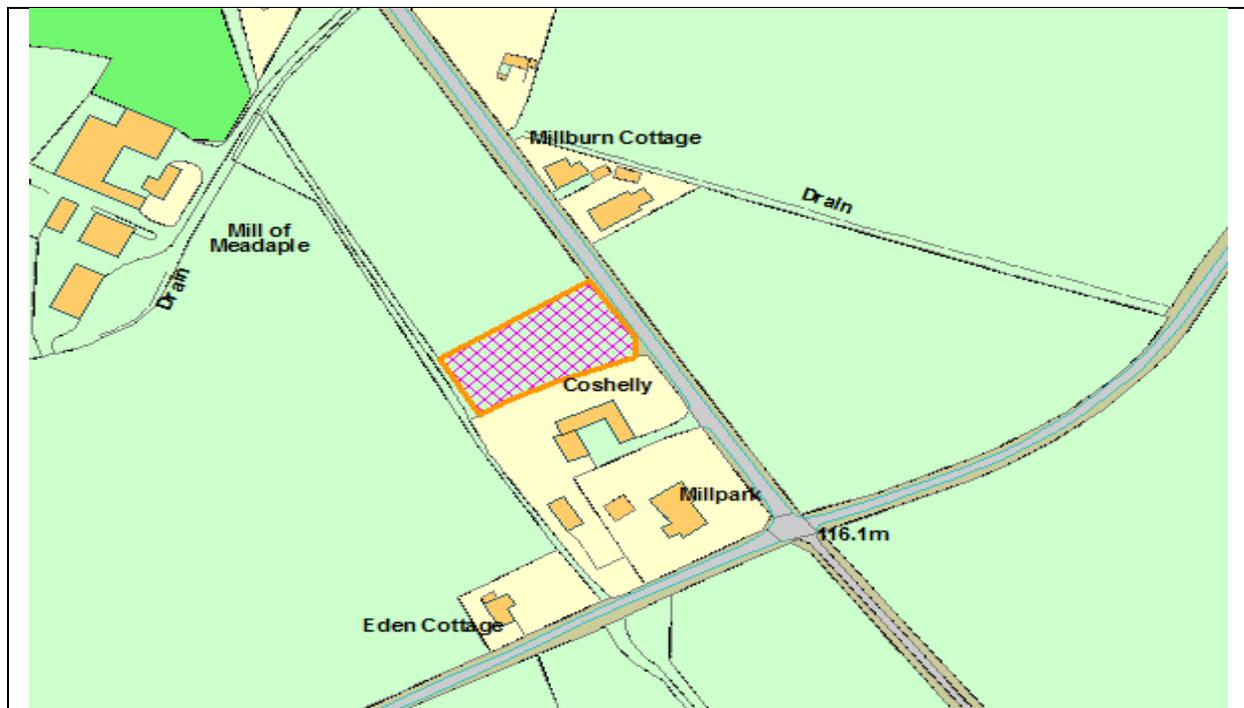


## Formartine Area Committee Report 28 June 2016

Reference No: APP/2016/0982

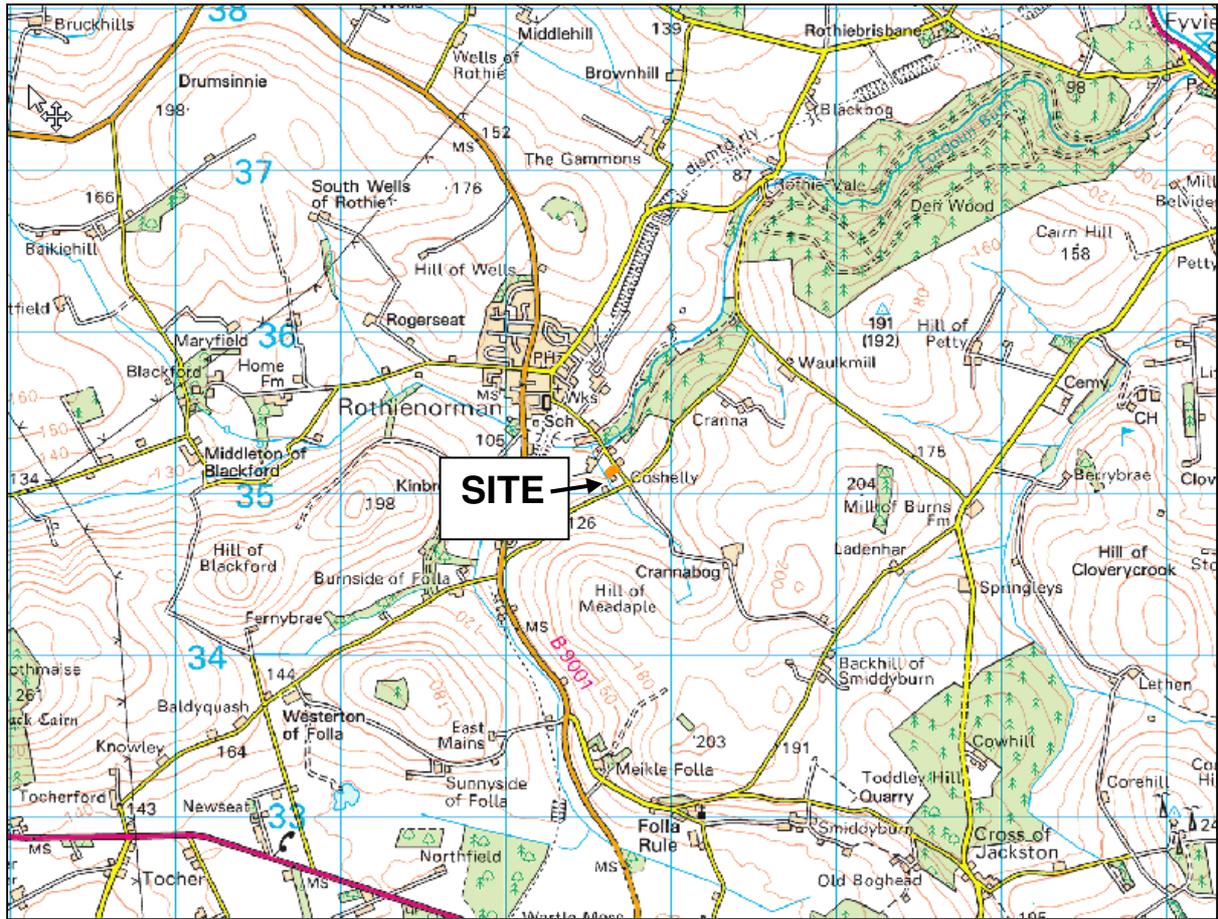
### Planning Permission in Principle for Erection of Dwellinghouse at Site Adjacent to Coshelly, Rothienorman

<b>Applicant:</b>	<b>Adam Duguid &amp; Son</b>
<b>Agent:</b>	<b>John Wink Design</b>
Grid Ref:	E:372642 N:835145
Ward No. and Name:	Turriff And District
Application Type:	Planning Permission in Principle
Representations	3
Consultations	3
Relevant Proposals Map	Aberdeenshire Local Development Plan
Designations:	RHMA
Complies with Development Plans:	Yes
Main Recommendation	Delegated Grant



**NOT TO SCALE**

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## **1. Reason for Report**

- 1.1 The application is being referred to Area Committee because there is an unresolved objection from Fyvie, Rothienorman and Monquhitter Community Council.

## **2. Background and Proposal**

- 2.1 This application seeks planning permission in principle for the erection of a dwellinghouse within the countryside on a site adjacent to Coshelly, Rothienorman.
- 2.2 The proposed site area is approximately 0.2ha and is currently in agricultural use. Rothie Park Road lies immediately to the east, agricultural fields lie to the north and west and 'Coshelly' lies to the south. An application for three dwellinghouses to the north is currently pending consideration (Application Reference APP/2016/0981).
- 2.3 In terms of access, it would be taken from Rothie Park Road located immediately to the east of the application site. It is proposed to connect to the public water supply and the foul drainage would be disposed of by a septic tank with discharge to land via a soakaway.
- 2.4 Relevant planning history includes:
- APP/2016/0981 – Planning Permission in Principle for 3 Dwellinghouses at Site to South West of South Lodge, Rothienorman. Pending Consideration.
  - ENQ/2015/2125 – Erection of dwellinghouse
- 2.5 Supporting information:
- Drainage Certificate submitted 26/05/2016

## **3. Representations**

- 3.1 A total of 3 valid representations (3 objections) have been received as defined in the Scheme of Delegation. This does not include multiple representations from the same household which equate to 4 letters in total. All issues raised have been considered. The letters raise the following material issues:
- *Flooding and drainage impact*
  - *Impact on character of area*
  - *Impact on existing road and services due to increase in traffic movements*

