

ABERDEENSHIRE COUNCIL**LOCAL REVIEW BODY****WOODHILL HOUSE, ABERDEEN, FRIDAY 27 MARCH, 2015**

Present: Councillors S W Pratt (Chair), P W Bellarby, R Cowling, P K Johnston, C R McKail, C H Nelson, D A Ross, C Shand and J J Strathdee.

Apologies: Councillor F C P Hood.

Officers: Planning Adviser (Mark Myles), Senior Solicitor (Peter Robertson) and Committee Officer (Frances Brown).

1. DECLARATION OF MEMBERS' INTERESTS

There were no declarations of members' interests intimated.

2. PUBLIC SECTOR EQUALITY DUTY

In making decisions on the following items of business, the Committee **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 Equality Impact Assessment was provided, to consider its contents and take those into account when reaching their decision.

3. 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 before them, as contained within the Aberdeenshire Local Development Plan (2012).

RECONVENED REVIEWS

4. LRB 254 – NOTICE OF REVIEW AGAINST REFUSAL OF FULL PLANNING PERMISSION FOR THE ERECTION OF A 60KW WIND TURBINE ON 36.8M TOWER, TOTAL HEIGHT TO BLADE TIP 48.3M AT LAND TO THE WEST OF ANDREWSFORD, ST KATHERINE'S INVERURIE – REFERENCE: APP/2014/1741

Local Review Body: Councillors S W Pratt (Chair), C H Nelson, P K Johnston and D A Ross.

Reference was made to the Minute of the Local Review Body meeting of 30 January, 2015 (Item 4, Page 1543) where the Local Review Body had agreed to defer consideration of the Notice of Review to allow them to follow further procedure by way of (1) a written response from the Environmental Health Service on the suitability of the proposed development and (2) an unaccompanied site inspection to the application site and surrounding area.

It was reported that the site inspection had taken place on Friday 20 March, 2015 and the additional information sought from the Environmental Health Service had been presented on Pages 7-8 of the agenda papers and which had concluded that the required noise criteria could not be met at Cromlet Farm House at 4m/s and 5m/s wind speeds, although they did point out that the exceedance would be marginal. The Environmental Health Service had also reported that there would not be a problem with shadow flicker on nearby dwellinghouses. It was further reported that the agent had responded to that submission as presented on Pages 11-12 of the agenda papers and had suggested that the Environmental Health Service had been provided with updated noise level surveys for Cromlet Farm House and as such they were currently investigating that information. The agent had suggested that appropriate conditions could be attached should the application be approved.

The Legal Adviser addressed the Local Review Body and advised members that following the response from the agent to the Environmental Health Service submission a number of new emails had been received relating to those ongoing discussions between the agent and the Environmental Health Service. The Legal Adviser reported that as that information had related to the applicant's submission as presented on Page 11 of the agenda papers (dated 10 March, 2015) the Local Review Body may wish to consider allowing the Environmental Health Service the opportunity to respond to the issues which had been raised.

One of the members' queried whether the ongoing discussions relating to the noise assessments would materially affect their decision, bearing in mind that the application had been refused on the grounds of Policy 8 and SG LSD2: Layout, siting and design of new development in the countryside and Policy 12 and SG Landscape 1 Landscape Character.

The Legal Adviser reminded the Local Review Body that it was their decision to follow further procedure at their initial meeting to allow them to seek a response from the Environmental Health Service and as such, it would in this view be beneficial in their decision making to bottom out the issues raised by the agent to allow them to make an informed judgement on that information and the responses 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 a response from the Environmental Health Service on the comments made by the agent in their submission of 10 March, 2015 as presented on Page 11 of the agenda papers.

5. LRB 256 – NOTICE OF REVIEW AGAINST REFUSAL OF FULL PLANNING PERMISSION FOR ERECTION OF 3 NO. 800KW WIND TURBINES, 55.6M HUB HEIGHT, 79.60M HEIGHT TO BLADE TIP AND ANCILLARY INFRASTRUCTURE AT LAND TO SOUTH WEST OF MAINS OF COLLITHIE, GARTLY, HUNTLY – REFERENCE: M/APP/2014/1032

Local Review Body: Councillors S W Pratt (Chair), P K Johnston and C H Nelson.

Reference was made to the Minute of the Local Review Body meeting of 30 January, 2015 (Item 5, Page 1546) where the Local Review Body had agreed to defer consideration of the Notice of Review to allow them to follow further procedure by way of (1) a response from the Environmental Health Service on the suitability of the proposed development; (2) a written response from Ofcom; (3) a written response from Arqiva and (4) an unaccompanied site inspection to the application site and surrounding area.

It was reported that the site inspection had taken place on Friday 20 March, 2015 and the additional information sought from the Environmental Health Service had been presented on Pages 7-8 of the agenda papers.

Before proceeding, the Legal Adviser addressed the Local Review Body and advised members that as part of the consultation undertaken on the Environmental Health submission of 3 March, 2015 one of the objectors had submitted a further representation which had raised new matters but which did not relate to the Environmental Health response. The Legal Adviser advised the Local Review Body that he was not certain why the objector had not raised that information as part of their original submission other than the information may not have been available at that time. The Local Review Body were asked to consider whether they wished to accept that additional information and in doing so, agree that the applicant/agent should be afforded the opportunity to comment on that submission.

The Local Review Body agreed that as they had not had sight of that submission, they could not be certain whether that information could be material in their decision making and in those circumstances agreed that they had no other option but to defer consideration to allow that information to be presented for consideration and also allow the applicant/agent the opportunity to comment on that submission.

