

**REPORT TO INFRASTRUCTURE SERVICES COMMITTEE – 3 OCTOBER 2019**

**Reference No:** APP/2019/0962

**Proposal:** Full Planning Permission for Erection of Dwellinghouse

**Address:** Disblair, Newmachar

**Applicant:** Mr Brian Anderson, Bellfield Farmhouse, Newmachar, AB21 0RJ

**Agent:** MAC Architects, 24 Old Meldrum Road, Newmachar, AB21 0PJ

Grid Ref: E: 386010 N: 819900

Ward No. and Name: W12 East Garioch

Application Type: Full Planning Permission

Representations: 8

Consultations: 7

Relevant Proposals Map Designations: Aberdeenshire Local Development Plan 2017  
Countryside, Aberdeen Housing Market Area (AHMA),  
Formartine Lowlands

Complies with Development Plans: Yes

Main Recommendation: Delegated Grant

**Reason for Report**

- 1.1 The Committee is able to consider and take a decision on this item in terms of Section F.4.1 of Part 2A List of Committee Powers as the Area Committee has chosen to refer the decision on the planning application to Infrastructure Services Committee. The Area Committee considered the application in terms of Section C.3.1f of Part 2C Planning Delegations of the Scheme of Governance as the application is a local development where there have been valid objections from six or more individuals or bodies with separate postal addresses of premises.
- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this Report, their comments incorporated within the Report and are satisfied that the Report complies with the Scheme of Governance and relevant legislation.

**2. Principal Planning Issues (Summary)**

- 2.1 The principal planning issue in this case is whether the application site is considered to be brownfield or not, and thus whether the proposal can be considered to be in accordance with Aberdeenshire Local Development Plan

(2017) Policy R2 (Housing and employment development elsewhere in the countryside).

- 2.2 In the view of Officers, sufficient remains of a former building exist on the site for it to qualify as brownfield, and it has not become naturalised to the degree that the proposal would conflict with the policy criteria for replacement development. A full description of the site, surroundings and of the development proposed are contained in the Report to the Garioch Area Committee which is attached as **Appendix 2**.

### 3. Representations (Summary)

- 3.1 A total of 8 valid representations (8 objection/0 support) have been received as defined in the Scheme of Governance.
- 3.2 Copies of the letters are available for inspection in the Members Support Unit and are also available to view online. <https://upa.aberdeenshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PQPYCTCA00100>

### 4. Area Committee Decision (Summary)

- 4.1 At their meeting on 27 August 2019, the Garioch Area Committee were divided on whether to accept the proposal as redevelopment of a brownfield site, and thus whether the application could be considered as in accordance with Development Plan policy R2. A Motion to refuse the application and an Amendment to approve were tabled and the vote was split 6:6 with one abstention. In this case the Chair was reluctant to use his casting vote and the application was thus referred to ISC. An extract of the (draft) Minute of the Garioch Area Committee is attached as **Appendix 3**.
- 4.2 The following documents are attached as Appendices to this Report:
- **Appendix 1A:** Location Plan
  - **Appendix 1B:** Site Plan
  - **Appendix 2:** Copy of the Garioch Area Committee Report dated 27 August 2019
  - **Appendix 3:** Extract Minute of the Garioch Area Committee meeting of 27 August 2019

### 5. Implications and Risk

- 5.1 An Equality Impact Assessment is not required because the proposals do not have a differential impact on any of the protected characteristics.
- 5.2 There are no staffing and financial implications.
- 5.3 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.

## 6. Officer Recommendation

6.1 That authority to GRANT be delegated to the Head of Planning and Environment Service subject to:

- (a) receipt of developer obligations contributions; and
- (b) the following conditions;

01. No demolition or any other works in connection with the development hereby approved shall commence unless a photographic survey of the existing buildings and structures on the application site has been submitted to and approved in writing by the planning authority. All external and internal elevations of the buildings and structures together with the setting of the buildings and structures and any unusual features of the existing buildings and structures shall be photographed. The photographic viewpoints must be clearly annotated on a plan to accompany the survey. The photographs and plan must be in a digital format and must be clearly marked with the planning reference number.

Reason: To ensure that a historic record of the building is made for inclusion in the National Monuments Record for Scotland and in the local Sites and Monuments Record.

02. No works in connection with the development hereby approved shall commence unless the tree protection measures have been implemented in full in accordance with the approved tree survey drawing and accompanying Tree Survey Report carried out by Struan Dalglish Arboriculture, dated March 2019. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks. The approved tree protection measures shall be retained in situ until the development has been completed.

