

8. **LRB 460** – Notice of Review Against Refusal of Full Planning Permission for Erection of Dwellinghouse at Land Adjacent to Slains Lodge, Collieston, Ellon – Reference: APP/2018/2921.
 - (iv) Agent's Response to Representations Received from Interested Parties.



**NOTICE OF REVIEW UNDER S.43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND)
ACT 1997 (LRB 460)**

in respect of

DECISION TO REFUSE PLANNING APPLICATION REFERENCE APP/2018/2921

for

PROPOSED NEW DWELLINGHOUSE ON LAND AT COLLIESTON

RESPONSE TO REPRESENTATIONS FROM INTERESTED PARTIES



In response to the Notice of Review, six submissions have been received from interested parties. Issues raised by interested parties are set out below, together with our client's responses to each of these.

1. Agree with reasons for the decision to refuse planning permission as expressed in the Report of Handling.

The reasons for refusal as expressed in the Report of Handling are addressed in detail in the Paper Apart submitted with the Notice of Review, in light of which it is submitted that the review should be allowed and the application granted.

2. Scottish Water's capacity to process additional surface water needs further investigation – there are ongoing sewage problems in village which Scottish Water have been unable to resolve thus far.

As set out in paragraph 4.7 of the Paper Apart submitted with the Notice of Review, the applicant has received confirmation from Scottish Water that there is sufficient capacity in both the Forehill Water Treatment Works and Collieston Waste Water Treatment Works to service the proposed new house and that there are no issues within the water and waste water network that would adversely affect the demands of the development. This is unequivocal and makes it clear that no further investigation is required. For further details, please see the Scottish Water letter, which was submitted with the Notice of Review as Document 29.

3. Concerns that plans show surface water being discharged to a field drain on a vulnerable area of cliffs, and the impact that this will have on erosion and land slippage.

While the plans submitted with the Notice of Review show the field drain, it should be noted that this is an existing field drain and, whereas it was previously proposed to discharge surface water via this, this is not now the case. Instead, as set out in paragraph 4.8 of the Paper Apart submitted with the Notice of Review, it is proposed to install a rainwater harvesting tank which will be utilised for a full greywater system to manage all surface water on site. As such, existing discharge via the field drain will in fact be reduced, which in turn will help to reduce erosion and land slippage such that any impact would be a positive one.



4. Concerns about land slippage between Slains Lodge and the Look Out due to excess traffic and runoff water drainage, which would contribute to structural damage to these properties.

As set out above, all surface water would be dealt with through a harvesting tank, such that there would be no runoff drainage. Likewise, the volume of additional traffic would be minimal, with the Roads Development team having no concerns about the access arrangements. As such, there is nothing to indicate that there would be any land slippage as a result of the development proposed.

5. Revised plan shows a rainwater collection tank but cannot find any adequate plan for how the water is to be managed after it is collected.

As set out in paragraph 4.8 of the Paper Apart submitted with the Notice of Review, our client would be happy for further details of how the proposed harvesting tank/greywater system would be managed to be required as a condition of a planning consent. As an indication though, typical uses of water from systems such as these would include for flushing toilets, laundry and irrigation, allowing all water to be recycled and re-used on the site (and increasing the water efficiency of the proposed house as a whole).

6. Query whether SNH have been consulted as they own the sea banks and cliffs which adjoin the proposed site and where the field drain outflow is situated.

As set out above, the field drain shown on the plans is an existing field drain, with no new works proposed in relation to this. As such, there is no reason to consult SNH specifically in respect of this.

7. Access road includes a section of a narrow unclassified Local Authority Road which already has difficulties of egress and manoeuvring.

As set out in paragraph 3.8 of the Paper Apart submitted with the Notice of Review, the Council's Roads Development team were consulted on the application and raised no concerns regarding the access arrangements, nor were any concerns raised in the Report of Handling. As such, there would be no justification for refusing the application on this ground.



8. Building would compromise the daylight afforded to Slains Lodge and other homes in that area.

The proposed dwelling house would be 35 metres from Slains Lodge and 33.5 metres from the Look Out, these being the closest residential properties. At these distances, with the proposed dwelling house being a maximum of 1 ½ storeys (6.5 metres high), there is simply no likelihood for this to have any impact on the daylight afforded to these neighbours.

