Waste Management had confirmed that they had no objection to the application.
- Scottish Water had confirmed that they had no objection to the proposal. The proposed development would be fed from Turriff Water Treatment Works. There was currently sufficient capacity for a foul only connection in the Fraserburgh Waste Water Treatment works to service the development.

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

- (1) The development is contrary to Policy PR1 Protecting important resources of the Aberdeenshire Local Development Plan 2017, as the proposal would lead to the loss of a significant part of open space designated to the Merryhillock Masterplan area for recreation uses and would have an adverse impact on the provision of amenities within the Masterplan as a whole. The proposed development was assessed against the Scottish Planning Policy principles of sustainable development however the proposal does not accord with those principles and does not accord with the policies of the Aberdeenshire Local Development Plan 2017 and therefore cannot be considered to contribute to sustainable development.

Reason for Decision The proposed development was assessed against the Scottish Planning Policy principles of sustainable development however the proposal does not accord with those principles and does not accord with the policies of the Aberdeenshire Local Development Plan 2017 and therefore cannot be considered to contribute to sustainable development.

The Local Review Body considered that the relevant policies, as contained within the Local Development Plan 2017 were: Policy H1: Housing Land; Policy H2: Affordable Housing; Policy P1: Layout, Siting and Design; Policy P2: Open Space and Access in New Development; Policy PR1: Protecting Important Resources; 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 2022 were: Policy E2: Natural Heritage; Policy P1: Layout, Siting and Design; Policy P4: Hazardous and Potentially Polluting Development and Contaminated Land; Policy PR1: Protecting Important Resources; and Policy RD1: Providing Suitable Services.

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) It was not clear, during his visit to the application site, whether the open space was currently being used by the public.
- (2) It would be up to the Local Review Body to determine whether the building could be considered as essential for the maintenance of that open space.
- (3) It would be reasonable to attach a condition for a non-commercial entity. Class 6 storage and distribution, which would limit the functions of the building.

The Local Review Body determined that they did have sufficient information and proceeded to determine the review.

During discussion, the Local Review Body considered Policy PR1, and the requirement that the building was “required” and would be considered as “essential” for the maintenance of the open ground.

While the Local Review Body expressed some reservations in terms of not being clear on what was to be maintained on the defined piece of ground, they considered that it would, in their view, be reasonable, as the proposal would contribute towards sustainable development, for that area.

The Local Review Body determined that conditions should be applied to the consent, to ensure that the buildings use would be restricted to the maintenance of the open space, and it would not have a significant adverse impact on the area.

After due consideration, the Local Review Body **agreed** to UPHOLD the Notice of Review and to reverse the Appointed Officer’s Decision and **GRANT** Full Planning Permission subject to conditions, namely:

- (1) to limit the use of the shed to non-commercial activity;
- (2) a land ownership plan should be tied to the plan;
- (3) Roads Access;
- (4) Landscaping and Boundary Treatments;
- (5) Removal of any permitted development rights; and

- (6) a Landscaping plan for the area, the landscaping scheme should include area around the building and should not be restricted to the red line boundary.

**8. LRB 563 – NOTICE OF REVIEW AGAINST REFUSAL OF FULL PLANNING PERMISSION FOR ERECTION OF 14 DWELLINGHOUSES AT LAND AT WHALEBACK ROAD, GREENBANK VILLAGE DEVELOPMENT, FRASERBURGH – REFERENCE: APP/2021/2478.**

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

The Local Review Body had before them, 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 14 Dwellinghouses, At Land at Whaleback Road, Greenbank Village Development, Fraserburgh – Reference: APP/2021/2478.

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 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 five valid representations (objections) had been received during the consultation period for the application, prior to determination and the material issues raised within those representations were:

- The Masterplan for the that land showed the space as football pitches / green space and children would miss the recreational space.
- The single access through the development would have increased traffic and noise in the area. There was concern about safety of children playing in the area due to the traffic.
- The houses to be built would not tie in with the current layout of the development, making the appearance look odd.

Further to consultations undertaken, it was reported that:

- Developer Obligations had confirmed that a Developer Obligations Assessment Report has been sent to the agent. Contributions would be required for Affordable Housing, Sport and Recreation, and Healthcare.
- Learning Estates had confirmed that they had no objection to this application.
- Contaminated Land had stated that no evidence of contamination or potentially contaminated materials had been recorded.
- Flood Risk and Coast Protection had no comments to make on the application, following the submission of drainage assessment and drawings.
- Housing Strategy had no objection to the application. Onsite contribution of 25% of affordable housing in line with the Local Development Plan's affordable housing policy would be 3.5 units (plot 2, 3, 4) based on the proposal of 14 residential units. The proposal meets Housing need as

identified by Aberdeenshire Council waiting list 2021 and the Housing Need and Demand Assessment 2017. It was also in accordance with the Local Development Plan's Affordable Housing Policy providing an onsite contribution. The Low-Cost Shared Equity (LCSE) would need to be secured by a S75 agreement to ensure they remained affordable in perpetuity.