Reason: In order to ensure adequate protection for the trees and hedges on the site during the construction of development, and in the interests of the visual amenity of the area.

03. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a detailed check of the site for active birds' nests has been undertaken and written confirmation has been submitted to the Planning Authority that no birds will be harmed and that there are appropriate measures in place to protect nesting bird interest on the site. The check shall be undertaken no later than 14 days before the commencement of the development and no site clearance or other works in connection with the development hereby approved shall

commence unless the written confirmation and protection measures have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved protection measures.

Reason: In the interest of safeguarding the habitat of local bird species.

04. 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 and proposed finished levels;
- b) The location of new trees, shrubs, hedges and grassed areas
- c) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- d) The location, design and materials of all hard landscaping works including walls, fences and gates;
- e) 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.

05. The dwellinghouse hereby approved shall not 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.

06. The vehicular accesses, driveways and parking areas hereby approved shall not be brought into use unless both have been provided and surfaced in accordance with the details shown on the approved plans. The first five metres of the access measured from the edge of the road shall be fully paved. Once provided, the access, driveway and parking areas for 3 vehicles shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the access, driveway and parking area to an adequate standard; and to ensure the retention of adequate parking facilities, all in the interests of road safety.

07. The dwellinghouse hereby approved shall not be occupied unless the refuse bin uplift store area has been provided and surfaced in accordance with the details shown on the approved plan. Once provided, the refuse bin uplift store area shall thereafter be permanently retained as such.

Reason: To ensure the provision of an appropriate means of servicing in the interests of road safety.

08. The dwellinghouse hereby approved shall not be occupied unless the proposed surface water drainage system and package sewerage treatment has been provided in accordance with the approved plans and the approved Drainage Assessment by MacLeod and Jordan, dated March 2019. The surface water drainage system shall be permanently retained thereafter in accordance with the approved maintenance scheme.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

09. The proposed development shall be connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply without the separate express grant of planning permission by the Planning Authority.

Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order

amending, revoking or re-enacting that Order no means of enclosure, other than that shown on the approved site layout plan, 217-3 (GA)002 rev B shall be erected on the site under the terms of Class 3E of Schedule 1 to that Order without an express grant of planning permission from the Planning Authority.

Reason: In the interests of the character and appearance of the development.

**For noting:-**

Part 2C (Planning Delegations) states at Section C.3.2b for Local Development, that following consultation with the Chair and Vice-Chair of the determining Committee, the Head of Planning and Environment Service can refuse planning applications for which Section 75 Agreements are not completed or Developer Obligations are not paid within four months from the date of the Committee at which the application is determined. Local Ward Members shall be notified of any such refusal.

Please note that this power may be exercised in respect of the application which is the subject of this report if the application is approved by the Committee.

**Stephen Archer**  
**Director, Infrastructure Services**

Report Author: Jim Martin, Senior Planner  
Report Date: 11 September 2019

Development Management & Environment Service

Appendix 1A



Reproduced by permission of Ordnance Survey on behalf of HMSO. Crown copyright and database right 2019. All rights reserved.  
Ordnance Survey Licence number 0100020767