## 4. Consultations

- 4.1 **Business Services (Developer Obligations)** have commented that contributions have been sought for Affordable Housing. Heads of Terms have been agreed.
- 4.2 **Infrastructure Services (Contaminated Land)** has been consulted and confirm that upon receiving further information on the former use of the site, there is no indication of any past use which might have caused contamination.
- 4.3 **Infrastructure Services (Roads Development)** does not object to this application subject to standard conditions being applied to the permission including the creation of a 2 metre wide footpath for the entire frontage of this application site and the site currently pending consideration further down the road (Application Reference APP/2016/0981).
- 4.4 **Infrastructure Services (Waste Management)** has been consulted and confirm the provisions for refuse and recycling collection.
- 4.5 **Fyvie, Rothienorman and Monquhitter Community Council** object to the proposal in that they raise concerns relating to flooding, increased surface run off and the potential impact on the bridge that is currently being repaired as a result of the flooding of January 2016.
- 4.6 **Scottish Water** have been consulted and have not responded at time of writing.

## 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.

## 5.3 Aberdeenshire Local Development Plan 2012

Policy 3 Development in the countryside

SG Rural development1: Housing and business development in the countryside

Policy 8 Layout, siting and design of new development

SG LSD2: Layout, siting and design of new development

SG LSD8: Flooding and erosion

SG LSD11: Carbon neutrality in new development

Policy 9 Developer contributions

SG Developer contributions1: Developer contributions

SG Developer contributions2: Access to new development

SG Developer contributions3: Water and waste water drainage infrastructure

## 5.4 Other Material Considerations

Planning Advice 01/2016 – Housing and business development in the countryside and greenbelt

## 6. **Discussion**

- 6.1 This application seeks planning permission in principle for the erection of a new dwellinghouse at a site adjacent to Coshelly, Rothienorman. As this is a planning permission in principle application, there are no specific issues of design to consider. The main issues to be considered are the principles of development, the impact on the surrounding landscape and whether it can be satisfactorily serviced both in terms of drainage and access.

### Principle

- 6.2 The site is located out with the defined settlement boundary of Rothienorman therefore it would equate to development in the countryside under Policy 3 Development in the countryside and SG Rural development 1: Housing and business development in the countryside. Aberdeenshire Council supports

new dwellinghouses in the countryside and Rural Housing Market Area if, amongst other qualifying criteria, it is an appropriate addition, in scale and character, to an existing cohesive group of at least five houses or it is for a development that contributes to the organic growth of a settlement of no more than 3 houses on a site within approximately 400m of the edge of the built up area.

- 6.3 In this case, the application is appropriately sited in that it could be in addition to the existing cohesive group of 5 built houses – Coshelly, Millpark, Eden Cottage, Millburn Cottage and South Lodge. As the cohesive group policy allows for the increase of 20% of the existing group, the granting of this application could use up this allocation, and no further addition to the grouping would be approved within this plan period (2012-2016). The proposed dwellinghouse would be deemed to be in an appropriate location with connectivity to the adjacent properties to the immediate south and to the north across the road.
- 6.4 However, the site lies approximately 410 metres away from the settlement boundary of Rothienorman. Planning Advice 1/2016 states that the 400 metre rule is an approximation and discretion can be exercised if a proposal demonstrates exceptional layout, siting and design but falls out with this area. In this case, the site relates well to other dwellings in the nearby vicinity and would be located along the adjacent road which acts as a natural boundary to the site. This site would also be accessible on foot from Rothienorman.
- 6.5 Taking this into account, whilst the proposed development is considered to be an appropriate addition to the existing cohesive group, it is sited at a sufficient distance away from the settlement to be considered as organic growth. For clarification, the dwellinghouse would contribute to the allowance of the larger settlement, which is Rothienorman. The principle of development is therefore established and complies with Policy 3 and SG Rural Development 1.

#### Design

- 6.6 In terms of design, no details have been submitted since this application seeks permission in principle only. Specific issues relating to the design, size and scale of the dwellinghouse would be considered as part of any application for matters specified in conditions on the site.

#### Amenity

- 6.7 In terms of amenity of the neighbouring property at Coshelly located approximately 15 metres to the south of the site, it is considered that a dwelling could be located on the site so as to ensure that the neighbouring dwelling is not adversely impacted in terms of privacy and overshadowing.

#### Flooding

- 6.8 Letters of representation made reference to flooding concerns as a result of the flooding of January 2016. The proposed site for the dwellinghouse is

located out with the SEPA 1 in 200 year flood risk area and therefore no consultation was required with the Flood Prevention Unit or SEPA. However, taking on board the concerns a condition would be placed on any permission granted to ensure that any hardstanding within the site would be porous and therefore limit surface water run-off.

