



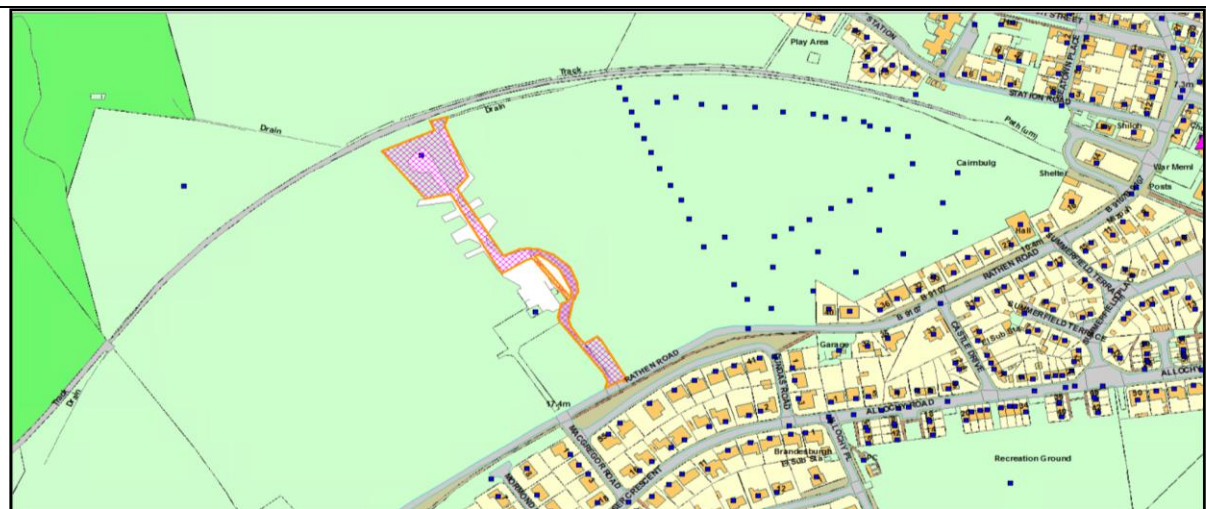
## Banff & Buchan Area Committee Report - 20 August 2019

Reference No: APP/2019/1055

**Approval of Matters Specified for Condition 1 ((a) Siting, Design, Layout, External Appearance, Finishes, Waste Bin Uplift Area, Driveway, Vehicle Parking and turning area; (b) Means of Access including Visibility Splays and Vehicle Lay By at public road; (c) Landscaping; (d) Levels Survey and Cross Sections of Planning Permission APP/2017/0022 Demolition of Buildings and Erection of 3 Dwellinghouses at Plot 2, Land at Flushing Farm, Rathen Road, Inverallochy, Aberdeenshire, AB43 8US**

**Applicant:** Mr and Mrs M Strachan  
**Agent:** Ryan Urquhart

Grid Ref:	E:403642 N:864950
Ward No. and Name:	W03 Fraserburgh And District
Application Type:	Approval of Matters Specified in Conditions
Representations:	0
Consultations:	5
Relevant Proposals Map:	Aberdeenshire Local Development Plan
Designations:	Coastal Zone, Rural Housing Market Area
Complies with Development Plans:	No
Main Recommendation:	Refuse



**NOT TO SCALE**

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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.3.1i of Part 2C Planning Delegations of the Scheme of Governance as the application is recommended for refusal but at least two Local Ward Members in the Ward in which the development is proposed, have requested that the application be referred to the Area Committee.

- Cllr Kille: To further discuss the elements of policies P1 and E2
- Cllr Buchan: To discuss further the reasons for refusal
- Cllr Mair: To discuss further the reasons for refusal

1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments are incorporated within the report and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

## 2. Background and Proposal

2.1 This application seeks approval for the matters specified in conditions for the demolition of buildings and erection of 3 dwellinghouses, with this house applying for only one of the three units approved in principle upon a site found on the outskirts of the village of Cairnbulg / Inverallochy, 3.5 km south east of Fraserburgh. A location plan is attached as **Appendix 1**, with a site plan in **Appendix 2**.