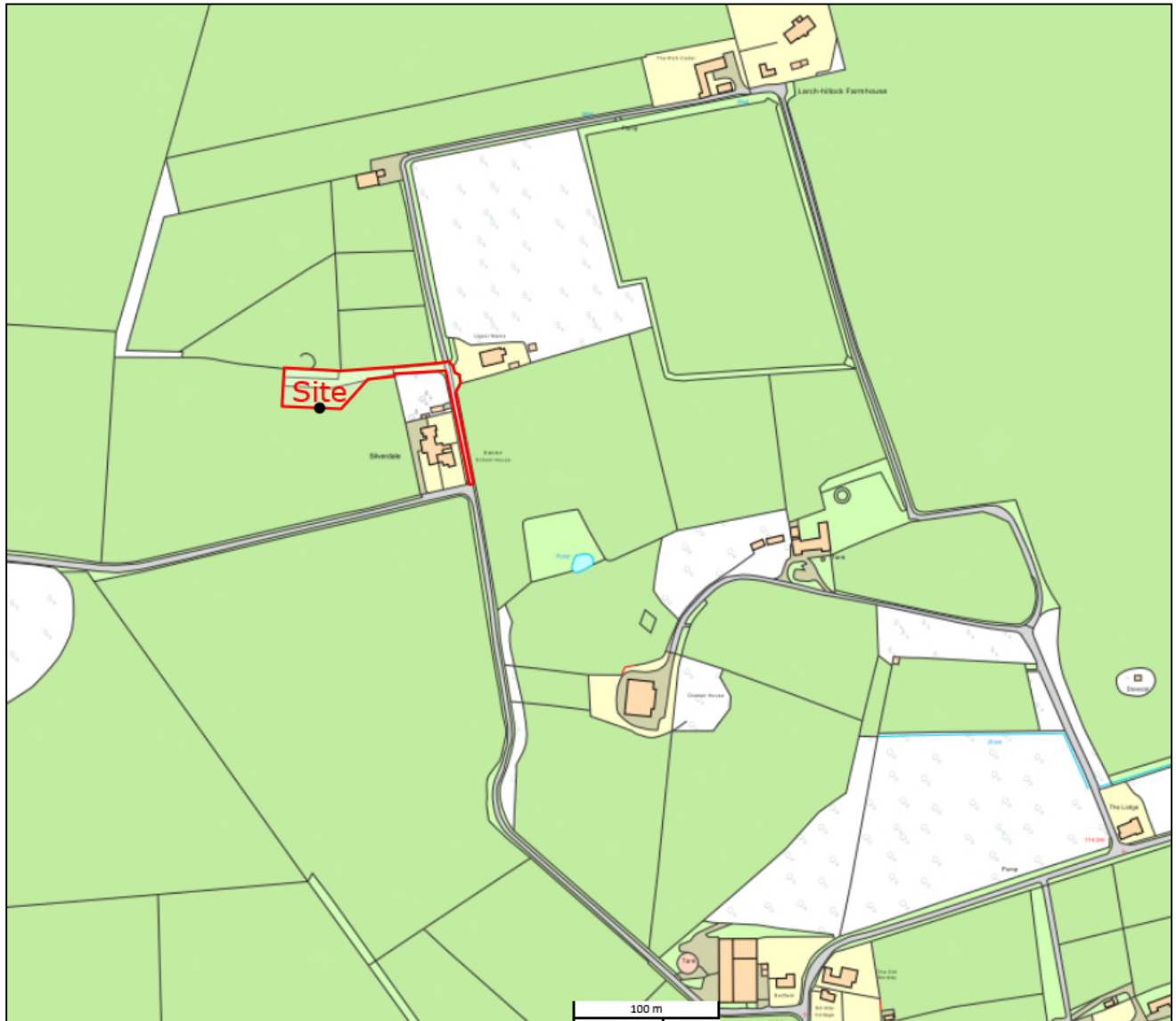
**Aberdeenshire Council**

**Date 13/09/2019**

**Application Reference No APP/2019/0962**

Development Management & Environment Service

Appendix 1B



Reproduced by permission of Ordnance Survey on behalf of HMSO. Crown copyright and database right 2019. All rights reserved.  
Ordnance Survey Licence number 0100020767

