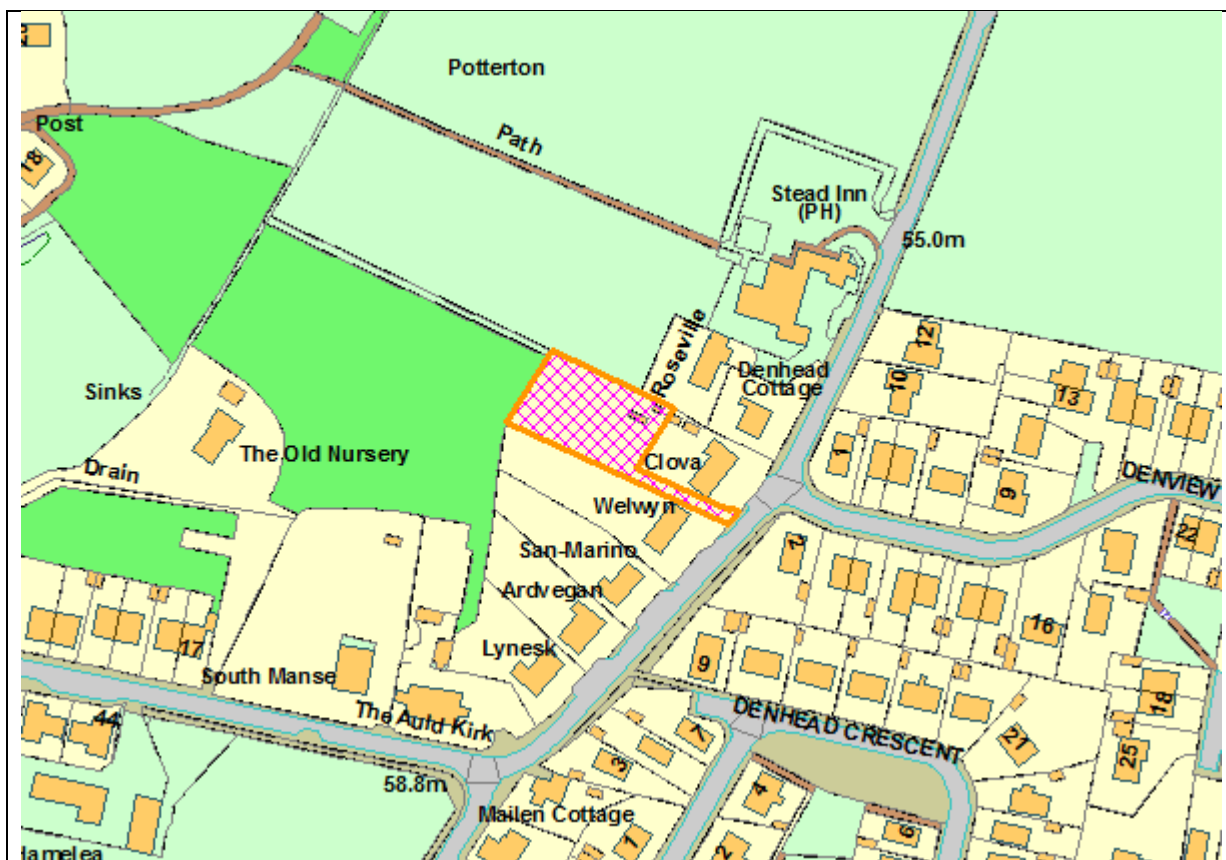


Formartine Area Committee Report – 07 February 2017

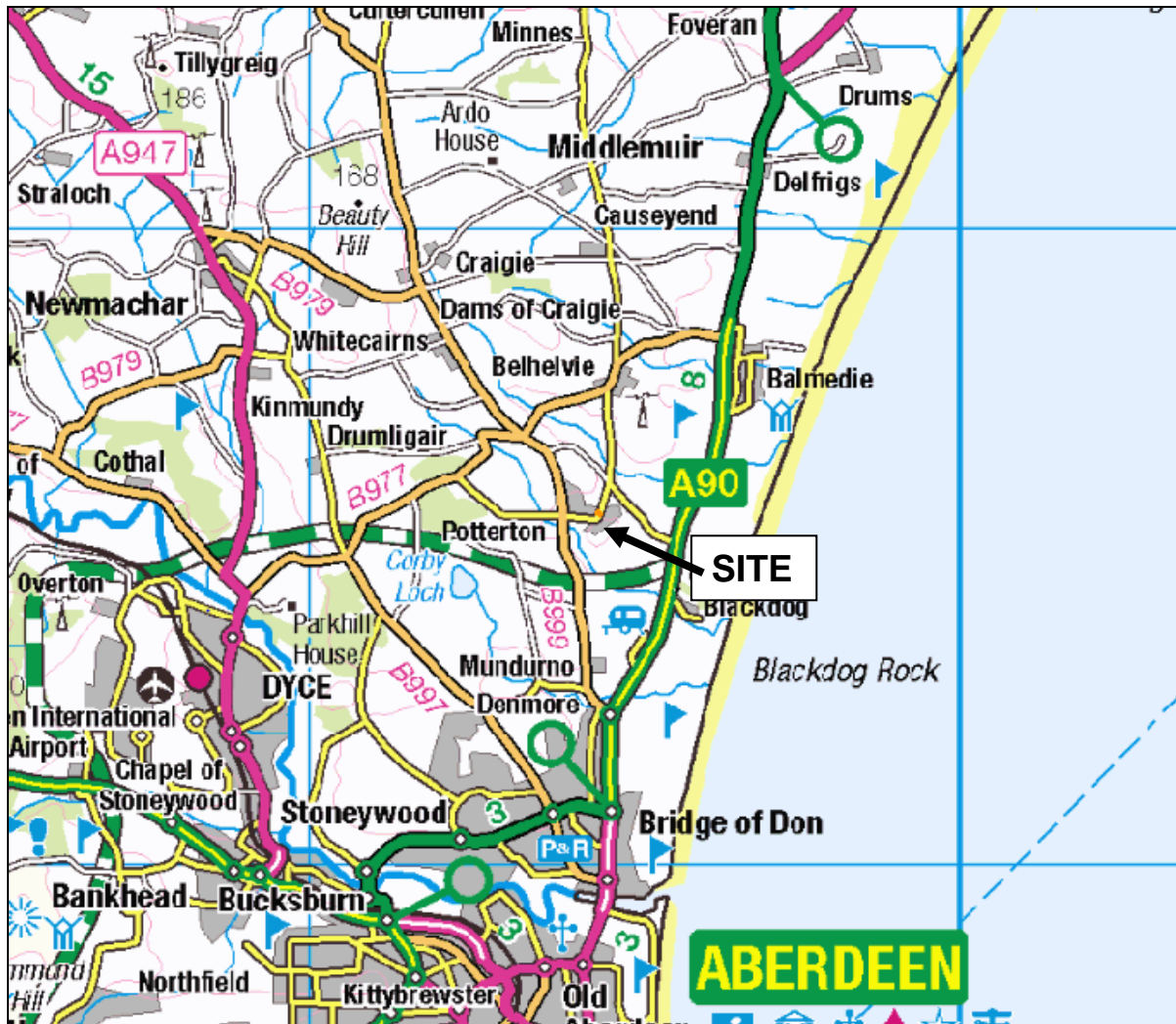
Reference No: APP/2016/1385

Planning Permission in Principle for Erection of Dwellinghouse and Garage at Clova, Manse Road, Potterton, Aberdeenshire, AB23 8UB

Applicant:	Mr D Alexander
Agent:	Alan G Low
Grid Ref:	E:394447 N:815530
Ward No. and Name:	Mid-Formartine
Application Type:	Planning Permission in Principle
Representations:	5
Consultations:	4
Relevant Proposals Map:	Aberdeenshire Local Development Plan
Designations:	AHMA
Complies with Development Plans:	Yes
Main Recommendation:	Delegated Grant



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.9.1 of Part 2A List of Committee Powers and Section C.3.1e of Part 2C Planning Delegations of the Scheme of Governance as there have been valid objections from five or fewer individuals or bodies with separate postal addresses or premises, and at least two of the total number of Local Ward Members in the Ward in which the development is proposed have requested that the application be referred to the Area Committee.
- Concerns regarding landscaping, siting, design, privacy and access to the site and the potential road safety issue. (Cllr Hendry)
 - The committee should discuss further if the principle of development sets precedent for future development, Policy 8 SG LDS2 the design in principle and the consideration of SG LSD4: Infill development. (Cllr Johnston)
- 1.2 This application was deferred at the last meeting of the Formartine Area Committee on the 17 January 2017 in order that a site visit be undertaken. The site visit has now been carried out.
- 1.3 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

2. Background and Proposal

- 2.1 This application seeks planning permission in principle for the erection of a dwellinghouse and garage within the settlement of Potterton. The application site is located within substantial vacant garden ground towards the rear of 'Clova' which is located to the east of the site and Manse Road lies beyond that, 'Roseville' is located to the north, 'Welwyn' to the south and open countryside are located to the west. In the immediate area there are a number of dwellinghouses and outbuildings of varying designs and scale. (Appendix 1 and 2 contain the Location Plan and Site Plan).

