

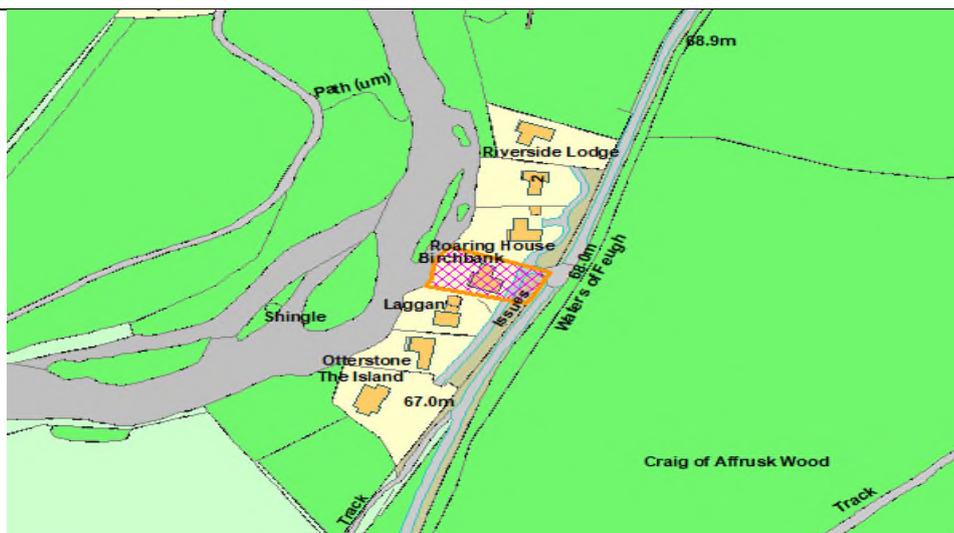
## Marr Area Committee Report 20 August 2019

Reference No: APP/2019/1264

**Full Planning Permission For Erection of Garage (Renewal of Previous Approved APP/2016/1794) at Birchbank The Island, Waters of Feugh, Banchory, Aberdeenshire, AB31 6XF**

**Applicant:** Mr Les Gray, Birchbank, The Island, Waters of Feugh, Banchory, AB31 6XF  
**Agent:** Gary Grant Architect, Greenferns, Watson Street, Banchory, AB31 5UB

Grid Ref: E:370127 N:794436  
Ward No. and Name: W16 - Banchory And Mid-Deeside  
Application Type: Full Planning Permission  
Representations: 6  
Consultations: 2  
Relevant Proposals: Aberdeenshire Local Development Plan  
Map  
Designations: Aberdeen Housing Market Area  
Complies with: Yes  
Development Plans:  
Main Recommendation: Grant with Conditions



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## **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 of Part 2C Planning Delegations of the Scheme of Governance as there have been valid objections from six or more individuals or bodies with separate postal addresses or premises.
- 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 for the erection of a domestic garage at Birchbank, Waters of Feugh, Banchory. The proposal is a renewal of a previous approval, APP/2016/1794.
- 2.2 Birchbank is a detached dwelling set within a large plot, with the River Feugh bounding the property to the rear (west), and a shared access road to the east. Neighbouring properties are located to the north and south of Birchbank, however, there are significant separation distances between properties and substantial boundary treatments in the form of hedging/trees and foliage. Birchbank is one of 7 dwellings all of similar style and proportions, with a tiled roof, brickwork walls with feature timber cladding at first floor level and brown timber windows.
- 2.3 Permission is sought to erect a domestic double garage to the east of the dwelling, on an area between the access road and main road. The garage would be sited on an area of hard standing currently used for parking for Birchwood, which is in the ownership of the applicant. The proposed garage would have timber clad walls and a profile sheet metal roof. The garage would have a footprint of 6 metres by 5.5 metres, with a height of 4.5 metres.
- 2.4 Planning permission was granted on 15<sup>th</sup> August 2016, and at the time of validation of this application, the existing permission was still valid. However, the applicant has confirmed he is not in a position to implement the existing consent prior to the 15<sup>th</sup> August 2019, therefore it would expire unless renewed. The proposal has not altered from the previous consent, and the application effectively seeks an additional 3 years to implement the consent. The previous application was recommended for approval by the Planning Service and referred to the local ward members in accordance with normal procedure. Local members did not request that it be referred to the Area Committee for determination.
- 2.5 In terms of surface water drainage, the rainfall from the existing pavements discharges to the existing drainage channel, it is proposed that rainfall from the garage roof will also connect to this.