**Aberdeenshire Council**

**Date 13/09/2019**

**Application Reference No APP/2019/0962**





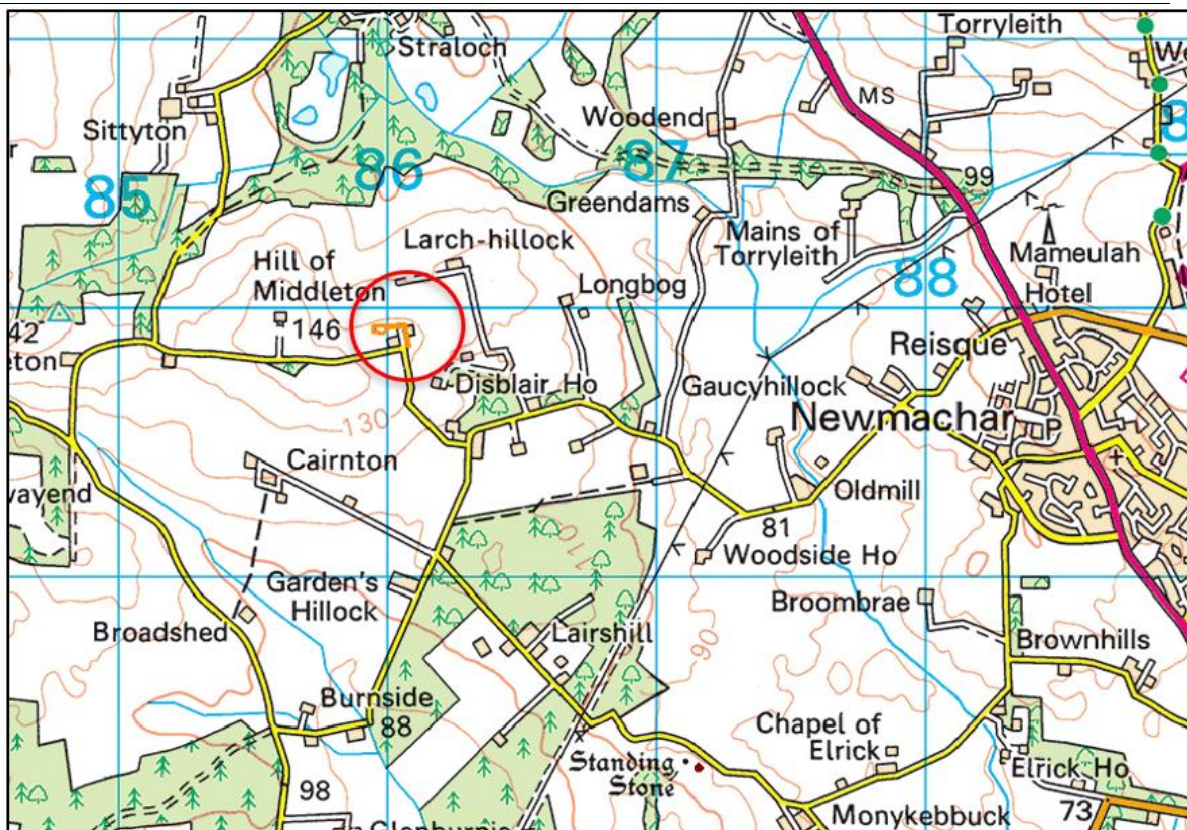
## Garioch Area Committee Report – 27 August 2019

Reference No: APP/2019/0962

Full Planning Permission for Erection of Dwellinghouse at Land at Upper Mains of Disblair, Newmachar

**Applicant:** Mr Brian Anderson  
**Agent:** MAC Architects

Grid Ref:	E: 386010 N: 819900
Ward No. and Name:	W12 - East Garioch
Application Type:	Full Planning Permission
Representations:	0
Consultations:	7
Relevant Proposals Map:	Countryside, Aberdeen Housing Market Area (AHMA), Formartine Lowlands
Designations:	Yes
Complies with Development Plans:	Yes
Main Recommendation:	Delegated Grant



**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 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; their comments are incorporated within the report and they are satisfied that the report complies with the Scheme of Governance and relevant legislation.

## 2. Background and Proposal

- 2.1 This application seeks full planning permission for the erection of a dwellinghouse at land at Upper Mains of Disblair, Newmachar. The application site is located within the Aberdeen Housing Market Area (AHMA) in a countryside location. The site is located almost 2km west of the settlement of Newmachar and takes access from the unclassified road between Newmachar and Causewayend. The site is not currently served by a formal access but is within 50m of a farm track which is approximately 90m from the public road. The farm track serves neighbouring properties, Disblair Schoolhouse, Silverdale to the south east of the site and Upper Mains of Disblair to the east.
- 2.2 The site currently appears very overgrown with gorse and other shrubs. However, on further investigation a large rectangular building footprint of stone, approximately 9m x 35m is visible on site. The site is bounded to the north by a drystone dyke, and fully surrounded by undulating agricultural land.
- 2.3 It is proposed to erect a 1½ storey dwellinghouse on the remaining footprint. The dwelling be orientated to face an easterly direction and will have an 'H' shaped footprint, with a central entrance hallway and porch and two wings to the north and south with gable ends to the east and west elevations. The dwelling will feature traditional wallhead gable dormers to the north and south elevations. The west elevation will feature two full height glazed gables and recessed balconies at first floor level. The dwelling will be finished with a pitched natural slate roof. The windows will be alu-clad in a dark grey colour. The walls will have a granite base course with white k-rend and key features will be picked out with vertical larch cladding. A new 50m access track will serve the proposed development which will take access from the existing farm track which serves neighbouring properties. In order to accommodate the proposed access track there is a requirement for tree and shrub removal as well as some cutting back of existing trees. It is proposed to connect to the public water supply. A new package sewerage treatment system is proposed to serve the proposed dwelling. Provision has also been made for surface water drainage.

