

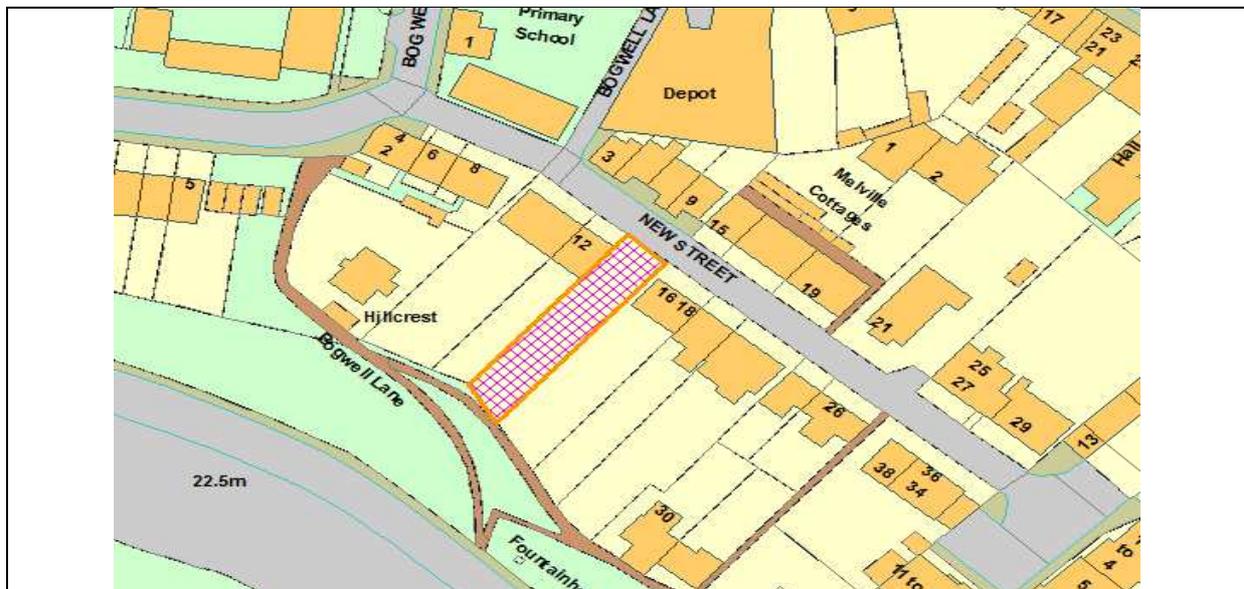
Kincardine & Mearns Area Committee Report 2 July 2019

Reference No: APP/2019/0777

Full Planning Permission For Erection of Dwellinghouse (Renewal of Planning Permission APP/2015/1686) at Site to West of 18 New Street, Stonehaven, Aberdeenshire

Applicant: Mr Steven Brown, 18 New Street, Stonehaven
Agent: No Agent

Grid Ref: E:387466 N:785505
Ward No. and Name: W18 - Stonehaven And Lower Deeside
Application Type: Full Planning Permission
Representations: 8
Consultations: 3
Relevant Proposals: Aberdeenshire Local Development Plans
Map
Designations: Aberdeen Housing Market Area
Complies with: Yes
Development Plans:
Main Recommendation: Grant With Conditions



NOT TO SCALE

Reproduced from Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright and database rights. Ordnance Survey Licence Number 0100020767.

1. Reason for Report

- 1.1 The Committee is able to consider and take a decision on this item in terms of Section B.8.1 of Part 2A List of Committee Powers and Section C.3.1f & g of Part 2C Planning Delegations of the Scheme of Governance as there have been objections from 6 or more individuals with different addresses and there is an unresolved objection from a consultee.
- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