- Roads Development had confirmed that they had no objection to the proposal.
- Waste Management had confirmed that they had no objection to the application.
- Scottish Water had confirmed that they had no objection to the proposal. The proposed development would be fed from Turriff Water Treatment Works. There was currently sufficient capacity for a foul only connection in the Fraserburgh Waste Water Treatment works to service the development.

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

- (1) The development is contrary to Policy PR1 Protecting important resources of the Aberdeenshire Local Development Plan 2017, as the proposal would lead to the loss of a significant part of open space designated to the Merryhillock Masterplan area for recreation uses and would have an adverse impact on the provision of amenities within the Masterplan as a whole. The proposed development was assessed against the Scottish Planning Policy principles of sustainable development however the proposal does not accord with those principles and does not accord with the policies of the Aberdeenshire Local Development Plan 2017 and therefore cannot be considered to contribute to sustainable development.

The Local Review Body considered that the relevant policies, as contained within the Local Development Plan 2017 were: Policy H1: Housing Land; Policy H2: Affordable Housing Policy; P1: Layout, Siting and Design; Policy P2: Open Space and Access to New Development; Policy PR1: Protecting Important Resources; Policy C1: Using Resources in Buildings; Policy C4: Flooding; Policy RD1: Providing Suitable Services; and Policy RD2: Developer Obligations.

The Local Review Body considered that the relevant policies, as contained within the proposed Local Development Plan 2022 were: Policy C1: Using Resources in Buildings; Policy C4: Flooding; Policy P1: Layout, Siting and Design; Policy P2: Open Space and Access to New Development; Policy PR1: Protecting Important Resources; Policy H1: Housing Land; Policy H2: Affordable Housing; Policy RD1: Providing Suitable Services; 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. 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) A Section 75 agreement had been appended to the 2014 development for 52 houses which recommended the delivery of contributions towards sports pitches.
- (2) The original masterplan included an area of open space for recreational use (football, cricket, rugby). The emerging Local Development Plan does not define that open space but did recommend that open spaces should be protected. The Master Plan had not been updated on how that space would be delivered.

The Local Review Body determined that they did have sufficient information and proceeded to determine the review.

During discussion, the Local Review Body considered the emerging Local Development Plan 2022 and the Master Plan. The Local Review body determined that master plan had proposed a defined area of open space and that had not been updated. As such, the emerging Local Development Plan 2022 would require that open spaces should be maintained, and the proposed development would in their view encroach on that area of defined open space.

After due consideration, the Local Review Body **agreed** 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 16 August 2022, so as not to prejudice the emerging Local Development Plan 2022.

The Local Review Body **agreed** that the proposed development would not contribute sustainable development, and there were no other material circumstances to depart from the policy position.

**9. LRB 564 – NOTICE OF REVIEW AGAINST REFUSAL OF PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF DWELLINGHOUSE AND FORMATION OF VEHICULAR ACCESS AT SITE ADJACENT TO HAREFIELD, SOUTH CROSS SLACKS, GAMRIE, BANFF, AB45 3HB – REFERENCE: APP/2022/0958.**

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

The Local Review Body had before them, a Notice of Review and supporting documents, submitted 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 and Formation of Vehicular Access at a Site Adjacent to Harefield, South Cross Slacks, Gamrie, Banff, AB45 3HB – Reference: APP/2022/0958.

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 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 consultations undertaken, it was reported that:

- Developer Obligations had confirmed that the proposal would not engage developer contributions, and as such no contribution would be required. Therefore, the proposal was deemed to comply with Policy RD2 Developers obligations.
- Contaminated Land had confirmed that they did not object to this application.
- Flood Risk and Coastal Protection had confirmed that they did not object to the application.
- Roads Development had confirmed that they did not object to the application.
- National Air Traffic Service (NATS) had confirmed that the proposal would not conflict with their safeguarding criteria.
- Scottish Water had confirmed that they did not object to this application.

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

- (1) The presumption in favour of sustainable development is a significant material consideration, this must be balanced against any adverse impacts of the proposed development which would significantly and demonstrably outweigh the benefits. The proposed development was assessed against the Scottish Planning Policy principles of sustainable development. However, adverse impacts significantly and demonstrably outweigh the benefits of the proposal. The development does not comply with Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan, 2017, in that it does not meet the criteria contained within such policies as the development of a dwellinghouse does not constitute any of the following:
  - Development permissible under green belt policy; • Refurbishment or replacement of an existing or disused building, or a previously developed site which is now redundant.
  - Organic growth of a settlement identified in Appendix 4.
  - A new dwelling in relation to a retiring farming succession; or •

- An appropriate addition to a cohesive group of at least five houses.
- (2) The development does not comply with Policy RD1: Providing suitable services of the Aberdeenshire Local Development Plan 2017 as the application does not contain sufficient information to demonstrate that the proposal could be adequately served in terms of foul and surface drainage infrastructure.