2.2 Four large poultry houses previously occupied the site but were removed upon securing planning permission in principle for a total of 5 units between two separate planning applications which covered most of the footprint area of these large industrial style buildings. A further dwelling to the south (APP/2018/1975) was approved contrary to recommendation for the demolition of the associated farmhouse and subsequent replacement with a new dwellinghouse.

2.3 The surrounding landscape consists of disused farmland, well defined by a former railway line to the north, dwellings belonging to the settlement of Cairnbulg / Inverallochy to the east and the B9107 (Rathen Road) to the south. This landscape extends to the south west along Rathen Road to the point it meets the B9033 Fraserburgh to St Combs Road. Overall the surrounding landscape is flat, featureless and provides an open vista looking to the north and north west upon approach into the village along Rathen Road which is contrasted to the south / south east where an established residential area consisting of predominantly single storey modern bungalow style dwellings are present.

2.4 The application seeks to build a substantial two to two and half storey, four bedroom dwellinghouse upon an area of land just to the south of the former railway line. **Appendices 3a & b** contain details of the proposed elevations, and **Appendices 4a & b** the floorplans of the proposed house, while

**Appendix 6** contains 3D visualisations of the house. Access would be taken using the former farm access track which remains on site whilst the dwelling would seek to connect to both the public drainage and water supply networks.

## 2.5 Relevant planning history

### On Site:

APP/2017/0022 – Planning Permission in Principle for Demolition of Buildings and Erection of 3 Dwellinghouses – Approved 3/05/2017

### To immediate South:

APP/2017/1485- Planning Permission in Principle for Demolition of Buildings and Erection of 2 Dwellinghouse – Approved 1/11/2017

### Further to South:

APP/2018/0547 - Full Planning Permission - Erection of Replacement Dwellinghouse and Formation of Vehicular Access – Refused 14/08/2018

APP/2018/1975- Full Planning Permission - Erection of Replacement Dwellinghouse and Formation of Vehicular Access – Approved 28/11/2018

2.6 A Design Statement by Baxter Design has been submitted with support of the application

## 3. Representations

3.1 No valid letters of representation have been received.

## 4. Consultations

4.1 **Business Services (Developer Obligations)** confirm that developer obligations have already been secured under the granting of the previous Planning Permission in Principle application.

4.2 **Infrastructure Services (Contaminated Land)** does not object to this application.

4.3 **Infrastructure Services (Flood Risk and Coastal Protection)** does not object to this application.

4.4 **Infrastructure Services (Roads Development)** does not object to this application subject to conditions.

4.5 **Scottish Water** do not object to this application.

## 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 P1 Layout, siting and design

Policy P4 Hazardous and potentially polluting developments and contaminated land

Policy E2 Landscape

Policy C1 Using resources in buildings

Policy RD1 Providing suitable services

Policy RD2 Developers' obligations

### 5.4 Other Material Considerations

None

## 6. **Discussion**

- 6.1 This application seeks approval for the matters specified in conditions for the demolition of buildings and erection of 3 dwellinghouses, with this house applying for only one of the three units approved in principle upon a site found on the outskirts of the village of Cairnbulg/Inverallochy. Therefore, the main planning considerations are the principle of development, layout, siting and design, access and servicing in addition to any other applicable matters.

### Principle of Development

- 6.2 The previous Planning Permission in Principle applications (APP/2017/0022 & APP/2017/1485) were supported on the basis that the former buildings which occupied land were not only in a disused and abandoned state but were also clearly redundant for their original purpose. Furthermore, the replacement dwelling plots were largely to be situated on the area formally occupied by these large industrial style buildings. Therefore, these applications were supported under the terms of Policy R1 of the Aberdeenshire Local Development Plan 2017. However, as part of the consideration of these applications the Planning Service stated within the respective reports of handling:

*“due to the locality of the site being in the Coastal Zone, it should be noted that a high quality design building would be expected as part of any future Matters Specified in Conditions application regarding any of the three dwellings.”*

### Layout Siting and Design

- 6.3 The proposed dwelling is of a substantial mass and scale with a ground floorspace of 263 m<sup>2</sup> with further accommodation provided at first floor level giving a height of 7.6 metres to ridge with an additional elevated space in the centre of the dwelling which extends the total height of the dwelling upwards to a maximum height of 10.4 metres. Measured at its widest point the building would span 37 metres wide when observed from the south looking north towards its principal elevation which includes three acutely angled gables

pointing at different angles which according to the submitted design statement is designed to replicate a ship's hull and also includes the integral double garage to the east of the building. External materials are to include an off white smooth render and timber cladding to walls, grey slate life roof tiles, light grey upvc windows and doors.