2. Background and Proposal

- 2.1 Full planning permission is sought to erect a one and three quarter storey dwelling house on a relatively steep sloping site located within the Stonehaven Conservation Area.
- 2.2 The proposed site is a gap site located on the south side of New Street. The site is located between two existing dwelling houses (No. 12 and No. 18) and is formed from a section of garden ground pertaining to No. 18. The character of the streetscape is formed largely from 2 storey semi-detached and terraced dwellings of varying styles. No off street parking is proposed as a result of the topography of the site.
- 2.3 In terms of the proposed design, the street elevation is proposed to incorporate traditional proportions similar to those found on the adjacent property (number 18) including symmetrical dormers lining up with the ground floor windows and a centrally located front door. To the rear of the property, it is proposed to construct a flat roof structure, linking into the sloping roof approximately 1.5m below the ridgeline. This structure would accommodate a lounge linked to a terrace and walkway through a set of sliding doors. The 'walkway' would extend beyond the rear building line of the adjacent property (number 12) by approximately 4m and be set back from the common property boundary by 3m.
- 2.4 The proposed materials include natural slate, timber (fascias, doors, windows and cladding) upvc (rainwater goods) and white render (walls). A 1.8m close boarded timber fence would be erected between the site and number 18.
- 2.5 A planning application for the same proposal was refused under delegated powers for the following reason:

'The applicant has failed to demonstrate that there are sufficient car parking spaces within close proximity of the site to serve the requirements of the proposed new dwelling house without negatively impacting upon the amenity of existing residential properties in the area. As such, it is considered that the development fails to comply with Policy 8 and SG LSD2: The layout, siting

and design of new development of the Aberdeenshire Local Development Plan (2012).'

- 2.6 The decision was reviewed by the Local Review Body (LRB). Although members of the LRB were split on the issue, those in support of the proposal considered that the car parking surveys had shown that there was an availability of on-street parking in close proximity of the site. The LRB did not accept that one additional property (potentially 2 additional cars) would fundamentally worsen the current situation to the point that it would negatively impact on the amenity of existing residential properties.

3. Representations

- 3.1 A total of 8 valid representations (objection) have been received as defined in the Scheme of Governance. This does not include multiple representations from the same household which equate to 9 letters in total. All issues raised have been considered. The letters raise the following material issues:

- Impact on residential amenity notably overlooking and overshadowing
- Impact on residential amenity during construction
- Increased traffic congestion/lack of car parking
- Impact on the stability of the Bervie Braes
- Impact on the safety of residents notably school children and the elderly

4. Consultations

- 4.1 **Business Services (Developer Obligations)** is seeking no additional contributions than those received in relation to the previous permission.
- 4.2 **Infrastructure Services (Roads Development)** has commented that the proposed development would rely on on-street parking which is not always readily available on New Street or the surrounding streets. A parking survey, undertaken by the applicant, was submitted. In examining the parking survey, it is apparent that there are no parking spaces generally available on New Street after 8pm. The survey notes that some spaces can be found in parts of the High Street and in Victoria Street. Further afield, parking spaces exist in Dunnottar Avenue, Bridgefield and Arbuthnott Place. These are some distance from the proposed house and would not be considered to serve its parking requirement. As such, Infrastructure Services (Roads Development) objects to the development on grounds of insufficient parking provision.

External

- 4.3 **Scottish Water** does not object to the proposed development.

5. Relevant Planning Policies

5.1 Scottish Planning Policy

The aim of the Scottish Planning Policies is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning system guides the future development and use of land in cities, towns and rural areas in the long term public interest. The goal is a prosperous and socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

5.2 Aberdeen City and Shire Strategic Development Plan 2014

The purpose of this Plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. All parts of the Strategic Development Plan area will fall within either a strategic growth area or a local growth and diversification area. Some areas are also identified as regeneration priority areas. There are also general objectives identified. In summary, these cover promoting economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapt to the effects of climate change and limit the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

From the 29 March 2019, the Strategic Development Plan 2014 went beyond its five-year review period. In light of this, for proposals which are regionally or strategically significant, or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeenshire Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

5.3 Aberdeenshire Local Development Plan 2017

Policy P3 Infill and householder developments within settlements (Including home and work proposals)