The Local Review Body then voiced some concerns regarding the previous Notice of Review (LRB 254) and the Notice of Review as presented before them which had now both been deferred to allow new information to be submitted outwith consultation periods. The Local Review Body agreed that this caused unnecessary delays and asked that officers ensure that all parties who submit new evidence or additional information outwith prescribed consultation periods should be asked to provide a satisfactory explanation as to why they had not included that information on their original submissions.

After due consideration the Local Review Body agreed:-

- (1) to accept the submission of the additional information presented by one of the objectors to the applicant;
- (2) to agree that the applicant/agent should be afforded the opportunity to comment on that information;
- (3) to DEFER consideration of the Notice of Review until the next formal meeting on Friday 24 April, 2015; and
- (4) to agree that officers should ensure that all future submissions/additional information presented outwith prescribed consultation periods must be accompanied by a satisfactory explanation as to why that information was not available at the time of their original submission.

NEW REVIEWS

6. LRB 262 – NOTICE OF REVIEW AGAINST REFUSAL OF FULL PLANNING PERMISSION FOR ERECTION OF 1 NO. 500KW (50M HUB HEIGHT, 77M TOTAL HEIGHT) WIND TURBINE, TEMPORARY METEOROLOGICAL MAST, TOTAL HEIGHT 50M, COMBINED TRANSFORMER AND SUBSTATION, FORMATION OF ACCESS TRACK, HARDSTANDING AND ASSOCIATED INFRASTRUCTURE AT LAND TO WEST OF THE MOORIE BOARDING KENNELS, ST CYRUS, MONTROSE, ANGUS – REFERENCE: KM/APP/2013/3692

Local Review Body: Councillors S W Pratt (Chair), P W Bellarby, R Cowling, C Shand and J J Strathdee.

There had been submitted a Notice of Review and supporting documents by the agent which sought a review of the decision by the Appointed Officer to Refuse Full Planning Permission for the Erection of 1 No. 500kW (50m Hub Height, 77m Total Height) Wind Turbine, Temporary

Meteorological Mast, Total Height 50m, Combined Transformer and Substation, Formation of Access Track, Hardstanding and Associated Infrastructure at Land to the West of the Moorie Boarding Kennels, St Cyrus, Montrose, Angus – Reference: KM/APP/2013/3692.

The Planning Adviser introduced the Notice of Review and advised the Local Review Body that in terms of review procedure, the agent had requested a site inspection and a review of the 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 photomontages of the site and surrounding area.

The Planning Adviser ended his presentation by reporting that 10 valid letters of representation had been received which were opposed to the proposed development and the material issues raised within those representations were:-

- Cumulative visual and landscape impact due to proliferation of turbines;
- Impact on the viability of a local business and tourism;
- Impact on properties views;
- Impact on wildlife;
- Impact on geese;
- Impact on other types of birds such as owls, buzzards, kestrels, merlins, sparrow hawks and peregrine falcons;
- Noise and vibration emissions;
- Proximity to the Moorie Boarding Kennels;
- Impact on dogs at Kennels;
- Over shadowing and shadow flicker;
- Health problems the turbine may cause;
- Environmental Impact;
- Will destroy unspoilt natural countryside in this glen; and
- Lack of public engagement and notification of the application.

Further to consultation undertaken it was noted that Aviation and Telecommunications had no objections to the proposed development, although the Ministry of Defence had requested that if the application were approved that the turbine be fitted with 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point. The Joint Radio Company had indicated that if any of the details of the wind farm change, particularly the disposition of scale of any turbine(s), they would require to re-evaluate the proposal. The Archaeology Service had reported that Historic Scotland should be consulted with regards to the potential impact on Scheduled Monuments to the west of the proposed development; Environmental Health had no sustainable reason to object to the proposal on noise grounds, however, had indicated that suitable conditions would need to be attached if planning permission were granted; Ecology had commented that RSPB should be consulted on the impact of birds and geese as opportunities for enhancement should be identified; Cultural Heritage had commented that adequate visual assessments and additional viewpoints should be considered specifically from the north and west from the nearest residential property; RSPB had commented that they had no concerns with the development but would encourage the Council to consider post construction monitoring of the cumulative impact on birds resulting from the proliferation of turbines; the Roads Service had no concerns with the proposal but would recommend conditions if approved to ensure that the wind turbine could be transported properly and St Cyrus Community Council had objected to the proposal due to concerns of landscape impact.

A further 3 representations had been received in response to the Notice of Review as provided on Pages 665 – 670 of the agenda papers and those were from Aikins who had no objection to the proposal; the MOD had reiterated their original submission which had advised that they had no objection to the proposal as long as the turbine would be fitted with omni-directional lighting and Historic Scotland had nothing further to add to their original comments. It was

report that as those additional representations had reiterated their previous comments, the agent had no comment to make on those responses.

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

- (1) The Planning Service consider that the proposed wind turbine development will have a disproportionate affect in its setting, and due to the siting and size of the turbine the proposed development would introduce a new feature visible from and to the coastal zone. In this case and in considering the 500kW capacity of development we consider that the landscape and visual impact of the proposal outweighs the policy considerations in support of renewable energy projects. Accordingly, the proposal does not comply with the following policies of the Aberdeenshire Local Development Plan 2012; Policy 12 Landscape conservation, Policy 8: Layout, siting and design of new development and SG Landscape 1: Landscape character. In this case the adverse impact would outweigh any small benefits to renewable energy and as such the application is recommended for refusal.