### 2.3 Planning History

There is no planning history to the application site. However, pre-application advice was sought by the applicant in late 2018:

- ENQ/2018/1601- Advice was sought about the possibility of a dwelling on the application site. At that time, it was concluded that the application site could be defined as brownfield and a replacement house on the site could be supported in principle subject to meeting other policy requirements and attracting no adverse comments from archaeology.

## 2.4 Supporting Information

A range of supporting information has been submitted with the application:

- A Design Statement has been prepared by MAC Architects on behalf of the applicant, dated April 2019.
- A Planning Support Statement has been prepared by Ryden, dated April 2019.
- A further Support Statement has been prepared by the agents MAC Architects, dated July 2019 in response to the letters of objection.
- A Drainage Assessment has been prepared by MacLeod and Jordan, dated March 2019.
- A Tree Report and accompanying Tree Survey Schedule has been prepared by Struan Dalgleish Arboriculture, dated March 2019.
- A Baseline Ecological Survey has been carried out by Dr Iain Mackie of Blackhill Ecology and is dated July 2019.

## 3. **Representations**

- 3.1 A total of 8 valid representations (objections) have been received as defined in the Scheme of Governance. This does not include multiple representations from the same household which equate to 16 letters in total. All issues raised have been considered.

The letters raise the following material issues:

- *Application site is fully naturalised and cannot be considered brownfield land;*
- *Loss of fertile agricultural land;*
- *Negative impact on landscape and breach of skyline;*
- *Scale of 1½ storey building inappropriate and reduced in height, to be in keeping with previous building on site;*
- *Light pollution from development;*
- *Insufficient surface water drainage and risk of flooding to neighbouring properties;*
- *Concerns about waste water pollution from proposed foul drainage;*
- *Unacceptable impact on mature trees and endangered tree species;*
- *Detrimental impact on wildlife;*
- *Footprint of proposed dwelling larger than existing footprint;*
- *Loss of privacy to neighbouring properties;*
- *Insufficient landscaping to screen the proposed property;*
- *Health and safety risk due to hazardous gas pipeline;*
- *Unsafe access from the public road.*

## 4. **Consultations**

- 4.1 **Business Services (Developer Obligations)** confirms that contributions have been agreed for Primary Education.

- 4.2 **Infrastructure Services (Archaeology)** states that the proposal will affect an archaeological site which is the remains of a croft/steading dating back to the 19<sup>th</sup> century. It has requested that should consent be granted, a photographic survey be provided to ensure that a historic record of the building is made for inclusion in the National Monuments Record.
- 4.3 **Infrastructure Services (Contaminated Land)** confirms it does not object to the application. On receipt of additional information on the former use of the site Contaminated Land confirmed there is no indication of any past contamination.
- 4.4 **Infrastructure Services (Natural Environment)** has confirmed that it is satisfied with the baseline ecological survey and that should consent be granted a condition is required to safeguard breeding birds. The report contains other recommendations, however, these were not considered to be relevant to the submitted proposal and do not require to be secured by condition. It confirms the tree survey and tree protection plan are also acceptable.
- 4.5 **Infrastructure Services (Roads Development)** states that the existing access is suitable to accommodate the proposed one house development. It asserts that should consent be granted it recommends standard conditions and informatives.
- 4.6 **Health and Safety Executive** does not advise against the granting of planning permission on health and safety grounds.
- 4.7 **National Grid** confirms that there is no record of apparatus in the vicinity of the application site and therefore it has no objection to the proposal.
- 4.8 **Scottish Water** states that there is sufficient capacity at the Invercarnie Waste Water Treatment Works to serve 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 will be 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 P1 Layout, siting and design  
Policy R2 Housing and employment development elsewhere in the countryside  
Policy E1 Natural Heritage  
PR1 Protecting Important Resources  
Policy C1 Using Resources in Buildings  
Policy RD1 Providing suitable services

## 5.4 Other Material Considerations

None

## 6. **Discussion**

6.1 Full planning permission is sought for the erection of a dwellinghouse at land at Upper Mains of Disblair, Newmachar. The key planning issues in the determination of this application are the principle of the development, the siting and design of the dwellinghouse and consideration of natural and cultural heritage interests.

### Principle

6.2 The application site is situated in open countryside, outwith the settlement of Newmachar, within the Aberdeen Housing Market Area (AHMA). In this case

Policy R2 Housing and Employment Development Elsewhere in the countryside is applicable.