Reason for Decision:

The proposed development was assessed against the Scottish Planning Policy principles of sustainable development however the proposal does not accord with those principles and does not accord with the policies of the Aberdeenshire Local Development Plan 2017 and therefore cannot be considered to contribute to sustainable development.

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 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 2022 were: Policy C1: Using Resources in Buildings; Policy C4: Flooding; Policy P1: Layout, Siting and Design; Policy P4: Hazardous and Potentially Polluting Development and Contaminated Land; Policy R1: Special Rural Areas; Policy R2: Development Proposals Elsewhere in the Countryside; Policy RD1: Providing Suitable Services; 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. 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) There were no set requirements for a cluster, however, it would typically be a shared collective physical boundary, with shared characteristics, between houses forming an identified group.
- (2) The site was an arable field with a 3.2 arable land classification.

The Local Review Body determined that they did have sufficient information and proceeded to determine the review.

During discussion the Local Review Body considered that the proposed development, would not, in their view, comply with Policy E2 and P1. The Local Review Body considered that the development would fail to meet the pattern of development in the area, it would not contribute to the general character of the area with the loss of an agricultural field, and it would not contribute to sustainable 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 reasons contained in the decision notice issued on 14 July 2022.

The Local Review Body **agreed** that the proposed development would not contribute sustainable development, and there were no other material circumstances to depart from the policy position.

**10. LRB 565 – NOTICE OF REVIEW AGAINST FULL PLANNING PERMISSION FOR ALTERATIONS AND EXTENSION TO DWELLINGHOUSE, ERECTION OF GARAGE AND CHANGE OF USE OF AGRICULTURAL LAND TO RESIDENTIAL GARDEN GROUND AT HILLCROFT, PITCAPLE, INVERURIE, ABERDEENSHIRE, AB51 5HX – REFERENCE: APP/2022/0657.**

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

The Local Review Body had before them, 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 Alteration and Extension to a Dwellinghouse, Erection of a Garage, and a Change of Use of Agricultural Land, to Residential Garden Ground, at Hillcroft, Pitcaple, Inverurie, Aberdeenshire, AB51 5HX – Reference: APP/2022/0657.

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 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 eight valid representations had been received (objections), during the consultation period for the application, prior to determination, and the material issues raised in those objections were:

- The proposal will improve the appearance of the building.
- There would not be a noticeable impact on the wider landscape.
- The proposal is an appropriate size considering other extensions and is in keeping with the nearby vernacular.
- The use of an air source heat pump and various energy efficient materials will improve the environmental impact of the development and should be encouraged.
- There would be no negative impact on local views, wildlife, or landmarks.
- The extension is in keeping with the character of the existing building.
- The new garage is in keeping with the garage already on-site

In response to the Notice of Review, four further representations had been received from those objectors, which had reiterated the concerns which they had raised in their previous objections.

Further to consultations undertaken, it was reported that:

- Archaeology) had confirmed that they would not object to the proposal, subject to a condition that a photographic survey of the existing buildings and structures would be submitted and approved in writing by the planning authority.
- Environment – Natural Heritage had confirmed that they would not object to the proposal and had advised the bat survey and species protection plan submitted would be acceptable.

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 P1: Layout, siting, and design of the Aberdeenshire Local Development Plan 2017 as the scale and design of the extension would detract from the character of the existing dwellinghouse. The change of use of land and erection of garage is poorly sited and would create an unfavourable pattern of development.

The presumption in favour of sustainable development is a significant material consideration, this must be balanced against any adverse impacts of the proposed development which would significantly and demonstrably outweigh the benefits. The proposed development was assessed against the Scottish Planning Policy principles of sustainable development. However, adverse impacts significantly and demonstrably outweigh the benefits of the proposal.

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 E1: Natural Heritage; Policy E2: Landscape; Policy HE1: Protecting Historic Buildings, Sites, and Monuments; and Policy RD1: Providing Suitable Services.

The Local Review Body considered that the relevant policies, as contained within the proposed Local Development Plan 2022 were: Policy E1: Natural Heritage; Policy E2: Landscape; Policy P1: Layout, Siting and Design; Policy R1: Protecting Historic Buildings, Sites and Monuments; Policy R2: Development Proposals Elsewhere in the Countryside; and Policy RD1: Providing Suitable Services.

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.

The Local Review Body determined that they did have sufficient information and proceeded to determine the review.

During discussion, opposing views were expressed.

One member of the Local Review Body considered that the extension would not in their view detract from the setting of the local area as there were many other houses in the local area which were much larger.

Other members of the Local Review Body held a different view, those members considered that the scale of the extension, compared to the existing building was substantially different and the use of colour would be intrusive on the surrounding landscape. Those members also considered that the position of the garage would encroach on an area which would be classified as agricultural land.

After due consideration, the Local Review Body **agreed**, by a majority, 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 17 August 2022.

The Local Review Body **agreed**, by a majority, that the proposed development would not contribute to sustainable development, and there were no other material circumstances to depart from the policy position.

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