The Local Review Body considered that the relevant policies as contained within the Aberdeenshire Local Development Plan, 2012 were:- Policy 3: Development in the Countryside and SG Rural Development 2: Wind Farms and Medium to Large Wind Turbines; Policy 8: Layout, Siting and Design of New Development and SG LSD2: Layout, Siting and Design of New Development; Policy 9: Developer Contributions and SG Developer Contributions 2: Access to New Development; Policy 11: Natural Heritage and SG Natural Environment 1: Protection of Nature Conservation Sites and SG Natural Environment 2: Protection of the Wider Biodiversity and Geodiversity; Policy 12: Landscape Conservation and SG Landscape 1: Landscape Character; Policy 13: Protecting, Improving and Conserving the Historic Environment and SG Historic Environment 1: Listed Buildings, SG Historic Environment 3: Historic Gardens and Designed Landscapes and SG Historic Environment 4: Archaeological Sites and Monuments and Policy 14: Safeguarding of Resources and Areas of Search and SG Safeguarding 1: Protection and Conservation of the Water Environment. Other material considerations were: Aberdeenshire Council Planning Advice 12/2012 Landscape Character advice for Small Scale Development; Aberdeenshire Council Planning Advice 2/2012 Wind Turbines – Distance and Noise Calculations; Aberdeenshire Council Planning Advice 2/2005 Use of Wind Energy in Aberdeenshire – Guidance for Assessing Wind Energy Development; Scottish Government – Onshore Wind Turbines; SEPA: Standing Advice for small scale wind-farms below 10 MW not subject to formal Environmental Impact Assessment; SNH: Assessing the impact of small-scale wind energy proposals on the natural heritage (2012) and Aberdeenshire Council / SNH – Strategic Landscape Capacity Assessment for Wind Energy in Aberdeenshire – Final Report March 2014.

The Chair asked the Local Review Body to consider whether there was sufficient information before them in order them to consider the review without further procedure.

During discussion the Local Review Body agreed that the Appointed Officer's reasons for refusal had hinged on the negative impact that the proposed wind turbine development would have on the landscape visually and also the character of that local area. As such the Local Review Body agreed that they would like to follow further procedure by way of an "unaccompanied" site inspection to the application site and surrounding area to allow them the opportunity to view the site from a number of vantage points to enable them to gain a real appreciation of the local topography and whether the size and scale of the proposed wind turbine development may have a detrimental impact on that landscape.

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 an unaccompanied site inspection to the application site and surrounding area.

7. LRB 263 – NOTICE OF REVIEW AGAINST REFUSAL OF PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF DWELLINGHOUSE AT SITE AT CULTERCULLEN, UDNY STATION, ELLON, AB41 6QQ – REFERENCE: F/APP/2014/3045

Local Review Body: Councillors S W Pratt (Chair), P W Bellarby, R McKail and J J Strathdee.

There had been submitted a Notice of Review and supporting documents by the agent which sought a review against the decision of the Appointed Officer to Refuse Planning Permission in Principle for the Erection of a Dwellinghouse at a Site at Cultercullen, Udney Station, Ellon – Reference: F/APP/2014/3045.

The Planning Adviser introduced the Notice of Review and advised the Local Review Body that in terms of review procedure, the agent had requested a site inspection and a review of the 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 photomontages of the site and surrounding area.

The Planning Adviser ended his presentation by reporting that 1 valid objection had been received and the issue raised with that objection was that the proposal was contrary to the Local Development Plan.

Further to consultations undertaken it was reported that the Roads Development Service did not oppose the application, subject to conditions, however, they did indicate that the application would be required to fund a traffic order, signage and street lighting; Developer Obligations had not finalised payment prior to determination; NESBREC had commented that there was evidence of designated species on site and Scottish Water had not provided a response during the consultation period.

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

- (1) The application does not meet with Policy 3 Development in the Countryside and cannot be assessed against LAD4: Infill Development. It is therefore recommended for refusal.

The Local Review Body considered that the relevant policies as contained within the Aberdeenshire Local Development Plan (2012) were:- Policy 3: Development in the Countryside and SG RD1: Housing and Business Development in the Countryside; Policy 8: Layout, Siting and Design of New Development and SG LSD2: Layout, Siting and Design of New Development and Policy 9: Developer Contributions and SG DC1: Developer Contributions.

The Chair asked the Local Review Body to consider whether there was sufficient information before them in order for it to consider the review without further procedure. The Local Review Body were in agreement that they had sufficient information before them and proceeded to determine the Notice of Review.

The Local Review Body agreed that the main determining issue for the Notice of Review as presented before them was whether the proposed development was in accordance with the policy criteria that would normally apply to the erection of a new development in the countryside.

During discussion the Local Review Body agreed unanimously that having considered the proposed site for the dwellinghouse it would be located immediately adjacent to the defined settlement boundary of Cultercullen and as such was located outwith the settlement boundary

which was clearly shown in the Aberdeenshire Local Development Plan, 2012. The Local Review Body agreed that there was nothing within the applicant's Notice of Review which could warrant a departure from Policy 3: Policy 3: Development in the Countryside and RD 1: Housing and business development and the proposal could not be assessed or justified as infill development as it would fail to comply with the criteria contained within the Supplementary Guidance LSD4: Infill Development.

After due consideration the Local Review Body **agreed** to DISMISS the Notice of Review and uphold the Appointed Officer's decision to REFUSE Planning Permission in Principle.

8. LRB 264 – NOTICE OF REVIEW AGAINST REFUSAL OF FULL PLANNING PERMISSION FOR ERECTION OF DWELLINGHOUSE (TO REPLACE REDUNDANT STORE) AT LAND AT DENSIDE HOUSE, CATTERLINE, STONEHAVEN, ABERDEENSHIRE – REFERENCE: KM/APP/2014/3810

Local Review Body: Councillors S W Pratt (Chair), P W Bellarby, R Cowling, C Shand and J J Strathdee.