- 6.3 Policy R2 makes provision for development proposals in the Aberdeen Housing Market Area where it would:
1. be appropriate in the greenbelt (see Policy R1 Special rural areas); or
  2. involve the refurbishment or replacement, on the same site, of an existing house or disused building; or
  3. involve remediation of redundant brownfield land opportunities.

It is considered that the points 2 and 3 may be applicable due to the existing stone footprint visible on site that relates to a 19<sup>th</sup> Century steading and croft. The policy states “retention and refurbishment of vernacular buildings and the reuse of brownfield land will always be preferred, and the character of these buildings should be retained”.

- 6.4 Only a low level footprint of the stone croft and steading remains. The building although of stone construction is not considered capable of retention because only the footprint remains and the original character of the buildings have been largely lost. In this case it is appropriate to consider the proposed dwelling a ‘replacement’ and the current status of the land as ‘brownfield’. The former steading and croft footprint is extensive in scale and although the site is slightly overgrown with gorse and shrubs the site is not considered naturalised and the footprint on inspection is obvious. The site of the steading and croft is distinct, uncultivated and fenced off from the surrounding greenfield agricultural land. It is therefore considered that the erection of a replacement house on brownfield land is acceptable.
- 6.5 Part 2 of the policy also states that the proposed redevelopment should be ‘on the same site’. The former steading and croft will be removed and the replacement house will be erected on the footprint and will extend southwards encompassing the curtilage of the former buildings and a small amount of greenfield agricultural land. The small loss of agricultural land is considered acceptable as it is not identified as prime agricultural land and appeared to be only in use for rough grazing. The proposed development would not preclude or undermine the future use of the rest of the surrounding agricultural land.
- 6.6 Pre-application advice was provided offering support in principle to the erection of a dwellinghouse; this was after a site inspection and initial discussions with the Archaeology Service. Therefore, in this instance although the proposed replacement house is larger than the original footprint it is still considered that the proposal is acceptable and is in accordance with Policy R2.
- 6.7 In terms of principle, due to the small-scale nature of this proposal, the proposed development is not considered to be strategically or regionally significant, or require consideration of cross-boundary issues, and therefore does not have to be considered against the Strategic Development Plan.

#### Layout Siting and Design

- 6.8 All new development must comply with Policy P1 Layout, siting and design. The application site is considered a replacement dwelling on brownfield land, albeit it is acknowledged that given that only the footprint of the existing

steading and croft remains the original character has been lost. The proposed dwelling will utilise natural materials including slate, granite and Scottish larch cladding. The use of such materials will assist the integration with the proposed dwelling into the natural landscape and are considered in keeping with the existing rural vernacular. The house though large can be accommodated in the landscape and the proposed 'H' shaped form ensures that the house doesn't appear overly bulky or overbearing. Landscaping will be conditioned which will assist with the integration of the proposed development into the surrounding landscape. The proposed house will be 1½ storeys which is considered an acceptable height in the context of the surrounding built environment. Given the immediate undulating agricultural land, the proposed dwelling will not breach the skyline from the majority of short and long-range public viewpoints.

- 6.9 There are neighbouring properties in the vicinity of the proposed dwelling. However, it is considered at over 50m and 80m removed from the proposed site boundary there would be no issues of overshadowing or overlooking resulting from the proposed dwellinghouse. A letter of representation asserted that the proposed dwelling could cause light pollution. No external lighting is proposed as part of the proposal. It is therefore concluded that the proposal complies with Policy P1 Layout Siting and Design.

#### Site servicing and technical matters

- 6.10 Policy RD1 Providing suitable services requires that all new development must be able to be serviced satisfactorily. Contaminated Land confirmed on receipt of additional information on the former use of the site there is no indication of any past contamination. Health and Safety Executive does not advise against the granting of planning permission on health and safety grounds. National Grid confirms that there is no record of apparatus in the vicinity of the application site and therefore it has no objection to the proposal. To meet Policy C1: Using resources in buildings of the Aberdeenshire Local Development Plan 2017 on the carbon neutrality of the proposal, a condition would be attached for the submission of an energy statement.
- 6.11 Scottish Water was consulted as part of the application process and it has confirmed that there is capacity to serve the proposed development. A new package sewerage treatment system is proposed, and provision has also been made for surface water to serve the proposed dwelling. The Drainage Assessment prepared by MacLeod and Jordan, details the proposed rainwater soakaway will be effective due to the underlying soil conditions. However, it states that the ground conditions are not suitable for a traditional septic tank and soakaway and instead a packaged sewerage system is recommended. Roads Development confirmed that the existing access is suitable to accommodate the proposed development. It requests that should the application be granted consent standard conditions and informatives should be attached. The proposal therefore accords with Policy RD1 Providing suitable services.

