

5. **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), J Goodhall and C Victor.

- (i) Extract from the Local Review Body Minute of 29 July 2022.

**ABERDEENSHIRE COUNCIL**

**LOCAL REVIEW BODY**

**VIRTUAL MEETING, FRIDAY, 29 JULY, 2022**

**MINUTE EXTRACT**

**Present:** Councillors D Lonchay (Chair), P Johnston (Vice-Chair), J Goodhall and C Victor.

**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.**

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

The Local Review Body had before them, a Notice of Review and supporting documents, submitted by the agent, which would sought a review, of the Appointed Officer's decision to Refuse Full Planning Permission for the Change of Use and Extension from Business (Class 4) to Dwellinghouse (Class 9) at Muirskie Grange, Durris, Banchory, AB31 6EB – Reference: APP/2021/2863.

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 the Local Review Body, and a site inspection to the application site, to allow members to gain an appreciation of the site context and when considering the applicant's view that the development would have no impact on the character of the area within which it was located. 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 four valid representations, (objections), had been received during the consultation period for the application, prior to determination by the Appointed Officer, and the issues raised within those submissions were:

- Viewing angles shown on drawing 18-240/05 C (Potential Overlooking Diagram) are correct.
- Overdevelopment of the plot, out of character with the wider development and impact on neighbouring amenity.
- Proposal impacts on access and egress for neighbouring properties, causing a safety hazard.
- Insufficient parking provision.
- Impact on sunlight to existing properties.
- The dwelling would have no usable private garden ground.
- Noise and fumes from ground floor garages which are out with the ownership of the applicants; and

- Concerns regarding drainage capacity and surface water flooding during periods of heavy rain.

It was reported that two further representations had been submitted in response to the Notice of Review, as presented on 640-644 of the agenda papers, and those submissions reiterated their original objections to the planning application.

It was further reported that the applicant/agent had responded to the further representations submitted and noted that they did not raise any new matters which required comment and they stated that there was no reason not to approve the application for the reasons contained in the Notice of Review.

Further to consultation undertaken, it was reported that:

- Developer Obligations have confirmed that Lairhillock Primary School and Mackie Academy are currently operating within capacity and the proposal does not trigger the Developer Obligations and Affordable Housing policies. Therefore, no contributions are required.
- Roads Development has commented that details should be shown on the plans of the parking associated with the building and the required numbers following the alterations, the turning provision and bin store location. Subsequently, they object due to insufficient information.
- Health and Safety Executive have confirmed that they do not advise, on safety grounds, against the granting of planning permission.

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 change of use and extension remains to be considered at odds with the pattern of development and character of the area. It does not form the functions expected of a residential dwelling located in the countryside and by virtue of this, the proposal fails to comply with Policy P1 Layout, siting, and design of the Aberdeenshire Local Development Plan 2017.
- (2) The Planning Authority considers that the application is for a development that is not in accordance with the Aberdeenshire Local Development Plan 2017. Insufficient information has been submitted to allow Roads Development to consider whether sufficient parking provision can be provided and turning can be safely achieved within the site, thus the proposal fails to comply with Policy RD1 Providing suitable services 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 R1: Special Rural Areas; Policy R2: Housing and employment development elsewhere in the countryside; Policy P1: Layout, siting, and design; 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 B3: Tourist Facilities; Policy P1: Layout, Siting and Design; 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.

During discussion, the Local Review Body considered that some of the main areas of concern were parking provision, the use of the garages, turning circles, manoeuvring and whether that would all work, for the proposed development. The Local Review Body considered that a swept path analysis may assist them in determining whether the applicant would be able to address those concerns.

Another area of concern was amenity issues, regarding overlooking, privacy and protecting the amenity of neighbouring properties. The Local Review Body determined that it would be helpful if they could seek comment from the Planning Service in consideration of whether those issues could be addressed by installing Velux windows in one, or all the windows.

Having considered all the information before them, the Local Review Body determined that they did not have enough information before them to determine the application.

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 from:

- (1) The Planning Service who would be asked to comment on whether the amenity and privacy issues could, in their view, be addressed if obscure glass were used on any, or all, of the Velux windows.

- (2) The Applicant should be asked to provide a swept path analysis, to demonstrate that parking and turning arrangements would be effective.
- (3) The Roads Service should be asked to comment on the swept path analysis.
- (4) Interested parties, who made representations to the Notice of Review, should be asked to make comment on the additional information requested.

EXTRACT