

7. **LRB 558** – Notice of Review Against Refusal of Full Planning Permission for Erection of Dwellinghouse at Site Adjacent to 8 Westfield Avenue, Inverurie – Reference: APP/2022/0878.

(i) Extract of Local Review Body Minute of 30 September 2022.

**ABERDEENSHIRE COUNCIL**

**LOCAL REVIEW BODY**

**VIRTUAL MEETING, FRIDAY, 30 SEPTEMBER, 2022**

**EXTRACT**

**Present:** Councillors D Lonchay (Chair), G Crowson (substitute for Councillor C Simpson), J Goodhall, P Johnston, Y Chou Turvey (for LRB 560) and C Victor.

**Apologies:** Councillors S Adams 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).

**6. LRB 558 – NOTICE OF REVIEW AGAINST REFUSAL OF FULL PLANNING PERMISSION FOR ERECTION OF DWELLINGHOUSE AT SITE ADJACENT TO 8 WESTFIELD AVENUE, INVERURIE – REFERENCE: APP/2022/0878.**

Local Review Body: Councillors D Lonchay (Chair), G Crowson, J Goodhall, 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 Dwellinghouse at a Site Adjacent to 8 Westfield Avenue, Inverurie – Reference: APP/2022/0878.

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 and they considered that the proposal would comply with Policy RD2: Developers obligations.
- Contaminated Land had confirmed that they did not object to the application.

- Roads Development had confirmed that they did object to the application as the proposal would not provide an off-street car parking space required by Aberdeenshire Council Roads Standards.
- Scottish Water had confirmed that they did not object to the application.

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

- (1) The application does not comply with Policy P1: Layout, siting and design and Policy P3: Infill and householder developments within settlements (including home and work proposals) of the Aberdeenshire Local Development Plan as the proposed development would introduce a much larger element into the street scene on a constrained site which would be at odds with the surrounding context in terms of external appearance and insufficient private garden ground provision.
- (2) The application does not comply with Policy RD1: Providing suitable services of the Aberdeenshire Local Development Plan 2017 as the proposal does not meet applicable road safety standards, specifically in terms of providing an off-street car parking space.

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 E1: Natural Heritage and RD1: Providing suitable services.

The Local Review Body considered that the relevant policies, as contained within the proposed Local Development Plan 2022 were: Policy P1: Layout, Siting and Design; Policy P3: Infill Developments within Settlements and Householder Developments (including Home or Work Proposals); 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:

That the surrounding houses were built in the 1930s and different road safety standards would have been applied at that time. The Roads Service would apply the current road safety standards for off-street parking and any deviation from that would require further information by way of a parking survey from the applicant.

Having considered all of the information before them, the Planning Adviser's presentation, and the response to the question 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 them with their decision making for the review before them, namely:

- (1) The applicant should be asked to provide a Roads Parking Survey to identify the need for off-street parking.
- (2) The Roads Parking Survey should then be forwarded to the Roads Development Service for comment.
- (3) The Local Review Body would undertake an accompanied site inspection to the application site and surrounding area to allow them to consider whether the proposed development of a modern design would be considered sensitive to the character and nature of the area.

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 as (1) to (3) above.