Policy HE2 Protecting historic and cultural areas

Policy C1 Using resources in buildings

Policy RD1 Providing suitable services

5.4 Other Material Considerations

Appeal decision

6. Discussion

6.1 Full planning permission is sought for the erection of a dwellinghouse within the settlement of Stonehaven. The main issues to be addressed in determination of this application are:

- Impact on conservation area and street scene
- Impact on residential amenity
- Impact on traffic congestion and car parking
- Impact on drainage and the stability of the Bervie Braes

6.2 The policies contained in Aberdeenshire Local Development Plan 2017 (ALDP) are the main consideration in the determination of this application, together with an assessment of the material considerations.

Impact on conservation area and street scene

6.3 Although there is no historical evidence of any building having been erected on the site, this does not preclude any development from taking place. Historical maps appear to indicate that the space between number 18 and number 12 (as existing) was used to accommodate access to the rear of three properties.

6.4 Planning policy seeks to ensure that new development is laid out, sited and designed to optimise its response to the site and surrounding area notably in terms of townscape. In conservation areas, new development should not detract from the qualities that gave rise to the designation. However, conservation areas status does not preclude development in appropriate locations.

6.5 The proposed development would be of a scale that fits well within the existing street scene, being of a scale and proportions similar to surrounding properties. Indeed, the length of the frontage, front building line and height (to the ridge) would be in keeping with adjacent properties notably number 18. Furthermore, the proposed principal street elevation displays traditional proportions that are in keeping with existing properties along the street.

- 6.6 All things considered the Planning Service takes the view that the proposal will fit well within the existing streetscape and would have no significant detrimental impact on the character of the conservation area in accordance with Policy HE2 Protecting historic and cultural areas.

Impact on residential amenity

- 6.7 Some overlooking between residential properties located on opposite sides of a street can be expected in a dense urban environment such as Stonehaven Old Town in which the site is located. Indeed, New Street is relatively narrow with properties on either sides and as such some degree of overlooking is inevitable. It is not expected that any overlooking of the adjacent property (number 12) would be adversely significant. Although some overshadowing of the property directly opposite the proposed development might occur at certain times of the day throughout the year, this would not be any worse than that which already occurs along the street.
- 6.8 Although some degree of impact on residential amenity during construction is to be expected this cannot be considered as part of the planning application as it is not a material planning issue. Any impact on the safety of pedestrians (notably school children) during construction is not a material planning consideration. It is not expected that the additional traffic caused by a new dwelling house would exacerbate any existing road safety issues. In order to attempt to minimise any adverse impacts of construction traffic, a condition requiring the submission and implementation of an approved construction traffic management plan is recommended.
- 6.9 All things considered, the Planning Service is satisfied that the proposed development would have no significant adverse impact on the amenity of existing residents in accordance with Policy P3 Infill and householder developments within settlements (Including home and work proposals).

Impact on car parking

- 6.10 The potential impact of the proposal on car parking and traffic congestion was raised as a concern by a majority of objectors. Roads Development objected on grounds of insufficient car parking to serve the development. A car parking survey of surrounding streets was carried out on behalf of the applicant to try and address this issue. Although some spaces were identified in surrounding streets, Roads Development advised that as these are some distance from the proposed house, they could not be considered to serve its parking requirement and are recommending that the application be refused on that basis.
- 6.11 It is evident from the car parking survey that was submitted with the original planning application and various site visits observations that there are parking spaces available in the surrounding streets within easy walking distance of New Street.

- 6.12 Although it is acknowledged that parking on New Street is convenient for residents, this has to be considered in the local context including the relative proximity of available parking on surrounding streets and relatively easy access on foot to the school, shops and other community facilities. Parking on a public road should be based on a first come first served basis and should not be the priority of those who live on that street. The Planning Service would agree with the LRB's stance that the proposal is unlikely to generate such a significant number of additional cars as to have a significant adverse impact on the amenity of residents.
- 6.13 As such, when taking a pragmatic view of the potential impacts of the proposed development on the amenity of existing New Street residents and having fully considered the comments received from Roads Development in regards to parking requirements, the Planning Service considers that the proposal can be supported in this instance.