### Access and Servicing

- 6.9 In terms of access, it would be taken from the Rothie Park road that is located immediately east of the site. Roads Development do not object to the proposal therefore the proposal is considered acceptable in terms of SG Developer Contributions<sup>2</sup>: Access to new development.
- 6.10 In terms of water supply, the applicant proposes to connect to the public water supply and foul drainage will be disposed of by a septic tank with discharge to land via a soakaway. The proposal therefore satisfies the requirements of SG Developer Contributions<sup>3</sup>: Water and waste drainage infrastructure.

### Conclusion

- 6.11 The site is of sufficient size to accommodate a dwellinghouse of a size in keeping with others in the immediate area and the development would be in keeping with the general pattern of development seen out with the settlement. It is considered that a dwellinghouse could be accommodated within the site to meet standards contained within Aberdeenshire Local Development Plan 2012 in relation to the provision of garden space and plot coverage therefore it is recommended that planning permission in principle be granted.
- 6.12 In conclusion, it is considered that the proposals accord with the relevant policies and supplementary guidance contained in the Aberdeenshire Local Development Plan 2012 and therefore recommend that planning permission be granted.

## **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. Equalities and Financial Implications**

- 8.1 An Equality Impact Assessment is not required because the granting of this application would not have a detrimental impact on the protected characteristics of the applicant or third parties.
- 8.2 There are no financial implications arising from this report.

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

- 1. Conclusion of Developer Obligations;**
- 2. The following conditions:**

1. Details of the specified matters listed below shall be submitted for consideration by the Planning Authority, in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the Authority has been given, and the development shall be carried out in accordance with that approval.

Specified matters:

- (a) Full details of the layout and siting of the proposed development;
- (b) Full details of the external appearance and finishing materials of the proposed development;
- (c) A landscaping scheme and tree protection plan including proposed landscape features, including trees to be retained and planted.

- (d) A detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed datum point;
- (e) Full details of the proposed means of disposal of foul and surface water from the development;
- (f) Full details of the proposed access to the development including visibility splays where appropriate
- (g) Full details of the proposed car parking/vehicle turning area for the development;

Reason: Permission for the development has been granted in principle only and subsequent approval is required for these matters in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. The development shall be served in accordance with the approved drawings and the following details:
- a) The maximum gradient of the first 5m of the access must not exceed 1 in 20.
  - b) Prior to occupancy of development, first 5m of driveway (measured from edge of road or back of footway) to be fully paved.
  - c) Prior to occupancy of the development, a 2m wide footpath to be constructed for the entire frontage of the site, starting from the boundary between the property named Coshelly and the proposed Plot of APP/2016/0982 to the south, up to the northern most boundary of Plot of APP/2016/0981 to the north. The footpath is to be constructed in accordance with the Council's Specification.
  - d) Prior to occupancy of development, parking spaces, surfaced in hard standing materials shall be provided within the site.
  - e) Prior to commencement of development, a lay-by measuring 8.0m x 2.5m with 45° splays to be formed on frontage of the site and the proposed vehicular access to be taken via this. Construction shall be to a standard appropriate to the location and must be agreed in advance with Roads Development.
  - f) Prior to commencement of development, visibility splays measuring 2.4m by 120m to be formed on either side of the junction of the vehicular access with the public road. The visibility splays so formed shall thereafter be kept free of all permanent obstructions above adjacent carriageway level.
  - g) Prior to occupancy of development a refuse bin uplift store area shall be constructed (behind any visibility splay) so as to be accessible for bin uplift and shall be secure enough to prevent empty bins from being wind-blown. Details must be submitted to Roads Development for approval.
  - h) Prior to occupancy of development a suitable vehicle turning area, measuring not less than 7.6m x 7.6m, must be formed within the site to enable all vehicle movements onto or from the public road to be carried out in a forward gear.

Reason: In order to ensure that the development is served by an appropriate standard of access and associated servicing in the interests of road safety.

3. Prior to the construction of any dwellinghouses an Energy Statement applicable to that dwellinghouses must be submitted to and approved in writing by the Planning Authority, including the following items:
  - (i) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development.
  - (ii) 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 the Council's Supplementary Planning Guidance on Carbon Neutrality in New Developments. (In this case the development will achieve at least a Bronze Active rating under Section 7 of the Building Standards Technical Handbook).