- 6.4 The dwelling internally focuses upon an open plan design at ground level whilst providing four bedrooms at upper level and additional side wings providing further accommodation with a balcony feature at second floor level to the west of the building affording views to the west and north in particular.
- 6.5 Within the accompanying design statement the agent has confirmed that the design has been borne from the brief provided by their client and concluded as follows:

*The design is of contemporary appearance, with striking modern features that relate to the marine industry and 'beach house' aspects, utilising height to our advantage so as not to create an eyesore on the horizon when approaching the village along the public road to the south-west, but a remarkable design that will be very different from the chicken sheds that previously stood on the site.*

- 6.6 The Planning Service appreciates that the agent and their client have attempted to create a unique development and that unusual features and innovative architecture are generally encouraged in appropriate circumstances. However, in this case the proposed design results in a dwelling which is an overly grandiose and ostentatious building which is completely out of character in the context of the immediately surrounding area and landscape.
- 6.7 This is a similar assessment which was made in regard to applications APP/2018/0547 and APP/2018/1975 found further to the south which also proposed a dwelling of a similar mass and scale.
- 6.8 The agent contests that the dwelling now under consideration would have less of a visual impact than the dwelling noted above due to being sited some 250 metres back from Rathen Road (the only thoroughfare into the village). However, due to the flat, open nature of the surrounding landscape the Planning Service is of the view that very little could be done to mitigate the visual impact created by a two storey plus structure of this scale and would therefore not comply with the requirements of Policy E2 Landscape which states:

*"We will refuse development that causes unacceptable effects through its scale, location or design on key natural landscape elements, historic features or the composition or quality of the landscape character."*

- 6.9 Overall it is the combination of the height and mass of the proposed dwelling which serves as the primary concern for this application in terms of assessing the proposed design. As noted within the earlier section of this report, the

Planning Service is of the view that a replacement dwelling could be supported upon this site should a high quality design, which is more reasonably proportioned and respects the surrounding site context, be proposed.

- 6.10 In conclusion, the proposed dwelling is deemed to be wholly out of keeping with the immediately surrounding area in terms of its external appearance, scale and design and on this basis of the above, the application also cannot be supported under the terms of Policy P1 Layout, siting and design.

#### Access and Servicing

- 6.11 The proposed dwellinghouse would use an existing access which was previously used by Flushing Farmhouse and connects directly on to Rathen Road to the south. Infrastructure Services (Roads Development) has considered the proposal and confirm it does not object to this application in terms of visibility splays at the point of connection with the public road nor the level of parking to be provided within the site. The consultee has requested that in the event of approval, appropriate conditions be attached to secure the necessary infrastructure to ensure the required infrastructure is delivered to ensure that the site can be accessed in a safe and efficient manner.
- 6.12 The agent has confirmed that the new dwelling is to be connected to both the public mains sewer and public water supply, with Scottish Water confirming that necessary capacity exists in both to adequately serve the dwelling in the event of approval. Therefore, the development complies with Policy RD1 Providing suitable services.

#### Other Matters

- 6.13 In the event of approval, a condition can be applied to secure an energy statement for the proposed dwelling which demonstrates compliance with applicable building standards regulations regarding energy efficiency prior to works commencing on site which will secure compliance with Policy C1 Using resources in buildings.
- 6.14 Business Services (Developer Obligations) confirm that developer obligations have already been secured under the granting of the previous Planning Permission in Principle application. Therefore, the development is compliant with Policy RD2 Developers Obligations.
- 6.15 Infrastructure Services (Contaminated Land) confirm it has no further concerns with the development and therefore complies with Policy P4 Hazardous and potentially polluting developments and contaminated land.
- 6.16 Finally, Infrastructure Services (Flood Risk and Coastal Protection) confirm it has no concerns regarding potential flooding issues at this site.