There had been submitted a Notice of Review and supporting documents by the agent which sought a review of the decision by the Appointed Officer to Refuse Full Planning Permission for the Erection of a Dwellinghouse (to replace a redundant store) at Land at Denside House, Catterline, Stonehaven, Aberdeenshire – Reference: KM/APP/2014/3810.

The Planning Adviser introduced the Notice of Review and advised the Local Review Body that in terms of review procedure, the agent had requested a site inspection and a review of the 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 photomontages of the site and surrounding area.

The Planning Adviser ended his presentation by reporting that 10 valid letters of representation had been received which were in support of the proposed development and the material issues raised within those representations were:-

- The proposal is in keeping with the character of the area; and
- The proposal would replace a redundant agricultural shed that is not suitable for modern agricultural practices

It was also reported that the letters had also highlighted a non-planning matter which was that the development would allow the applicant to remain in the area.

Further to consultations undertaken it was reported that Developer Obligations would seek contributions towards affordable housing and secondary education; Roads Development had no objections to the proposal subject to conditions relating to car parking, access geometry and the provision of a refuse bin uplift store and Catterline and Kinneff District Community Council were in support of the application for the following reasons:-

- The house would replace a redundant store;
- It would comply with policy in that it would allow for the natural growth of Catterline;
- It would not be visible from the road; and
- It would allow local people to remain in the area which is worthwhile for the school roll and local economy.

It was reported that one representation had been received in response to the Notice of Review from Catterline and Kinneff District Community Council as presented on Pages 771-772 of the agenda papers and this submission reiterated their original comments.

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

- (1) The proposed development would replace a former agricultural shed that is not considered a permanent structure, having no real foundations to speak of and being constructed in timber. Furthermore, the building is still suitable for storage purposes and therefore is not redundant. As such, it is not considered to meet the criteria set out in Policy 3 – Development in the Countryside, SG Rural Development 1: Housing and Business Development in the Countryside and Planning Advice Note 13/2012 – Housing and Business disused buildings of a temporary nature will not generally comply with this policy. Where there is uncertainty regarding the permanence of a structure, judgement must be made on the type of structure and foundations. In this case, it is considered that, due to the building's foundations and the type of construction it cannot be considered a permanent structure.

The Local Review Body considered that the relevant policies as contained within the Aberdeenshire Local Development Plan (2012) were:- Policy 3: Development in the Countryside and SG Rural Development 1: Housing and business development in the countryside; Policy 4: Special Types of Rural Land and SG STRLtype 1: Development in the Coastal Zone; Policy 8: Layout, Siting and Design of New Development and SG LSD2: Layout, Siting and Design of New Development; Policy 9: Developer Contributions and SG Developer Contributions 3: Water and Waste Water Drainage Infrastructure and Policy 13: Protecting, Improving and Conserving the Historic Environment and SG Historic Environment 2: Conservation Areas. Other material considerations were: Planning Advice Note 13/2012 – Housing and Business Development in the Countryside and Greenbelt.

The Chair asked the Local Review Body to consider whether there was sufficient information before them in order for it to consider the review without further procedure. The Local Review Body were in agreement that they had sufficient information before them and proceeded to determine the Notice of Review.

The Local Review Body agreed that the main determining issue for the Notice of Review as presented before them was whether the proposal would be in accordance with the policy criteria that would normally apply to the erection of new housing development in the countryside and whether the application could comply with Policy 3 and SGRD1 and Aberdeenshire Council Planning Advice 13/2012 which in certain circumstances could support the replacement of disused buildings.

During discussion the Local Review Body agreed that the proposal before them was a very interesting application when considering whether a building could be described as a permanent or temporary structure. Having considered the information as presented before them and referring directly to the photographic images as presented on pages 719-721 of the agenda papers, the Local Review Body were in agreement that the existing timber structure which had previously been used as an agricultural shed did not have any obvious concrete foundations as could clearly be seen in the visual image as presented on Page 724 of the agenda papers. Having taken that information into account it would in their view not have been designed as a permanent structure although it was agreed that it could still be used for storage purposes.

The Local Review Body then took cognisance of the Aberdeenshire Council Planning Advice 13/2012 Housing and Business Development in the Countryside and Green Belt which states that redundant or disused buildings of a temporary nature would not generally comply with that policy.

The Local Review Body agreed that as the applicant had not presented any material considerations which could warrant a departure from the policies as contained within the Aberdeenshire Local Development Plan, 2012 and Planning Advice 13/2012 they had no option but to support the Appointed Officer's decision to refuse as any departure from those policies could set a precedence for similar types of applications in the future.

After due consideration the Local Review Body **agreed** to DISMISS the Notice of Review and uphold the Appointed Officer's decision to REFUSE Full Planning Permission.

9. LRB 265 – NOTICE OF REVIEW AGAINST REFUSAL OF FULL PLANNING PERMISSION FOR ERECTION OF 1 NO. WIND TURBINE (HEIGHT TO TIP 80M, HEIGHT TO HUB 56M) AND ASSOCIATED INFRASTRUCTURE AT LAND TO THE SOUTH OF UPPER LOOP COTTAGE, AUCHTERLESS, TURRIFF, ABERDEENSHIRE – REFERENCE: F/APP/2014/1831

Local Review Body: Councillors S W Pratt (Chair), P W Bellarby, P K Johnston, R McKail and D A Ross.