In terms of access, the dwellinghouse would access directly onto Manse Road and it is proposed to connect to the public water supply and the public drainage network.

- 2.2 There is no relevant planning history
- 2.3 Supporting Information
- Design Statement submitted 18/05/2016
 - Surface Water Drainage Report submitted 06/10/2016

2.4 Variations and Amendments

An amended site plan was submitted 06/10/2016 that accompanied the surface water drainage report showing proposed rainwater disposal.

3. Representations

3.1 A total of 5 valid representations (5 objections) have been received as defined in the Scheme of Governance. All issues raised have been considered. The letters raise the following material issues:

- *Privacy*
- *Increased traffic*
- *Flooding*
- *Impact on character of the area*
- *Overbearing*
- *Overlooking*

4. Consultations

4.1 **Business Services (Developer Obligations)** has confirmed Heads of Terms have been agreed. Contributions are sought towards Affordable Housing and Primary Schooling.

4.2 **Infrastructure Services (Flood Prevention Unit)** has been consulted and confirm that upon receiving the submitted drainage information and the additional flood risk information, they are satisfied with the measures proposed to deal with surface water drainage and the level of flood risk associated with the application.

4.3 **Infrastructure Services (Roads Development)** has been consulted and confirm that they have no objections to the proposal subject to standard conditions and informatives being placed on the permission if granted.

4.4 **Scottish Water** has been consulted but has not responded at the time of writing this report.

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 1 Business Development

SG Bus5: Development in the Energetica Framework Area

Policy 8 Layout, siting and design of new development

SG LSD2: Layout, siting and design of new development

SG LSD4: Infill development

SG LSD8: Flooding and erosion

SG LSD11: Carbon neutrality in new developments

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 Proposed Aberdeenshire Local Development Plan 2017

The Town and Country Planning (Development Planning)(Scotland) Regulations 2008

Proposed Aberdeenshire Local Development Plan – Report of the examination

The Report of Examination of the Aberdeenshire Local Development Plan 2017 was issued on 19 December 2016, and subsequently published on 21 December 2016.

There are recommended changes to policies and sites within the Examination Report. Reports to Area Committees will be on the 24 and 31 January 2017 and 7 February 2017 with a final Report to Full Council on 9 March 2017.

In the interim period, until the adoption of the Local Development Plan, in respect of development management decisions, elements of the emerging plan, as adjusted to reflect the Reporter's recommendation will carry significant material weight, which will need to be considered in the assessment of all planning applications.

5.5 Other Material Considerations

None

6. **Discussion**

- 6.1 As this is a planning permission in principle application, there are no specific issues of design to consider. What requires to be considered are the principles of development, the likely impact of the development on the character and amenity of neighbouring land uses whether it can be satisfactorily serviced both in terms of drainage and access.

Principle

- 6.2 SG LDSD4: Infill development states that new dwellings can be approved where the nature of the development will not erode the character and amenity of the surrounding area though over or under-development, it will not interfere significantly with the existing or proposed use of neighbouring site, or with the accessibility of future potential development areas and that the development will not cause the loss of a significant area of open space, allotments or woodland important to the community.
- 6.3 In this case the site is located to the rear of 'Clova' and is essentially backland development. Whilst this is generally not encouraged, Roseville to the north is similar in nature, therefore the character of the area will not be eroded. The existing curtilage is of an ample size to accommodate another plot, therefore it is not considered over-development. In addition, there would be no impact on accessibility for future development and it will not cause the loss of open space. The proposal therefore complies with Policy 8 and LSD4: Infill development.

Siting

- 6.4 In terms of siting, an indicative footprint of the proposed dwellinghouse shows it located centrally within the plot which measures approximately 1320m². It is therefore considered that a dwellinghouse could be appropriately sited within

the site and that sufficient garden ground would remain once development has been completed. The proposal therefore complies with Policy 8 LSD2 and LSD3.

Design

- 6.5 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 or full planning permission on the site.
- 6.6 To meet SG LSD11 on the carbon neutrality of the proposal, a condition will be attached for the submission of an energy statement.

Amenity

- 6.7 In terms of amenity of neighbouring properties, the nearest dwelling 'Clova' is located approximately 16 metres immediately to the east of the proposed site of the dwellinghouse. Both the properties at 'Roseville' and 'Welwyn' which are located to the north and south respectively would be located more than approximately 10 metres from the site boundary and over 20 metres away from the proposed dwellinghouse. It is therefore concluded that owing to the distance from site boundaries and plot coverage it is unlikely there will be adverse impacts in terms of privacy, overbearing and overshadowing. The proposal therefore complies with Policy 8 LSD2 and LSD3.