## Conclusion

- 6.17 Having considered this application against the relevant policies of the adopted local development plan as noted above, it is deemed that the proposal does not comply in terms of landscape impact, nor in terms of layout, siting and design and is therefore recommended for refusal.

## **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 Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with 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

Policy P1 Layout, siting and design  
Policy E2 Landscape

- 10.3 The application is a Departure from the valid Local Development Plan or Strategic Development Plan and has been advertised as such. Any representations received have been circulated as part of the agenda and taken into account in recommending a decision. The period for receiving representations has expired.



- 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.

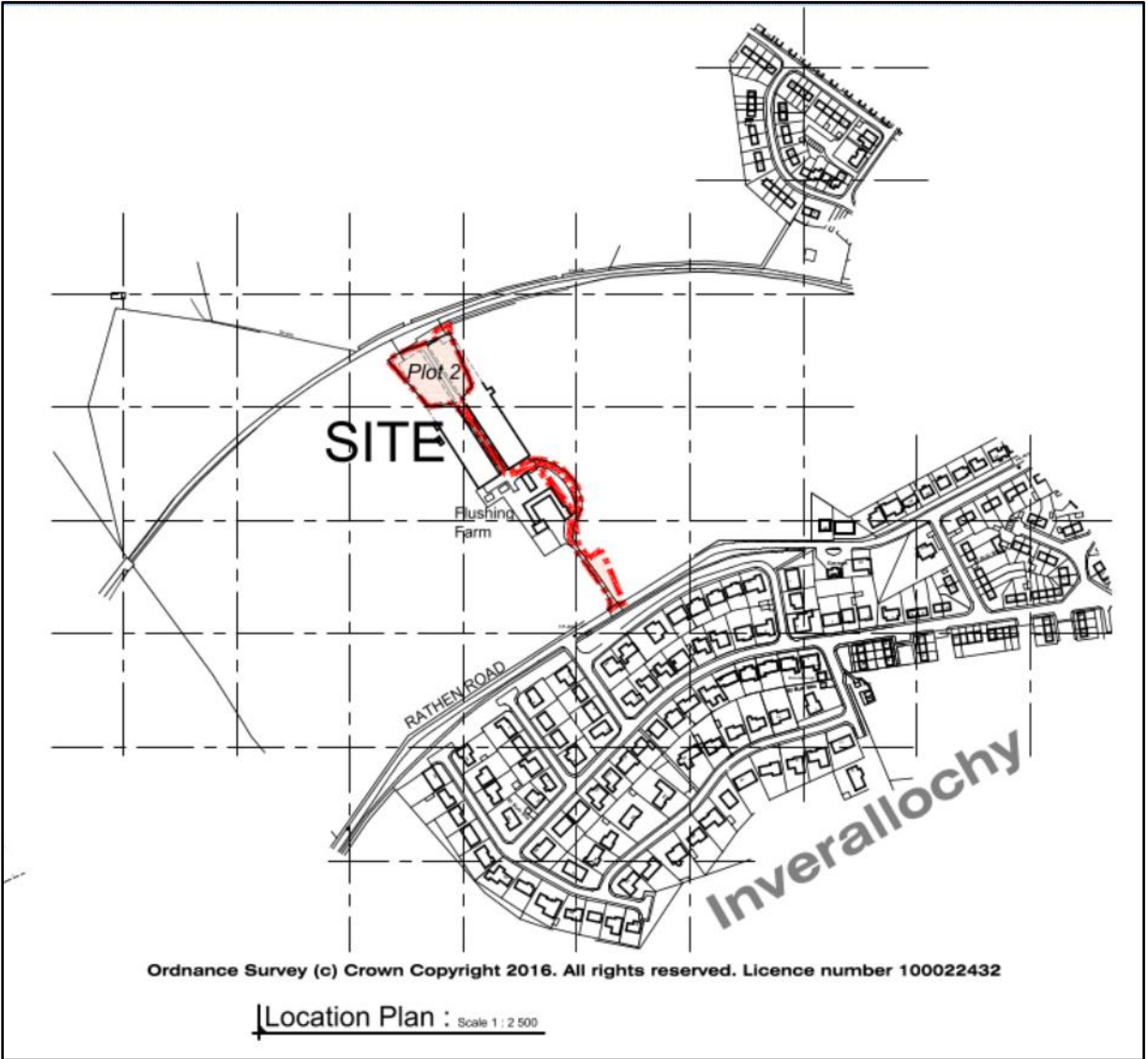
## **11. Recommendation**

### **11.1 REFUSE for the following reason:-**

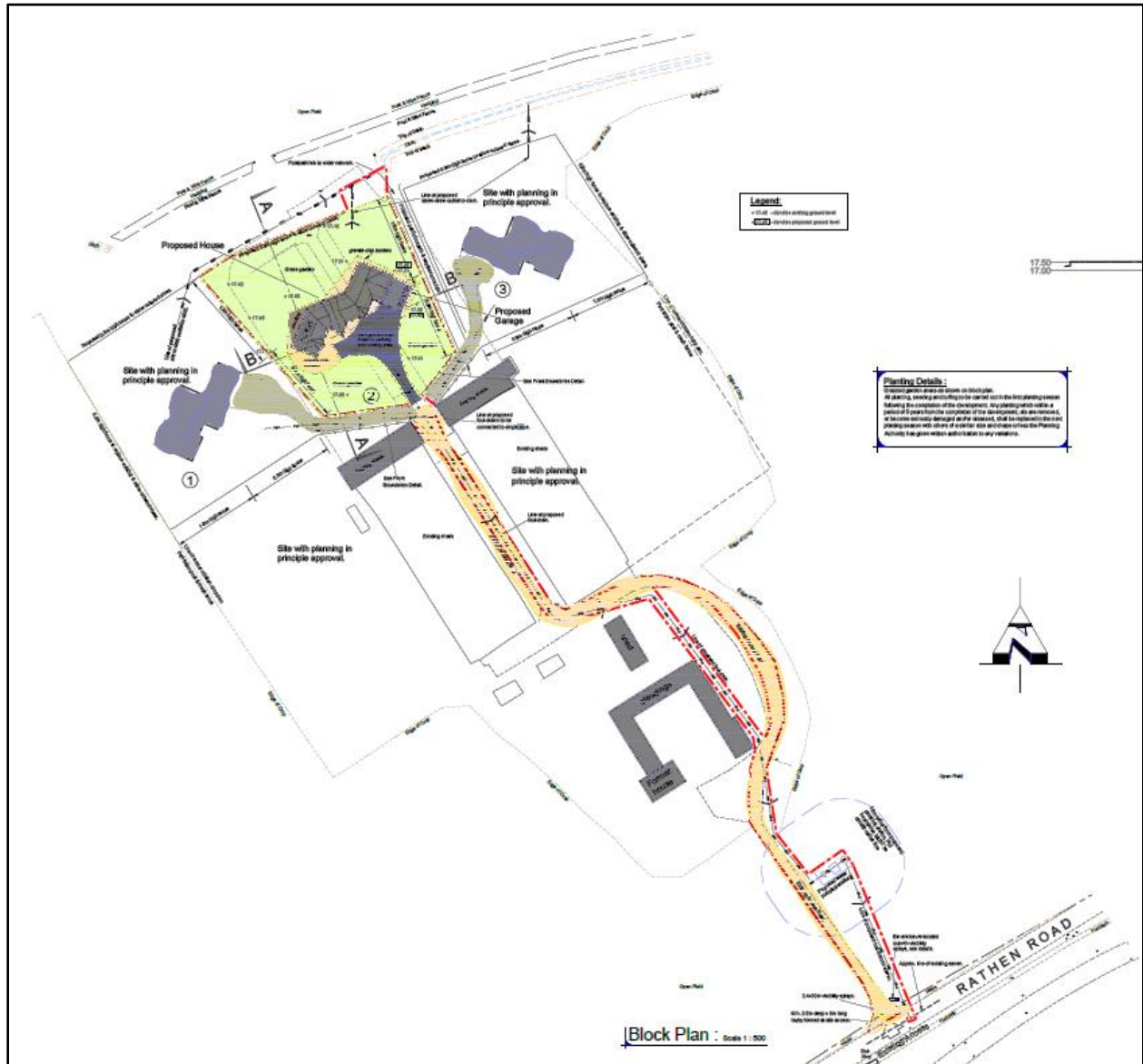
01. The proposed dwelling is wholly out of keeping with the immediately surrounding area in terms of its external appearance, scale and design. Therefore, the application cannot be supported under the terms of Policy P1 Layout, siting and design or Policy E2 Landscape.

