

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.

(i) Extract from the Local Review Body Minute of 24 June 2022.

ABERDEENSHIRE COUNCIL

LOCAL REVIEW BODY

VIRTUAL MEETING, FRIDAY, 24 JUNE, 2022

EXTRACT

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, Sheena Lamont for LRB 549), Legal Adviser to the Local Review Body (Solicitor, Amanda de Candia) and Senior Committee Officer (Frances Brown).

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 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.