There had been submitted a Notice of Review and supporting documents by the agent which sought a review of the decision by the Appointed Officer to Refuse Full Planning Permission for the Erection of 1 No. Wind Turbine (Height to Tip 80m, Height to Hub 56m) and Associated Infrastructure at Land to the South of Upper Loop Cottage, Auchterless, Turriff, Aberdeenshire – Reference: F/APP/2014/1831.

The Planning Adviser introduced the Notice of Review and advised the Local Review Body that in terms of review procedure, the agent had indicated that the review could in their view be concluded following a review of the documents as presented before them. The Local Review Body were then asked to refer to Page 827 of the agenda papers (point 6.7) where it was highlighted that they had stated that the appellant would encourage the Local Review Body to undertake a site inspection prior to determining the appeal. The Planning Adviser then provided the Local Review Body with the background to the applicant's case along with a series of slides and photomontages of the site and surrounding area.

The Planning Adviser ended his presentation by reporting that 1 valid letter of representation had been received which had objected to the proposed development and the material issues raised within that representation was:-

- Cumulative impact; and
- Visual impact

Further to consultations undertaken it was reported that aviation and telecommunications had no objection to the development, however, the Ministry of Defence had requested that aviation lighting is fitted to the wind turbine if it was approved; Environmental Health had assessed the turbine and they had no objection subject to conditions; Environment had confirmed that they did not find the development acceptable due to loss of ancient woodland and that was supported by the Forestry Commission; Royal Society of Birds had requested that the council consider post construction monitoring of the cumulative impact on birds resulting from the proliferation of wind turbines and the Roads Service had no objection to the proposal subject to conditions to ensure that the wind turbine could be safely transported to the site without impacting on road safety.

It was then reported that five further representations had been received in response to the Notice of Review and they were from the Roads Service, Historic Scotland, Atkins, Spectrum Licencing and the Ministry of Defence and each of those consultees had reiterated the issues which they had previously raised in their original submissions.

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

- (1) The wind turbine proposed would be located in an area where there are a number of existing wind energy developments. The resultant cumulative impact of this proposal would be detrimental to the character and amenity of the surrounding area. The proposal does not therefore conform to Policy 3 Development in the countryside and associated Supplementary Guidance SG Rural Development 2: Wind farms and medium to large wind turbines or Policy 12 Landscape conservation or associated Supplementary Guidance SG Landscape 1: Landscape character within Aberdeenshire Local Development Plan.
- (2) The wind turbine proposed would be located in an obtrusive and exposed location within the surrounding landscape and which would thus be detrimental to the surrounding landscape. The proposal does not therefore comply with Aberdeenshire Local Development Plan Policy 12 Landscape conservation or associated Supplementary Guidance SG Landscape 1: Landscape character.
- (3) The wind turbine proposed would result in the loss of a significant part of the Ancient Woodland which would thus be detrimental to the existing woodland. Therefore, the proposal fails to comply with Policy 14 Safeguarding of resources and areas of search or associated Supplementary Guidance SG Safeguarding 3: Protection and conservation of trees and woodland.

The Local Review Body considered that the relevant policies as contained within the Aberdeenshire Local Development Plan (2012) were:- Policy 3: Development in the Countryside and SG Rural Development 2: Wind farms and medium to large wind turbines; Policy 8: Layout, siting and design of new development and SG LSD2: Layout, siting and design of new development; Policy 9: Developers Contributions and SG developers contributions 2: Access to new development; Policy 1: Natural Heritage and SG Natural Environment 2: Protection of the wider biodiversity and geodiversity; Policy 12: Landscape conservation and SG Landscape 1: Landscape character; Policy 13: Protecting, improving and conserving the historic environment and SG Historic Environment 1: Listed buildings, SG Historic Environment 3: Historic gardens and designed landscapes and SG Historic Environment 4: Archaeological sites and monuments and Policy 14: Safeguarding of resources and areas of search and SG Safeguarding 3: Protection and conservation of trees and woodland and SG Safeguarding 4: Safeguarding and transportation facilities.

The Chair asked the Local Review Body to consider whether there was sufficient information before them to allow them to consider the review without further procedure.

During discussion, the Local Review Body agreed that while the agent had not requested a site inspection within their Notice of Review form, they had alluded to it as part of their supporting statement. As such, and taking into account the Appointed Officer's reasons for refusal the Local Review Body agreed that it would be helpful to assist them in their decision making, to undertake an unaccompanied site inspection to the application site and surrounding area to allow them to gain a real appreciation of whether the proposed development could have a detrimental impact on the local surrounding topography visually or cumulatively. The Local Review Body then also referred directly to reason 3 for refusal which had suggested that the proposed development would result in the loss of a significant part of Ancient Woodland and they agreed that it would also be helpful if they could have sight of that woodland at Loop Wood when viewing the application site from a number of vantage points.

The Local Review Body then referred to the applicant's assertions within their supporting statement (Page 825, Section 5.43) of the agenda papers which had contested that the development would result in a significant loss of Ancient Woodland as the footprint of the

development covers approximately 4.6% of the total area of Loop Wood. The Local Review Body took the view that it would be helpful if they could seek a response from Scottish Natural Heritage and the Forestry Commission on those assertions in particular their definition of ancient woodland and the proportions of woodland that would be affected by the proposed development.

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:-

- (1) to undertake an unaccompanied site inspection to the application site and surrounding which should be scheduled to take place on 29 April, 2015; and
- (2) to seek a response from Scottish Natural Heritage and the Forestry Commission on their definition of ancient woodland and the proportions of woodland that would be affected by the development.