Stephen Archer  
Director of Infrastructure Services  
Author of Report: Stuart Newlands  
Report Date: 06 August 2019

**APPENDIX 1**  
**Location Plan**



**APPENDIX 2**  
**Site Plan**



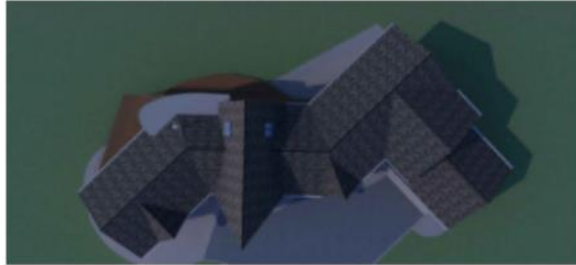
**BAXTER DESIGN COMPANY**

Plot 2 :  
Flushing Meadows :  
Inverallochy :

Proposed Erection of  
Sheeping House

Elevations			
Date	Job No.	Sheet	Drawn By
15.03.19	17084-P4	A1	Ryan Uingshan
No.	Date	Description	
1	15/03/19	Planning submission update	

The Baxter, Mitchell, Mitchell, Aberdeen and Aberdeen  
Tel: 01771 622266 E-mail: info@baxterdesigncompany.co.uk



Roof Plan : not to scale

**FINISHES:**

**WALLS:**  
Off-white smooth render, Light grey timber effect cladding, dark grey timber effect cladding.

**ROOF:**  
Grey slate-like roof tiles with grey ridge pieces. Code 5 lead to valleys.

**WINDOWS:**  
Light grey Upvc.

**DOORS:**  
Light grey Upvc/aluminium, brown timber effect front and garage doors.

**SOFFIT AND FASCIA:**  
Light Grey Upvc, Dark Grey Upvc to central section and garage.

**RAINWATER GOODS:**  
Light Grey Upvc.



South-East Elevation : Scale 1 : 100



South-West Elevation : Scale 1 : 100



North-West Elevation : Scale 1 : 100



North-East Elevation : Scale 1 : 100



Plot 2 :  
Flushing Meadows :  
Inverloch :  
Proposed Erection of  
Dwelling House