### 3. Representations

3.1 A total of 6 valid representations objecting to the proposal have been received as defined in the Scheme of Governance. All issues raised have been considered. The letters raise the following material issues:

- Safety hazard as the visibility and sightlines when exiting the development onto the road would be detrimentally impacted;
- Not in keeping with area – there are no other structures between internal and external road;
- The proposed development will impact on the landscape and visual appearance of the area;
- The proposed timber cladding is not in keeping with the existing homes within the development;
- The proposed development would be visually intrusive to immediate neighbours;
- Would set a precedent for others within the development to erect structures between the dwellinghouses and road.

### 4. Consultations

#### Internal

4.1 **Infrastructure Services (Roads Development)** have commented that they hold no objection to the renewal of the application and request a condition in relation to the visibility splay.

4.2 **Infrastructure Services (Flood Risk and Coast Protection)** have confirmed that as this is a resubmission of previously approved APP/2016/1794, the proposal remains unchanged and they have no further comment to make. Previously, they requested a drainage statement with specific details required if a new soakaway was proposed. The agent provided a drawing (L(--))10) clarifying that the proposal will utilise the existing drainage solution for Birchbank.

### 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 R1 Special Rural Areas

Policy R2 Housing and employment development elsewhere in the countryside

Policy P1: Layout, siting and design

Policy E2 Landscape

Policy C4 Flooding

Policy RD1 Providing suitable services

## 6. Discussion

- 6.1 The key planning considerations are the layout, siting and design of the development to ensure it respects the character of the property and surrounding area.

### Principle of development

- 6.2 Since the approval of the previous 2016 application, the Aberdeenshire Local Development Plan 2017 has been adopted. Therefore, although there was an existing permission in place at the time of submission, the proposal must be considered against current policies. As the site is located outwith the settlement boundary and in the Aberdeen Housing Market Area, Policy R2: housing and employment development elsewhere in the countryside and Policy R1 Special rural areas are relevant. Policy R2 permits development that would meet the criteria within Policy R1, and the first of these supports development that is for a use ancillary to the main use. The proposal is considered to comply with Policy R1 as it is proposed to erect a domestic garage associated with the dwelling, Birchbank, and therefore is an ancillary residential building.
- 6.3 Notwithstanding the above, up until the 15<sup>th</sup> August 2019, the applicant could have implemented the existing consent without the need for a new application. However the applicant has chosen to renew the permission to allow a further 3 years. The principle of development is considered to have previously been considered acceptable, and it remains to be considered an acceptable form of development.

### Layout, siting and design

- 6.4 The proposal has a relatively unusual layout in terms of the location of the ancillary garage, which is forward of the principle elevation of the dwellinghouse and across a shared access road, albeit on land within the ownership of the applicant that is currently used for their domestic purposes. However, the development will be in keeping with existing dwellinghouse in terms of scale and design. The garage is proposed to be finished in timber linings with a profile metal roof. Concerns were raised that the use of timber was not in keeping with the surrounding dwellings. However, the first floor of Birchbank is clad in timber, which ties in with the proposed garage. Timber is considered a versatile material which respects the natural, rural setting that the garage and cluster of dwellings is set within.
- 6.5 The proposed garage's location across the access road also met concerns through representations. The proposed garage would be the first structure to the east of the dwellings on the strip of land between the minor access road and public road. Concerns are raised in representations that a structure on this site would set an undesirable precedent, with a detrimental impact on the rural setting and aesthetic appearance of the area. It is accepted by the Planning Service that these are valid concerns, as the proposal will alter the existing pattern of development, as currently all built structures are to the west of the shared access road. However, consideration must be given to the scale and massing of the garage, being relatively small scale, only 4.5metres in height and is not considered to detrimentally alter the rural feel of the area. The garage is proposed on an area of existing hard standing used for parking, therefore the general principle of domestic use of this ground exists. It could be argued that the proposed, well designed and appropriately finished

enclosure for the vehicles will improve the visual appearance of the site, improving on the harsh hardstanding that exists currently, with the landscaping remaining surrounding the garage to soften any potential impacts and allow the new structure to blend in with the surroundings. The materials have been specifically chosen to be sensitive to the surrounding landscape.