9. Style and scale of building out of keeping with that of Collieston and does not belong in this location (including comment that scale is excessive).

The Design Statement submitted with the application (Document 10 submitted with the Notice of Review), describes in detail the site appraisal and design process that was followed in working up proposals for the new house, ensuring that this respects and complements the existing character of the area. In particular, as set out on page 55 of the Design Statement, the design takes the landscape's sensitivity to vertical elements into account by creating all the accommodation on a single storey split into a series of 'wings' connected by flat green roofs, while the scale, materials and details are influenced by the traditional properties characteristic of the area. The main built elements reflect the local vernacular form with simple rectangular footprints and 45° pitched roofs, exteriors would be a mix of natural timber cladding and off white render, and new landscape planting would include a variety of native coastal plant species.

Finally in this regard, the Report of Handling for the application confirms that the Planning Service considers the proposed design to have been well considered, and that this complies with Local Development Plan Policy P1 Layout, siting and design in terms of both style and scale. As such, there would be no justification for refusing the application on this ground.

10. Building currently being built in the grounds of Slains Lodge is smaller and has had a defined impact on the land slips on the surrounding cliffs.

While concerns about development at Slains lodge are noted, each application requires to be considered on its own merits and, as set out above, there is no reason for concluding that the development proposed in terms of the application to which this Review relates would have any negative impact on land slips on the surrounding cliffs. Indeed, as also set out above, the proposed development is expected to have a positive impact by reducing existing surface water discharge to the cliffs, and reducing erosion as a result.



11. Green field site and not building land.

While it is recognised that the site is outwith the Collieston settlement boundary, it is submitted that this does not preclude development here for the reasons given both in the Planning Statement submitted with the application and the Paper Apart submitted with the Notice of Review. In particular, these documents highlight that:

- The site is seen as sitting more as part of Collieston than the wider estate, and development here would form a natural extension to the settlement in accordance with the Strategic Development Plan (see paragraphs 2.4, 4.7 and 4.8 of the Planning Statement); and
- The key reason for restricting development in the coastal zone (within which the site is located) is to protect the environment and avoid coalescence rather than restricting it as an end in itself. And, on the basis that Council officers have accepted that the proposed development would have no impact on the environment or landscape setting, and that there would be no coalescence, this should be considered acceptable in principle (see paragraphs 4.4, 4.5 and 4.6 of the Paper Apart submitted with the Notice of Review).

12. Applicant does not presently live in Collieston but in Hong Kong and, if they want to live in Collieston, there are numbers of other properties for sale which would be an option.

While the applicant's current address should not normally be a material consideration in the determination of a planning application, paragraph 2.1 of the Planning Statement submitted with the application makes it clear that the applicant has spent a number of years living and working abroad, and that the proposed new dwelling house represents an opportunity to return to Collieston, where she grew up.

Likewise, the availability or otherwise of other properties is not be a material consideration. The only question to be addressed in the Review should be whether or not the proposed dwelling house is appropriate for the application site and, for the reasons given in both the Planning Statement submitted with the application and the Paper Apart submitted with the Notice of Review, it is clear that it is.



- 13. Applicant has stated quite openly that she does not intend to live in Collieston, but rather that the house she hopes to build will be used as a business venture, namely for holiday and/or long term rentals.**

It is not clear what this is based on, as the applicant's stated intention is to return to Collieston and live in the dwelling house. That said, the house's future occupancy is not a material consideration, and the same principles apply here as to the applicant's current residency as outlined above. Importantly it should be noted that any proposal to use the house for holiday rentals would require a separate planning application for change of use, and this application must be determined on the basis of it being a residential dwelling house (as applied for) rather than a holiday rental property.

- 14. To grant the application would create a precedent.**

As also outlined above, each application requires to be considered on its own merits, such that concerns about creating a precedent should not be a material consideration. In any event, it should be noted that this is a self-contained site that forms a natural extension to Collieston, bound by the existing access road. As such, there is no scope for this creating a precedent for further development into the countryside around the settlement.