Access and Servicing

- 6.8 In terms of access, this would be taken from Manse Road to the east and the proposed driveway runs adjacent to 'Clova' to the south of the site. Whilst the driveway is in close proximity to 'Clova', Roads Development do not object to the proposal however they do recommend that if planning permission is approved then further information will be required at the matters specified in condition stage. The proposal is therefore considered acceptable in terms of SG Developer Contributions²: Access to new development.
- 6.9 In terms of water supply, the applicant proposes to connect to a public water supply and public drainage network. The applicant proposes a surface water soakaway to the west of the application site. The proposal therefore satisfies the requirements of Policy 9 and SG Developer Contributions³: Water and waste drainage infrastructure.

Flooding

- 6.10 Concern has been raised regarding the adequacy of existing watercourses that receive surface water sewer discharge from neighbouring developments. We understand this to be an adopted system and any concerns regarding this matter should be raised directly with Scottish Water. It would then be for the water authority and the landowner to resolve these issues under riparian ownership. However, these existing systems and potential drainage issues lie outwith the development site boundary therefore the proposed drainage

system should not exacerbate these issues. The proposal therefore satisfies the requirements of SG LSD8: Flooding and erosion.

Energetica

- 6.11 The proposal falls within the Energetica corridor however owing to the small scale nature of the development; the applicant is not required to submit a compliance statement therefore Policy 1 and SG Bus5: Development in the Energetica Framework Area does not apply.

Conclusion

- 6.12 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.

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, Staffing and Financial Implications

- 8.1 An equality impact assessment has been carried out as part of the development of the proposals set out above. It is included as Appendix 3 and no impact has been identified.
- 8.2 There are no staffing and financial implications.

9. Sustainability Implications

- 9.1 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

10. Departures, Notifications and Referrals

10.1 Strategic Development Plan Departures

None

10.2 Local Development Plan Departures

None

- 10.3 The application is not a Departure from the Local Development Plan or Strategic Development Plan and no departure procedures apply.

- 10.4 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.
- 10.5 The application would not have to be referred to Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

11. Recommendation

11.1 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:**

01. 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).

02. The development shall be served in accordance with the approved drawings and the following details:

- a) Prior to occupancy of development, a drop kerb footway crossing must be formed at the new driveway.
- b) The maximum gradient of the first 5m of the new access must not exceed 1 in 20.
- c) Prior to occupancy of development, the first 5m of driveway (measured from edge of road or back of footway) to be fully paved.
- d) Prior to occupancy of development, off-street parking for 3 cars, surfaced in hard standing materials must be provided within the site.
- e) Prior to commencement of development, visibility splays, measuring 2.4m by 59m 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.
- f) 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.

03. That the proposed surface water drainage system shall be carried out in accordance with the approved plans and drainage proposal (S.A. McGregor Drainage Recommendation Report dated October 2016) and the dwellinghouse should not be occupied unless the approved surface water 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.

04. 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.

05. Prior to the construction of the dwellinghouse an Energy Statement applicable to that dwellinghouse 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.

06. All landscaping proposals approved under details pursuant under Condition 1, approved under the Matters Specified in Conditions application(s), shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the first occupation of the development. Any plants which die, are removed, are seriously damaged or diseased, within a period of 5 years from the completion of the development, shall be replaced by plants of similar size and species to those originally required to be planted or as otherwise agreed by the Planning Authority.

Reason: To ensure the implementation 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.

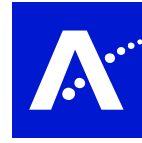
11.2 Reason for Decision

01. It is considered that the proposals accord with the relevant policies and supplementary guidance contained in the Aberdeenshire Local Development Plan 2012 and the proposed Aberdeenshire Local Development Plan 2017.

Stephen Archer
Director of Infrastructure Services
Author of Report: Victoria Grant
Report Date: 14 December 2016



LOCATION PLAN - 1:2,500 Scale



EQUALITY IMPACT ASSESSMENT

Stage 1: Title and aims of the activity (“activity” is an umbrella term covering policies, procedures, guidance and decisions).	
Service	Infrastructure Services
Section	Planning
Title of the activity etc.	APP/2016/1385 – Erection of Dwellinghouse and Garage at Clova, Manse Road, Potterton
Aims of the activity	Planning permission in principle is sought to erect a dwellinghouse and garage within existing garden ground
Author(s) & Title(s)	Victoria Grant, Planner

Stage 2: List the evidence that has been used in this assessment.	
Internal data (customer satisfaction surveys; equality monitoring data; customer complaints).	Aberdeenshire Equality Impact Assessment Guidance/policy
Internal consultation with staff and other services affected.	N/A
External consultation (partner organisations, community groups, and councils).	N/A

External data (census, available statistics).	N/A
Other (general information as appropriate).	Two letters of representation were received from a daughter and a son with regards to the application and the specific impacts on their elderly parents who live in the neighbouring property. The letters outline that due to ongoing health issues, the proposed development would cause extra stress, upset and affect their health and wellbeing. They also state that the proposal would affect their privacy as building a house in the rear garden would encroach on their day to day living.