The development shall not be occupied unless it has been carried out 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 the Council's Supplementary Planning Guidance - Carbon Neutrality in New Developments.

4. The dwellinghouse hereby approved shall not be occupied until a connection to the public water supply has been secured and implemented.

Reason: The planning application states that the water supply will be public; to ensure a wholesome water supply (in terms of quality and quantity) in the interests of public health.

5. That the proposed foul and surface water drainage systems shall be carried out in accordance with the Drainage Certificate Report dated 20<sup>th</sup> May 2016 and the approved plans and the dwellinghouse; shall not be occupied unless the approved drainage system has been implemented in this form, unless otherwise agreed in writing with the Planning Authority. Following provision of the drainage system it shall thereafter be maintained by the developers or their successors in accordance with the approved maintenance scheme.

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

6. Prior to the commencement of development, details of the proposed driveway shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, the driveway shall be constructed of porous materials.

Reason: In order to mitigate potential impacts from surface water runoff.

## 11.2 Reason for Decision

It is considered that a dwellinghouse could be accommodated within the site to meet standards contained within Aberdeenshire Local Development Plan 2012.

Stephen Archer  
Director of Infrastructure Services  
Author of Report: Victoria Grant  
Report Date: 9 June 2016

## Comments for Planning Application APP/2016/0982

### Application Summary

Application Number: APP/2016/0982

Address: Site Adjacent To Coshelly Rothienorman

Proposal: Erection of Dwellinghouse

Case Officer: Victoria Grant

### Customer Details

Name: Mr Duncan Barrie

Address: Fordendale Rothienorman Inverurie

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would object to this proposal due to concerns over flooding in the area potentially being exacerbated by the covering of existing farmland with houses and driveways. The road servicing the property saw considerable water flow in January 2016 from farmland further up the hill resulting in properties at the bottom of the hill being threatened with flooding. This would only be made worse if the field in question was built upon.

I would also raise a concern over the increased disturbance caused to existing properties once road access to the proposed site from the village is restored (currently closed due to an unsafe bridge following January's floods).

## Comments for Planning Application APP/2016/0982

### Application Summary

Application Number: APP/2016/0982  
Address: Site Adjacent To Coshelly Rothienorman  
Proposal: Erection of Dwellinghouse  
Case Officer: Victoria Grant

### Customer Details

Name: Mrs Jacqueline Griffiths  
Address: Coshelly Rothienorman Inverurie

### Comment Details

Commenter Type: Neighbour  
Stance: Customer objects to the Planning Application  
Comment Reasons:

Comment: Position of new property in regard to our own. Very close to our property which will mean our outlook will be dramatically changed.

It has also been brought to my attention by our neighbours that it is not just one house to be built on this plot, but four altogether. We have had no notification of the other three and our neighbours did not know about this one. Very sneaky and underhand. Was this a deliberate ploy to keep people in the dark as to the actual plans?

The drainage in this area is not good as has been demonstrated during the recent flooding, with the properties already existing. It would be madness to build 4 more properties.

The road itself is not built for high volume traffic and with the bridge being closed long term, there would be more traffic on the other road which is not good especially in winter time.

We would also like to be given the opportunity to object to the other three properties and feel that the details of this one should be sent to our neighbours.

Rothienorman has seen extensive growth in the last few years. Are we now to understand that the green area on this side of the village is to be developed as well.

Urbanisation in this area will detract from the local character of mainly traditional built north eastern Scotland houses.

## Comments for Planning Application APP/2016/0982

### Application Summary

Application Number: APP/2016/0982

Address: Site Adjacent To Coshelly Rothienorman

Proposal: Erection of Dwellinghouse

Case Officer: Victoria Grant

### Customer Details

Name: Mrs Linda Dundas

Address: Millburn Rothienorman Inverurie

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This is now 4 houses on this site and as stated in my objection to the other three we chose a country lifestyle there are houses for sale in the village for anyone wanting a built up area. The drainage will also cause problems and extra traffic on the road.

## Comments for Planning Application APP/2016/0982

### Application Summary

Application Number: APP/2016/0982

Address: Site Adjacent To Coshelly Rothienorman

Proposal: Erection of Dwellinghouse

Case Officer: Victoria Grant

### Customer Details

Name: Mr Robert Dundas

Address: Millburn Rothienorman Inverurie

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The drainage from this house and the three other proposed houses on this site will further the recent problems with flooding. The road is narrow and the increased traffic from personal and construction traffic will cause problems.