Impact on drainage and the stability of the Bervie Braes

- 6.14 A number of representations received are concerned about the potential impact of the development on the stability of the Bervie Braes. This issue was discussed with building standards officers who advised that the developer would be expected to demonstrate that the site can be developed without compromising the stability of surrounding land and buildings at building warrant stage.
- 6.15 In terms of foul and surface water drainage, it is proposed to connect the development to the public infrastructure. As such, it is not expected that the proposal would exacerbate any pre-existing local drainage issues or affect the structural integrity of the Bervie Braes.

Conclusion

- 6.16 Although Infrastructure Services (Roads Development) objects on grounds of insufficient car parking as discussed in the content of this report, the Planning Service must consider the nature of the site within its setting, the prevalence of on street parking in the vicinity and the materiality of previous planning decisions related to this site.
- 6.17 To summarise, in terms of its layout, siting and design, the proposed development would have no significant adverse impacts on the character of the street or wider conservation area. Although it is acknowledged that the introduction of any new development will have an impact on the existing residents of New Street, it is not considered that the impact of this development would be significant enough to merit refusal of this application.

7. Area Implications

- 7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community Plan.

8. Implications and Risk

- 8.1 An equality impact assessment is not required because [state reasons using the guidance provided by the Equalities team] and does not have a differential impact on any of the protected characteristics.
- 8.2 There are no staffing and financial implications.
- 8.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.

9. Sustainability Implications

- 9.1 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

10. Departures, Notifications and Referrals

10.1 Strategic Development Plan Departures

None

10.2 Local Development Plan Departures

None

- 10.3 The application is not a Departure from the Local Development Plan (and/or) Strategic Development Plan and no departure procedures apply.

- 10.4 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.

- 10.5 The application would not have to be referred to Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

11. Recommendation

11.1 GRANT subject to the following conditions:-

01. That no development in connection with the development hereby approved shall take place unless full details of the proposed means of disposal of surface water from the development have been submitted and approved by the Planning Authority.

Reason: to ensure the provision of an acceptable drainage system in the interests of the amenity of the area.

02. The dwellinghouse hereby approved shall be erected unless an Energy Statement applicable to that dwellinghouse has been submitted to and approved in writing by the planning authority. The Energy Statement shall include the following items:

- a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development;
- b) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy C1 of the Aberdeenshire Local Development Plan 2017.

The development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and Policy C1 of the Aberdeenshire Local Development Plan 2017.

03. No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority.

Details of the scheme shall include:

- a) Existing landscape features and vegetation to be retained;
- b) An indication of existing trees, shrubs and hedges to be removed
- c) The location of new trees, shrubs, hedges, grassed areas
- d) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- e) The location, design and materials of all hard landscaping works including walls, fences and gates
- f) A programme for the implementation, completion and subsequent management of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

04. That no works in connection with the development hereby approved shall commence unless a detailed construction method statement and related site plan to demonstrate that the site can be developed without compromising the stability of the surrounding land and buildings has been submitted for the consideration and approval of the Planning Authority. Once agreed, all construction works shall be carried out in accordance with the approved construction method statement.

Reason: In the interests of the amenity of the area and adjacent residential properties.

05. No works in connection with the permission hereby granted shall commence unless a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the planning authority. Thereafter, the development shall be carried out in accordance with the approved CTMP.

Reason: In the interests of road safety and to avoid degradation of the road and bridge network.

11.2 **Reasons for Decision**

It is considered that the proposal would have no significant adverse impacts on the character of the streetscape and conservation area or the amenity of existing residential properties on New Street and surrounding streets in accordance with Policy P3 Infill and householder developments within settlements (Including home and work proposals) and Policy HE2 Protecting historic and cultural areas of the Aberdeenshire Local Development Plan 2017.

Stephen Archer
Director of Infrastructure Services
Author of Report: Aude Chaiban
Report Date: 20 June 2019