- 6.6 Whilst the siting appears to be at odds with the existing pattern of development, by crossing the private track which serves other dwellings, the garage will not be prominent in the wider landscape, it sits atop an existing area of hardstanding which already provides ancillary parking provision to the applicant's dwelling, and the building itself is of an appropriate scale to fit on the site. Whilst concerns in relation to precedent have been raised, the Planning Service do not consider the development across the small private track of ancillary buildings associated with the host dwelling to be a particularly undesirable precedent; providing any other such building is similarly designed to an appropriate scale with compatible finishing materials. Furthermore, the previous consent has established an acceptance of this form of development, on this specific site. The proposal is therefore considered compliant with Policy P1 Layout, siting and design and Policy E2 Landscape.

#### Technical considerations

- 6.7 Turning to Policy RD1 Providing suitable services, a number of representations raise road safety as a concern, considering the impact the garage will have on site lines and the visibility splay. Roads Development previously confirmed that the proposed garage is out with the visibility splays, however, suggest a condition to preserve the existing visibility splay is attached to any consent. Such a condition will ensure the concerns raised do not come to fruition.
- 6.8 Due to the location on the banks of the Waters of Feugh, the Council's Flood Risk and Coast Protection were consulted, they confirmed that their response had not changed since 2016, which requested a drainage statement. In the previous application, upon receipt of a drawing and a drainage letter, Flood Risk and Coastal Protection confirmed that they were content with the arrangements proposed. The previous drawing has been re-submitted which clarifies that the proposed garage will utilise the existing drainage solution for Birchbank, which remains acceptable and is considered compliant with Policy C4 Flooding.

#### Conclusion

- 6.9 The representations from the neighbouring properties, in regard to road safety, are considered to have been resolved through confirmation from Roads Development that the visibility splay is not being impacted on by the development. The concerns regarding the potential precedent and the impact on the existing cluster of dwellings by erecting a structure on the existing landscaped area is a valid concern. However, it is considered that due to the materials, size, massing and existing landscaping/foliage this would allow the development to have little impact on neighbouring properties and the wider

landscape. The proposal remains to be considered acceptable and is compliant with the relevant policies of the Aberdeenshire Local Development Plan 2017. Subsequently the application is recommended for approval.

## **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 the granting or refusing of the application will not have a differential impact on any of the protected characteristics.

## **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 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 Full Planning Permission subject to the following condition:-**

01. No development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into

use unless visibility of 90 metres in both directions along the channel line of the public road has been provided from a point 2.4 metres measured at right angles from the existing edge of the carriageway surface along the centre line of the access in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

Reason: To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road safety.

## **11.2 Reason for Decision**

The siting, scale, design and finishing materials of the proposed building remain to be considered acceptable, without creating a detrimental impact on the landscape or surrounding area. The proposal complies with Policy R1 Special rural areas and Policy P1 Layout, siting and design of the Aberdeenshire Local Development Plan 2017.

**Stephen Archer**  
**Director of Infrastructure Services**

Author of Report: Louise Smith  
Report Date: 23 July 2019

## Comments for Planning Application APP/2019/1264

### Application Summary

Application Number: APP/2019/1264

Address: Birchbank The Island Waters Of Feugh Banchory Aberdeenshire AB31 6XF

Proposal: Erection of Garage (Renewal of Previous Approved APP/2016/1794)

Case Officer: Louise Smith

### Customer Details

Name: Mrs tina curry

Address: 1 The Island Waters of Feugh Banchory

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I feel the erection of a garage in said location is a potential safety hazard for vehicles and residents exiting the development. As the cars come at speed (60mph speed limit) clear visibility and sightline which we currently have to reduce risk would be greatly compromised.