#### Natural Heritage

- 6.12 The Environment Team has confirmed that it does not object to the proposal. It has reviewed and accepted the supporting information including the baseline ecological survey, tree survey, tree protection plan. It has requested that should consent be granted conditions are required to safeguard breeding

birds and for the implementation of the tree survey and tree protection. It commented that although there are additional recommendations made in the baseline ecological survey no further conditions are required. The proposal complies with E1 Natural Heritage and PR1 Protecting Important Resources.

### Other Matters

- 6.13 Archaeology states that the proposal will affect an archaeological site which is the remains of a croft/steading dating back to the 19<sup>th</sup> century. It has requested that should consent be granted, a photographic survey be provided to ensure that a historic record of the building is made for inclusion in the National Monuments Record. Developer Obligations confirms that Developer obligations have been agreed for Primary Education.

### Conclusion

- 6.14 The erection of the proposed dwellinghouse is considered an acceptable replacement for the remains of a steading and croft which comprise a brownfield site and therefore complies with Policy R2 Housing and Employment Development elsewhere in the Countryside. It has been demonstrated that the site can be effectively accessed and serviced in accordance with Policy RD1 Providing suitable services. All built and natural heritage issues have been considered and appropriate ecological precautions and recording measures have been put in place to safeguard the heritage of the site in accordance with E1 Natural Heritage and PR1 Protecting Important Resources. The proposal complies with all other relevant policies of the Aberdeenshire Local Development Plan 2017.

## **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 grant of permission in this case would not have a differential effect on the protected characteristics of anyone 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 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.

10.4 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 **That authority to GRANT Full Planning Permission be delegated to the Head of Planning and Building Standards subject to:-**

- (a) receipt of agreed developer obligations contributions; and
- (b) the following conditions:

01. No demolition or any other works in connection with the development hereby approved shall commence unless a photographic survey of the existing buildings and structures on the application site has been submitted to and approved in writing by the planning authority. All external and internal elevations of the buildings and structures together with the setting of the buildings and structures and any unusual features of the existing buildings and structures shall be photographed. The photographic viewpoints must be clearly annotated on a plan to accompany the survey. The photographs and plan must be in a digital format and must be clearly marked with the planning reference number.

Reason: To ensure that a historic record of the building is made for inclusion in the National Monuments Record for Scotland and in the local Sites and Monuments Record.

02. No works in connection with the development hereby approved shall commence unless the tree protection measures have been implemented in full in accordance with the approved tree survey drawing and accompanying Tree survey report carried out by Struan Dalgleish Arboriculture, dated March 2019. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the planning authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks. The approved tree protection measures shall be retained in situ until the development has been completed.

Reason: In order to ensure adequate protection for the trees and hedges on the site during the construction of development, and in the interests of the visual amenity of the area.

03. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a detailed check of the site for active birds' nests has been undertaken and written confirmation has been submitted to the planning authority that no birds will be harmed and that there are appropriate measures in place to protect nesting bird interest on the site. The check shall be undertaken no later than 14 days before the commencement of the development and no site clearance or other works in connection with the development hereby approved shall commence unless the written confirmation and protection measures have been submitted to and approved in writing by the planning authority. The development shall be carried out in accordance with the approved protection measures.

Reason: In the interest of safeguarding the habitat of local bird species.

04. 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 and proposed finished levels;
- b) The location of new trees, shrubs, hedges and grassed areas
- c) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- d) The location, design and materials of all hard landscaping works including walls, fences and gates
- e) 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.

05. The dwellinghouse hereby approved shall not 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.

06. The vehicular accesses, driveways and parking areas hereby approved shall not be brought into use unless both have been provided and surfaced in accordance with the details shown on the approved plans. The first five metres of the access measured from the edge of the road shall be fully paved. Once provided, the access, driveway and parking areas for 3 vehicles shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the access, driveway and parking area to an adequate standard; and to ensure the retention of adequate parking facilities, all in the interests of road safety.

07. The dwellinghouse hereby approved shall not be occupied unless the refuse bin uplift store area has been provided and surfaced in accordance with the details shown on the approved plan. Once provided, the refuse bin uplift store area shall thereafter be permanently retained as such.