**Elevations (angled)**

Date	Job No.	Sheet	Drawn By
14/05/19	17084-P8	A1	Ryan Unghar
Date			

1 The Square, Mordialloc, Melbourne VIC 3195  
Tel: 03 9575 8222 Fax: 03 9575 8222 Email: info@baxterdesign.com.au

**FINISHES:**

**WALLS:**  
Off-white smooth render, Light grey timber effect cladding, dark grey timber effect cladding.

**ROOF:**  
Grey slate-like roof tiles with grey ridge pieces. Code 5 lead to valleys.

**WINDOWS:**  
Light grey Upvc.

**DOORS:**  
Light grey Upvc/aluminium, brown timber effect front and garage doors.

**SOFFIT AND FASCIA:**  
Light Grey Upvc, Dark Grey Upvc to central section and garage.

**RAINWATER GOODS:**  
Light Grey Upvc.



South Elevation : Scale 1 : 100



West Elevation : Scale 1 : 100



North Elevation : Scale 1 : 100

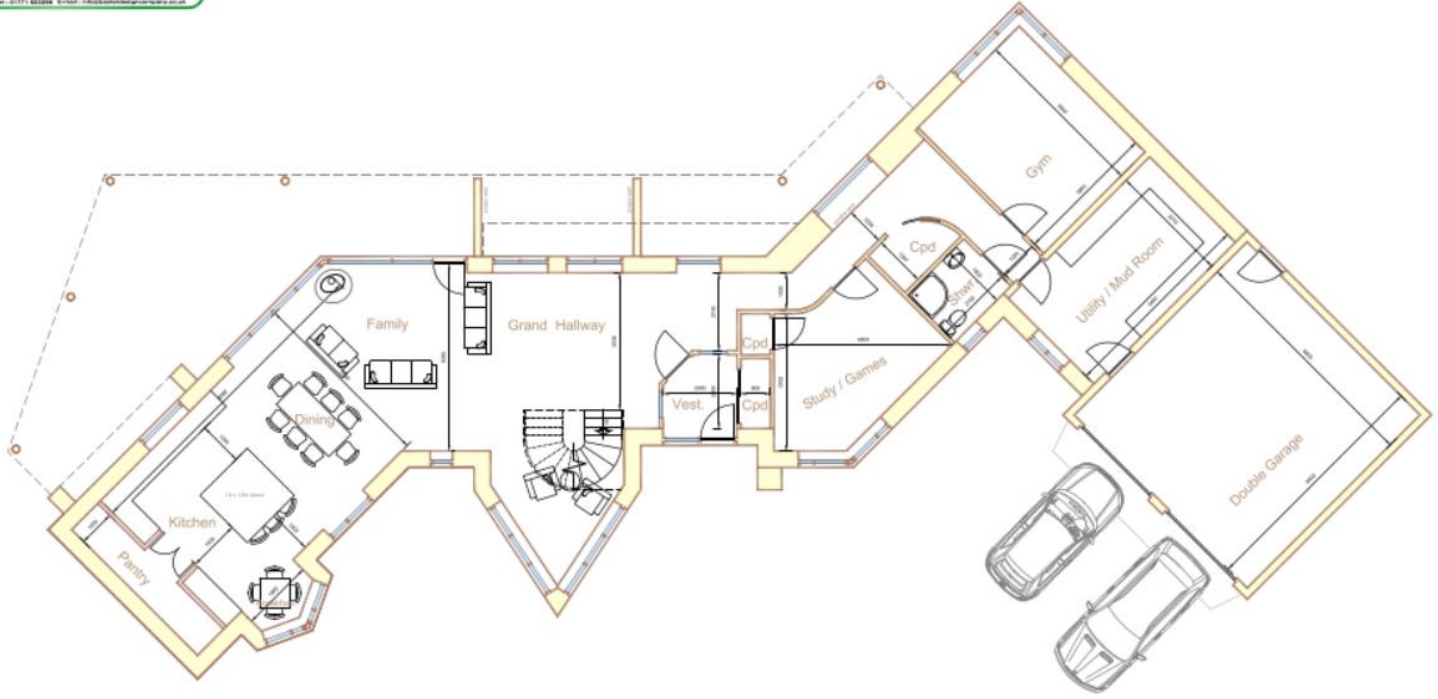


East Elevation : Scale 1 : 100