10. LRB 266 – NOTICE OF REVIEW AGAINST REFUSAL OF PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF DWELLINGHOUSE (ESSENTIAL WORKER) AT LAND TO NORTH EAST OF PARKLANDS, GOURDON HOLDINGS, LAURENCEKIRK – REFERENCE: KM/APP/2014/3623

Local Review Body: Councillors S W Pratt (Chair), P W Bellarby, R McKail, C Shand and J J Strathdee.

There had been submitted a Notice of Review and supporting documents by the agent which sought a review of the decision by the Appointed Officer to Refuse Planning Permission in Principle for the Erection of a Dwellinghouse (Essential Worker) at Land to the North East of Parklands, Gourdon Holdings, Laurencekirk – Reference: KM/APP/2014/3623.

The Planning Adviser introduced the Notice of Review and advised the Local Review Body that in terms of review procedure, the agent had requested consideration of a number of additional documents which had not been before the Appointed Officer when the original planning application was determined and they had also sought consideration that the Local Review Body consider holding one or more hearing sessions. The Planning Adviser then provided the Local Review Body with the background to the applicant's case along with a series of slides and photomontages of the site and surrounding area.

The Planning Adviser ended his presentation by reporting that one valid representation had been received and the material issue raised within that representation was:

- The siting of the proposed dwellinghouse was not appropriate due to the potential for overlooking

Further to consultations undertaken it was reported that Developer Obligations would be required in relation to affordable housing and education and the Roads Service did not object to the proposal subject to appropriate conditions being attached if approved which address access, provision of car parking spaces and visibility splays in accordance with the Council's standards.

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

- (1) The proposal represents an individual dwellinghouse in the countryside. Given the applicants current proximity to the stables which form part of the business, the applicant cannot demonstrate that there is no alternative accommodation as required by Policy 3: Development in the Countryside and specifically SG Rural Development

1: Housing and business development in the countryside and SG STRLtype 2: Greenbelt of the Aberdeenshire Local Development Plan 2012. As such the proposal is contrary to the Aberdeenshire Local Development Plan 2012 and cannot be supported under the relevant policies or supplementary guidance. In this case there are no material considerations which would outweigh the provision of the aforementioned policy.

The Local Review Body considered that the relevant policies as contained within the Aberdeenshire Local Development Plan (2012) were:- Policy 3: Development in the Countryside and SG Rural Development 1: Housing and business development in the countryside and SG STRLtype 2: Greenbelt; Policy 8: Layout, siting and design of new development and SG LSD2: Layout, siting and design of new development and SG LSD11: Carbon neutrality in new development and Policy 9: Developer contributions and SG Developer Contributions 1: Developer Contributions and SG Developer Contributions 2: Access to new development. Other material considerations were Planning Advice 13/2012 Housing and Business Development in the Countryside and Greenbelt.

The Chair asked the Local Review Body to consider whether there was sufficient information before them in order for members to consider the review without further procedure. The Local Review Body were in agreement that they had sufficient information before them and proceeded to determine the Notice of Review.

The Local Review Body agreed that the main determining issue for the Notice of Review as presented before them was whether the personal circumstances of the applicant and their Clydesdale horse business outweighed the policy criteria that would normally apply to the erection of a house in the countryside.

During discussion the Local Review Body from the outset expressed some sympathy with the applicant's case which had centred around their desire to provide a high level of care during the breeding of their Clydesdale horses and that desire had been supported by experts in the field who had suggested that the Clydesdale breed could present specific problems during the insemination and gestation phase and a such a full time presence on site would be required.

The Local Review Body considered the reference to expert opinions and considered whether additional information should be secured from independent experts in the field before a decision could be made. After due consideration it was agreed that it would be difficult to identify who could be considered to be an independent expert and as such that particular argument did not carry a significant weight as it was not a material planning consideration for the application as presented before them.

The Local Review Body then considered whether it was essential for the applicant to live on site. Having considered the siting of the proposed new dwellinghouse which would be on the opposite side of the road and only 118m from their existing dwellinghouse, the Local Review Body took the view while it may be preferable to have the manager/owner living on site immediately adjacent to the business stables, the applicants existing dwellinghouse was sufficiently close to the business and as such an additional new dwellinghouse could not be justified. The Local Review Body agreed that the applicant had failed to provide material considerations within their Notice of Review and supporting statement which could warrant a departure from the policies contained within the Aberdeenshire Local Development Plan, 2012, Policy 3 and SGRD1 or STRLtype 2.

After due consideration the Local Review Body **agreed** to DISMISS the Notice of Review and Uphold the Appointed Officer's decision to REFUSE Planning Permission in Principle.

11. LRB 267 – NOTICE OF REVIEW AGAINST REFUSAL OF FULL PLANNING PERMISSION FOR ERECTION OF 2 NO. WIND TURBINES ON 44M MASTS (TOTAL HEIGHT 70 METRES) AND ASSOCIATED ACCESS TRACKS AND INFRASTRUCTURE AT LAND AT ARDLAWHILL WOOD, NEW ABERDOUR, FRASERBURGH – REFERENCE: BB/APP/2013/2188

Local Review Body: Councillors S W Pratt (Chair), P W Bellarby, R McKail, D A Ross and C Shand.

There had been submitted a Notice of Review and supporting documents which had been submitted by the agent which sought a review of the decision by the Appointed Officer to Refuse Full Planning Permission for the Erection of 2 No. Wind Turbines on 44m Masts (Total Height 70 Metres) and Associated Access Tracks and Infrastructure at Land at Ardlawhill Wood, New Aberdour, Fraserburgh – Reference: BB/APP/2013/2188.