Reason: To ensure the provision of an appropriate means of servicing in the interests of road safety.

08. The dwellinghouse hereby approved shall not be occupied unless the proposed surface water drainage system and package sewerage treatment has been provided in accordance with the approved plans and the approved Drainage Assessment by MacLeod and Jordan, dated March 2019. The surface water drainage system shall be permanently retained thereafter in accordance with the approved maintenance scheme.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

09. The proposed development shall be connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply without the separate express grant of planning permission by the planning authority.

Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order amending, revoking or re-enacting that Order no means of enclosure, other than that shown on the approved site layout plan, 217-3 (GA)002 rev B shall be erected on the site under the terms of Class 3E of Schedule 1 to that Order without an express grant of planning permission from the planning authority.

Reason: In the interests of the character and appearance of the development.

**For noting:-**

Part 2C (Planning Delegations) states at Section C.3.3b for Local Development, that following consultation with the Chair and Vice-Chair of the determining Committee, the Head of Planning and Building Standards can refuse planning applications for which Section 75 Agreements are not completed or Developer Obligations are not paid within four months from the date of the Committee at which the application is determined. Local Ward Members shall be notified of any such refusal.

Please note that this power may be exercised in respect of the application which is the subject of this report if the application is approved by the Committee.

**Stephen Archer**  
**Director of Infrastructure Services**  
**Author: Hilary Wilkinson (Planner)**  
**Date: 07/08/2019**

## **Extract of Draft Minute of 27 August Garioch Area Committee**

**D. Reference No: APP/2019/0962**

**Full Planning Permission for erection of dwellinghouse at land at Upper Mains of**

**Disblair, Newmachar**

**Applicant: Mr Brian Anderson**

**Agent: MAC Architects**

The Chair indicated that a request to speak had been received from an objector. The Committee **agreed** to hear from this party.

The Planner explained that the application was for the erection of a dwellinghouse on an unallocated site in the countryside. She confirmed that the site, 2km from Newmachar had no formal access but was located 50 metres from a track. She confirmed that the site was currently overgrown, but that on inspection of the site previous development was evident in respect of the outline of the footprint of a building and it was therefore considered that the site had not been naturalised and could be considered brownfield.

Members sought clarification regarding the definition of brownfield. It was confirmed that the site could be overgrown but needed to have evidence of the former use of the site still in place.

She confirmed that the footprint of the previous buildings were evident on site in this case and that the footprint corresponded with historic information about the site.

The Chair invited Ms Marjory Harper, an objector to the application, to address the Committee.

Ms Harper highlighted concerns regarding scale and design, questioned the degree of remains evident on site and stressed the need to contain the development within the same curtilage. She pointed out that the proposal encroached on agricultural land, was on a prominent site breaching the horizon and was not in keeping with the surrounding area.

Following clarification of access arrangements, the Chair thanked Ms Harper and she returned to the public benches.

Item: 3

Page: 17

Some Members were concerned by the proposals and indicated that there was unlikely to have been anything on site for a significant period of time. They considered the site to be naturalised as a result and also highlighted the loss of trees, the prominence of the site in the landscape and the loss of agricultural land.

However, other Members accepted the view of the Planning Service that the site was brownfield and were content to approve the application.

Councillor Ford, seconded by Councillor McKail, moved that the application be refused on the grounds that:-

- a) the application is contrary to Policy P2 as the site is naturalised;
- b) the proposed building is much larger and would result in the loss of agricultural land;
- c) the proposals would result in the loss of trees; and
- d) the site is very prominent in the landscape.

The application was therefore not considered to comply with Policies P1, P2 and PR1

As an amendment, Councillor Whyte, seconded by Councillor Hood, moved a delegated grant subject to the delegated matters and conditions detailed in the report.

The Committee voted:-

For the motion (6) Councillors Berry, Ewenson, Ford, McKail, McKelvie and Smith

For the amendment (6) Councillors Hood, Aitchison, Baillie, Harper, Reid, and Whyte

Councillor Lonchay declined to vote.

There being an equality of votes, the Chair was invited to exercise his casting vote. The Chair indicated that he did not wish to use his casting vote and sought legal advice as to how to progress. The Senior Solicitor indicated that if the Committee could not determine the matter then, as the Council has a statutory requirement to determine the application, it would require to be referred to Infrastructure Services Committee for final determination.

The Committee **agreed** to refer the application to Infrastructure Services Committee for further determination.