APPENDIX 3B  
Proposed Angled Elevations

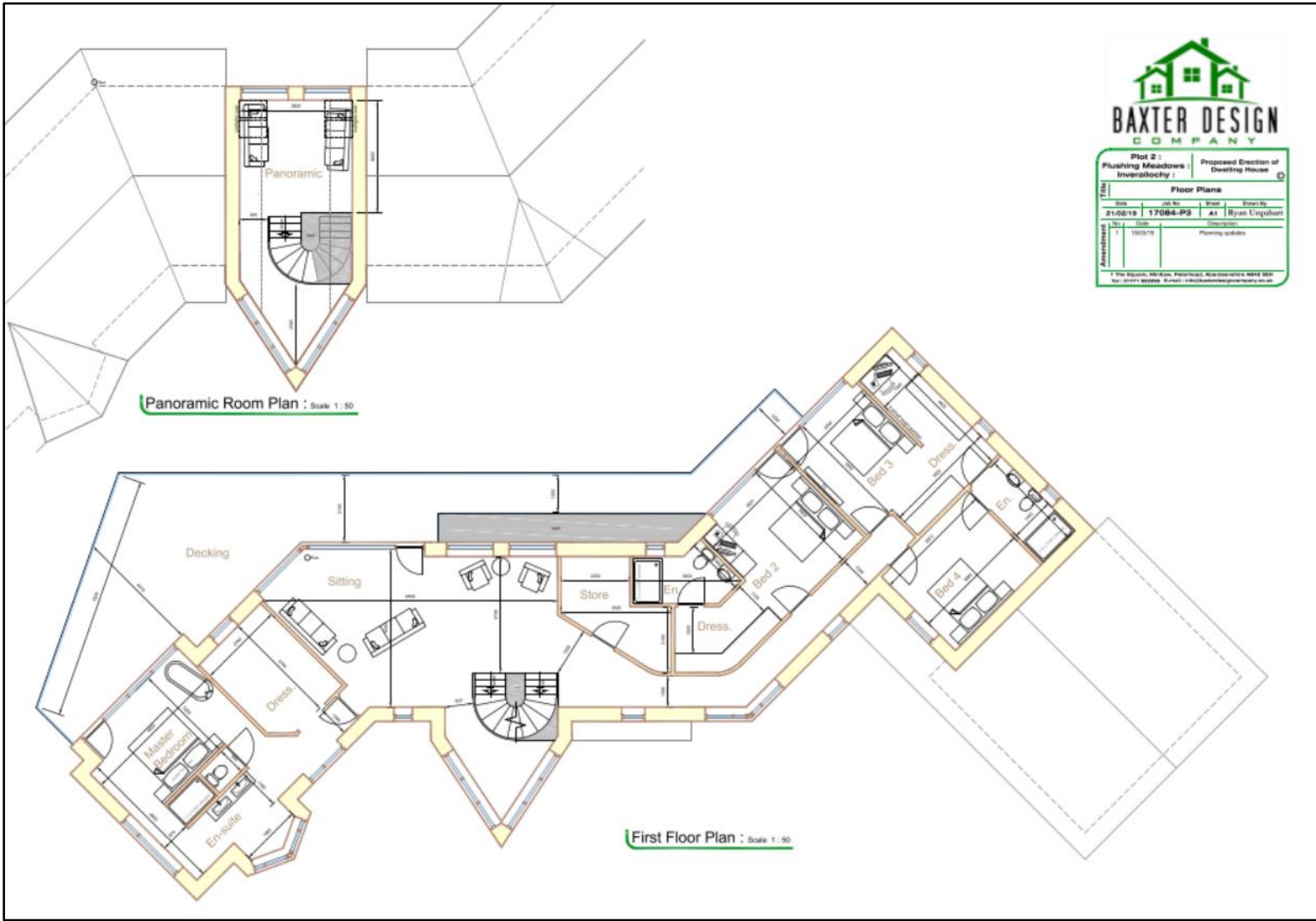


Plot # : Flushing Meadows 1		Proposed Direction of Dwelling House	
Inverloch : Floor Plans			
Date	Job No	Sheet	Drawn By
21/06/19	17084-P2	A1	Ryan Unsworth
No	Scale	Description	
1	1:50	Flooring schedule	
Attachment			
1 The Builders, 100-101, Peninsula Drive, Geelong VIC 3220 Tel: 0171 422284 Email: info@baxterdesign.com.au			



Ground Floor Plan : Scale 1 : 50

APPENDIX 4A  
Ground Floor Plan



**APPENDIX B**  
**First Floor Plan**



Site Section A-A : Scale 1 : 100



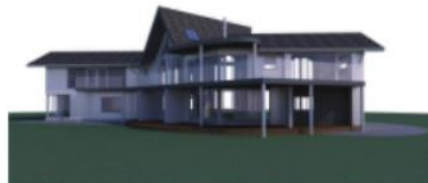
Site Section B-B : Scale 1 : 100



APPENDIX 6  
3D Visuals



Perspective Views : Not To Scale



Plot 2 : Flushing Meadows :		Proposed Erection of Dwelling House	
3D visuals			
20/03/19	17084-P5	a1 sheet	ryan urquhart
No.	Date	Description	