The Planning Adviser introduced the Notice of Review and advised the Local Review Body that in terms of review procedure, the agent had requested further procedure by way of a site inspection and a review of the 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 photomontages of the site and surrounding area.

The Planning Adviser ended his presentation by reporting that three valid representations had been received which was opposed to the development and the material issues raised within those representations were:

- Cumulative impact;
- Visual impact of turbines;
- Large scale turbines would have a detrimental impact on the landscape;
- Impact on wildlife;
- Decommissioning of the wind turbines;
- Impact on civil and military aviation safety;
- Loss of amenity;
- Impact on health

Further to consultations undertaken, it was reported that Aviation and Telecommunications had no objections to the development although it was noted that Aberdeenshire International Airport and NATS had originally objected to the proposal but had subsequently withdrawn their objections. Historic Scotland, Royal Society for the Prevention of Cruelty to Birds and Scottish Natural Heritage had no objections to the proposal.

It was then reported that seven further representations had been received in response to the Notice of Review and they were from J Strachan, Historic Scotland, Aikins Windfarms, Aberdeen International Airport, A and P Forman, the Ministry of Defence and the Roads Service and each reiterated the issues that were previously raised in their original submissions.

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

- (1) The proposed development is contrary to Policy 8: Layout, Siting and Design of New Development, SG LSD2: Layout, Siting and Design of New Development and Policy 12: Landscape Conservation and SG Landscape 1: Landscape Character, as contained in the Aberdeenshire Local Development Plan 2012, in that it is located within an area identified in the Strategic Landscape Capacity Assessment for Wind Energy as being of high value and unsuitable for wind turbine development beyond a domestic scale.

The Local Review Body considered that the relevant policies as contained within the Aberdeenshire Local Development Plan (2012) were:- Policy 3: Development in the Countryside and SG Rural Development 2: Wind Farms and Medium to Large Wind Turbines; Policy 8: Layout, Siting and Design of New Development and SG LSD2: Layout, Siting and Design of New Development; Policy 11: Natural Heritage and SG Natural Environment 1: Protection of Nature Conservation Sites and SG Natural Environment 2: Protection of the Wider Biodiversity and Geodiversity; Policy 12: Landscape Conservation and SG Landscape 1: Landscape Character; Policy 13: Protecting, Improving and Conserving the Historic Environment and SG Historic Environment 1: Listed Buildings and SG Historic Environment 4: Archaeological Sites and Monuments and Policy 14: Safeguarding of Resources and Areas of Search and SG Safeguarding 4: Safeguarding Transportation Facilities. Other material considerations were Aberdeenshire Council Planning Advice 1/2014 Strategic Landscape Capacity Assessment for Windfarms and Aberdeenshire Council's supplementary guidance on "The Use of Wind Energy in Aberdeenshire".

The Chair asked the Local Review Body to consider whether there was sufficient information before them in order for members to consider the review without further procedure.

During discussion the Local Review Body commended the agent on a well submitted Notice of Review and supporting statement which they agreed had provided a great deal of clarity on the issues which the applicant had sought to raise. The Local Review Body were however minded to agree that when taking into account the issues raised by the Appointed Officer within the Report of Handling it would be beneficial to undertake an unaccompanied site inspection to the application site and surrounding area. The Local Review Body agreed that by visiting a number of vantage points within the surrounding topography they would be able to obtain a greater appreciation of whether the size and scale of the proposed wind turbines would have a detrimental cumulative impact on that area of Coastal Farmland taking into account that it could not be considered to be a small domestic scale.

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 an unaccompanied site inspection to the application site and surrounding area.

The Local Review body agreed that the site inspection would be scheduled to take place on Friday 29 April, 2015 and then the Notice of Review would be resubmitted to the next formal meeting of the Local Review Body scheduled to take place on Friday 29 May, 2015.

12. LRB 268 – NOTICE OF REVIEW AGAINST REFUSAL OF FULL PLANNING PERMISSION FOR THE ERECTION OF A DWELLINGHOUSE AT A SITE TO THE REAR OF THE OLD POST OFFICE HOUSE, HIGHTOWN, COLLIESTON – REFERENCE: F/APP/2014/3848

Local Review Body: Councillors S W Pratt (Chair), P W Bellarby, P K Johnston, R McKail and D A Ross.

There had been submitted a Notice of Review and supporting documents which had been submitted by the agent which sought a review of the decision by the Appointed Officer to Refuse Full Planning Permission for the Erection of a Dwellinghouse at a Site to the Rear of the Old Post Office House, Hightown, Collieston – Reference: F/APP/2014/3848.

The Planning Adviser introduced the Notice of Review and advised the Local Review Body that in terms of review procedure, the agent had requested further procedure by way of a site inspection and a review of the 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 photomontages of the site and surrounding area.

The Planning Adviser ended his presentation by reporting that three valid representations had been received which was opposed to the development and the material issues raised within those representations were:

- Design;
- Siting;
- Increase in traffic;
- Access;
- Impact on trees; and
- Privacy

Further to consultations undertaken, it was reported that Developer Obligations would assess affordable housing and education to consider the impact of the proposed development upon the local community; Contaminated Land had confirmed that there was no indication of past use which might have caused contamination or any asbestos in the building, however, as a boat house and they had requested that a formal note be attached to the decision notice if approved and Roads Development had no objection to the development subject to appropriate conditions if the development was approved.

It was then reported that three further representations had been received in response to the Notice of Review and they were from the Roads Service, A and L Hill and A Stott which had reiterated the comments made in their original submission and in response to the Notice of Review as presented on Pages 1543-1552 of the agenda papers. The agent had then provided a response to those submissions as presented on Pages 1555-1561 of the agenda papers.