# Comments for Planning Application APP/2019/1264

## Application Summary

Application Number: APP/2019/1264

Address: Birchbank The Island Waters Of Feugh Banchory Aberdeenshire AB31 6XF

Proposal: Erection of Garage (Renewal of Previous Approved APP/2016/1794)

Case Officer: Louise Smith

## Customer Details

Name: Mr Nigel Westwell

Address: 2 The Island Waters of Feugh Banchory

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This planning application is not in keeping with the rest of the development for the following reasons: -

- a) There are no other structures between the private internal road and the external road.
- b) This will result in a loss of landscape.
- c) Introduce an obstruction of road view entering or leaving the development resulting in a potential safety hazard.
- d) Full timber cladding is not in keeping with the seven homes at this development

## Comments for Planning Application APP/2019/1264

### Application Summary

Application Number: APP/2019/1264

Address: Birchbank The Island Waters Of Feugh Banchory Aberdeenshire AB31 6XF

Proposal: Erection of Garage (Renewal of Previous Approved APP/2016/1794)

Case Officer: Louise Smith

### Customer Details

Name: Mrs Lesley Ward

Address: Otterstone 6, The Island, Waters of Feugh, Banchory

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am renewing my objection to this structure.

Visibility will be greatly reduced when coming from behind it to exit the private road.

Also, with one of the seven homes having planning permission to build on their front garden, it could lead to any of the other six homes doing exactly the same, resulting in our seven homes which were sympathetically and discreetly built into the forest resembling a modern housing estate.

# Comments for Planning Application APP/2019/1264

## Application Summary

Application Number: APP/2019/1264

Address: Birchbank The Island Waters Of Feugh Banchory Aberdeenshire AB31 6XF

Proposal: Erection of Garage (Renewal of Previous Approved APP/2016/1794)

Case Officer: Louise Smith

## Customer Details

Name: Mrs Cecilia Rogers

Address: Laggan 5 Waters of feugh Banchory

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: 1) This new garage is situated between the joint driveway and the road, no structures have previously been allowed in this area and it is not in keeping with the nature of the development.

2) the building will prevent vehicles entering the development seeing any vehicles/pedestrians who may be coming from the left.

3) the structure will obstruct the view from vehicles/ bicycles leaving the development of traffic approaching from the right on the road. The road is becoming increasingly busy and good vision is vital.

4) I am concerned about the practicalities of vehicles using the garage being able to enter and exit safely so close to this entrance .

5)if this application is renewed I would like to see some conditions imposed regarding freedom of access during construction for houses 5,6 and 7. There is a very limited amount of road parking and limited space on the site for builders vehicles and materials I have seen no lformation as to how the right of access will be preserved during the construction period . This is the only acces for cars and in some cases the only access for bicycles/ pedestrians

## Comments for Planning Application APP/2019/1264

### Application Summary

Application Number: APP/2019/1264

Address: Birchbank The Island Waters Of Feugh Banchory Aberdeenshire AB31 6XF

Proposal: Erection of Garage (Renewal of Previous Approved APP/2016/1794)

Case Officer: Louise Smith

### Customer Details

Name: Mr George Paterson

Address: 7 the Island Waters of Feugh Banchory

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We feel the Visibility will be severely restricted at the main and only exit from this hamlet.

The Bridge of Cammy Road is a route used by recreational cyclists on a daily basis, adding to awareness of health and safety to all who use this road.

# Comments for Planning Application APP/2019/1264

## Application Summary

Application Number: APP/2019/1264

Address: Birchbank The Island Waters Of Feugh Banchory Aberdeenshire AB31 6XF

Proposal: Erection of Garage (Renewal of Previous Approved APP/2016/1794)

Case Officer: Louise Smith

## Customer Details

Name: Mr Bob Greenwood

Address: Roaring House Waters of Feugh Banchory

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Our objections are:

1. The location of the proposed garage is not in keeping with the overall development and all the other surrounding properties. There are no other structures between the internal road and the public road.
2. Intrusive to immediate neighbours and others in the development whose properties will have to overlook the proposed garage.
3. Could set a precedent for others, which is not desired.
4. Health and safety / sightline issues for vehicles entering and exiting the internal roadway to the development and to/from all properties. The loss of visibility for vehicles exiting the development (from either direction within the internal road) means that drivers will no longer be able to see oncoming traffic approaching on the internal road and/or on the public road from the Mill of Cammie direction until they are at the junction. At present oncoming traffic can be seen from both the external and within the internal road due to the open gardens between the internal road and the public road which are consistent for all properties. There are also pedestrians (adults and children) to consider entering and exiting the development as there is no separate pedestrian access.
5. loss of landscape and appearance of the development. The development is set in a tranquil peaceful setting with each property sympathetically planned to be unobtrusive to others and with no visual impact on others' properties. This considerate layout of all the properties will be disturbed by this new garage in this proposed location.