Stage 3: Evidence Gaps.	
Are there any gaps in the information you currently hold?	None

Stage 4: Measures to fill the evidence gaps.		
What measures will be taken to fill the information gaps before the activity is implemented? These should be included in the action plan at the back of this form.	Measures:	Timescale:

Stage 5: Are there potential impacts on protected groups? Please complete for each protected group by inserting "yes" in the applicable box/boxes below.				
	Positive	Negative	Neutral	Unknown
Age – Younger	-	-	Yes	-
Age – Older	-	-	Yes	-
Disability	-	-	Yes	-

Race – (includes Gypsy Travellers)	-	-	Yes	-
Religion or Belief	-	-	Yes	-
Gender – male/female	-	-	Yes	-
Pregnancy and maternity	-	-	Yes	-
Sexual orientation – (includes Lesbian/ Gay/Bisexual)	-	-	Yes	-
Gender reassignment – (includes Transgender)	-	-	Yes	-
Marriage and Civil Partnership	-	-	Yes	-

Stage 6: What are the positive and negative impacts?		
Impacts.	Positive (describe the impact for each of the protected characteristics affected)	Negative (describe the impact for each of the protected characteristics affected)
Please detail the potential positive and/or negative impacts on those with protected characteristics you have highlighted above. Detail the impacts and describe those affected.	n/a	None – there would be no negative impacts on those concerned as proposal would not impact on privacy

Stage 7: Have any of the affected groups been consulted?	
If yes, please give details of how this was done and what the results were. If no, how have you ensured that you can make an informed decision about mitigating steps?	No, but the proposal would have to meet with local policy in order to be supported. Given the details provided with the application and from assessing the application whilst undertaking a site visit, it is concluded that there would be no impact on terms of privacy owing to the distance from the neighbour's dwellinghouse, the shape of the plot and the proposed indicative house footprint.

Stage 8: What mitigating steps will be taken to remove or reduce negative impacts?		
	Mitigating Steps	Timescale
These should be included in any action plan at the back of this form.		

Stage 9: What steps can be taken to promote good relations between various groups?	
These should be included in the action plan.	n/a

Stage 10: How does the policy/activity create opportunities for advancing equality of opportunity?
n/a

Stage 11: What equality monitoring arrangements will be put in place?	
These should be included in any action plan (for example customer satisfaction questionnaires).	None

Stage 12: What is the outcome of the Assessment?		
Please complete the appropriate box/boxes	1	No negative impacts have been identified –please explain.
	No negative impacts have been identified as there is no concern over privacy issues	
	2	Negative Impacts have been identified, these can be mitigated - please explain. * Please fill in Stage 13 if this option is chosen.
	3	The activity will have negative impacts which cannot be mitigated fully – please explain. * Please fill in Stage 13 if this option is chosen

* Stage 13: Set out the justification that the activity can and should go ahead despite the negative impact.

Stage 14: Sign off and authorisation.				
Sign off and authorisation.	1) Service and Team	Infrastructure Services - Planning		
	2) Title of Policy/Activity	APP/2016/1385 – Erection of Dwellinghouse and Garage at Clova, Manse Road, Potterton		
	3) Authors: I/We have completed the equality impact assessment for this policy/activity.	Name: Victoria Grant Position: Planner Date: 30/11/2016 Signature: Victoria Grant	Name: Position: Date: Signature:	
		Name: Position: Date: Signature:	Name: Position: Date: Signature:	
	4) Consultation with Service Manager	Name: Darren Ross, Team Manager Date: 02/12/2016		
	5) Authorisation by Director or Head of Service	Name: Position: Date:	Name: Position: Date:	
	6) If the EIA relates to a matter that has to go before a Committee, Committee report author sends the Committee Report and this form, and any supporting assessment documents, to the Officers responsible for monitoring and the Committee Officer of the relevant Committee. e.g. Social Work and Housing Committee.			Date:
	7) EIA author sends a copy of the finalised form to: eia@abdnshire			Date: 02/12/2016
(Equalities team to complete) Has the completed form been published on the website?			Date:	