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

- (1) The proposed development is contrary to Policy 8: Layout, Siting and Design of New Development and Supplementary Guidance LSD2: Layout, Siting and Design of New Development and LSD4: Infill Development of the Aberdeenshire Local Development Plan 2012, as the proposal fails to meet the criteria set out in the aforementioned policy and supplementary guidance, in that the development does not follow the existing pattern of development, will erode the character and amenity of the surrounding area and would contribute towards over development of the site.

The Local Review Body considered that the relevant policies as contained within the Aberdeenshire Local Development Plan (2012) were:- Policy 8: Layout, Siting and Design of New Development and SG LSD2: Layout, Siting and Design of New Development, SG LSD4: Infill Development, SG LSD10: Contaminated Land and SG LSD11: Carbon neutrality in new development and Policy 9: Developer Contributions and SG Developer Contributions 1: Developer Contributions, SG Developer Contributions 2: Access to new development and SG Developer Contributions 3: Water and waste water drainage infrastructure.

The Chair asked the Local Review Body to consider whether there was sufficient information before them in order to consider the review without further procedure.

During discussion the Local Review Body agreed that the main planning issues which they would need to take into account for the proposed development as presented before them was whether the principle of the development was likely to have an impact on the character and amenity of the surrounding area. Having considered the Notice of Review and the Appointed Officer's reasoning as contained within the Report of Handling, the Local Review Body agreed that as reference had been made to the proposal not being compliant with the existing pattern of development within the settlement of Collieston. As such the Local Review Body agreed

that it would in their view be beneficial as part of their decision making to undertake an unaccompanied site inspection to the application site and surrounding area to allow them to get a visual understanding of that area and whether the proposal would contribute to over development in that area when taking into account the design and scale of the dwellinghouse with the addition of the proposed extension.

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 an unaccompanied site inspection to the application site and surrounding area.

The Local Review Body agreed that the site inspection would be scheduled to take place on Friday 29 April, 2015 and then the Notice of Review would be resubmitted to the next formal meeting of the Local Review Body scheduled to take place on Friday 29 May, 2015.

13. LRB 269 – NOTICE OF REVIEW AGAINST REFUSAL OF FULL PLANNING PERMISSION FOR ALTERATIONS AND EXTENSION TO DWELLINGHOUSE AT ROADSIDE OF CRAIGIE, WHITECAIRNS, ABERDEENSHIRE – REFERENCE: F/APP/2014/4053

Local Review Body: Councillors S W Pratt (Chair), P W Bellarby, R Cowling and D A Ross.

There had been submitted a Notice of Review and supporting documents which had been submitted by the agent which sought a review of the decision by the Appointed Officer to Refuse Full Planning Permission for Alterations and Extension to a Dwellinghouse at Roadside of Craigie, Whitecairns, Aberdeenshire – Reference: F/APP/2014/4053.

The Planning Adviser introduced the Notice of Review and advised the Local Review Body that in terms of review procedure, the agent had requested further procedure by way of a site inspection and a review of the 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 photomontages of the site and surrounding area.

The Planning Adviser reported that the agent had submitted a similar application to the Local Review Body for the refused planning application APP/2014/2865 and that had been dismissed by the Local Review Body at their meeting of 30 January, 2015 (Item 7, Page 1550) on the grounds that the proposed design was of poor quality and would be out of character with the existing property with the roof extension being 700mm higher than the existing dwellinghouse which was not in keeping with Policy 8 and SG LSD2 and SG LSD3 of the Aberdeenshire Local Development Plan, 2012.

The Planning Adviser ended his presentation by reporting that no valid representations had been received and no consultations undertaken during consideration of the planning application.

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

- (1) The proposed extension is out of scale and character with the existing dwelling and so the application fails to comply with Policy 8: Layout, Siting and Design of New Development as well as SG LSD2: Layout, Siting and Design of New Development and SG LSD3: House Extensions of the Aberdeenshire Local Development Plan, 2012.

The Local Review Body considered that the relevant policies as contained within the Aberdeenshire Local Development Plan (2012) were:- Policy 8: Layout, Siting and Design of

New Development and SG LSD2: Layout, Siting and Design of New Development and SG LSD3: House Extensions.

The Chair asked the Local Review Body to consider whether there was sufficient information before them in order members to consider the review without further procedure. The Local Review Body were in agreement that they had sufficient information before them and proceeded to determine the Notice of Review.

The Local Review Body agreed that the main determining reason for the Notice of Review as presented before them was whether the proposed siting and design of the proposed extension would respect the scale and design of the existing dwellinghouse.

During discussion the Local Review Body made reference to the applicant's Notice of Review which had provided the existing plans for the proposed alterations and extension to the applicant's property as provided on Page 1572 of the agenda papers and they then compared them to the new plans as presented on Page 1573 of the agenda papers which had been amended to take account of the issues which had been raised by the Appointed Officer when the original application had been refused. The Local Review Body agreed that the applicant/agent had made significant improvements to the design and had taken on board the issues that the Local Review Body had raised when their previous application was dismissed.

As such the Local Review Body agreed that the applicant had through submitting a vastly improved design paid greater respect to the design of the main dwellinghouse by lowering the ridge line of the existing house and by introducing 3 single dormers on each elevation of the extension and as such they took the view that the application could now be considered to be in accordance with Policy 8 and SG LSD2 and LSD3 of the Local Development Plan, 2012.

After due consideration the Local Review Body **agreed** to reverse the determination reviewed by it and GRANT Full Planning Permission subject to a condition which would ensure that all external finishing materials should tie in with the existing dwellinghouse.