



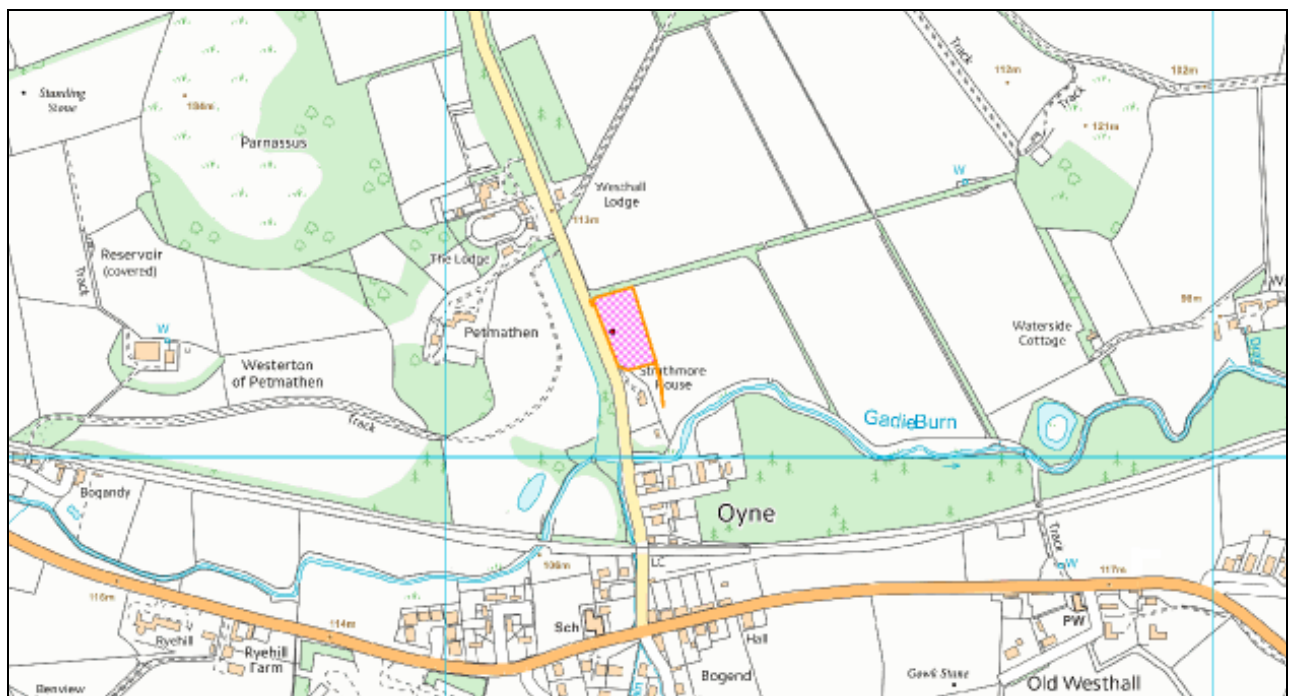
Garioch Area Committee Report – 27 June 2017

Reference No: APP/2017/0753

Planning Permission in Principle for Erection of 3 Dwellinghouses at Land at West Lodge, Westhall, Oyne, Insch, Aberdeenshire

Applicant: Mr Jon Rogers
Agent: RJM Architectural Design

Grid Ref:	E:367235 N:826144
Ward No. and Name:	W10 – West Garioch
Application Type:	Planning Permission in Principle
Representations:	5
Consultations:	6
Relevant Proposals Map	Countryside, Rural Housing Market Area
Designations:	RHMA
Complies with Development Plans:	Yes
Main Recommendation:	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.3.1.g of Part 2C Planning Delegations of the Scheme of Governance as there is an unresolved objection from a consultee (Bennachie Community Council).
- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

2. Background and Proposal

- 2.1 Planning Permission in Principle is sought for the erection of three dwellinghouses on land to the north of Strathmore House on the northern edge of Oyne. The site lies directly to the east of the unclassified public road that serves the A96 to B9002. Although the site lies directly to the north of the settlement there is a rural feel to the area with agricultural land and mature tree belts and forestry within the locality.
- 2.2 Westhall Castle, an A-listed building is located to the north of the site, although at 600m from the proposed site and with intervening screening from mature trees it is not visible.
- 2.3 The application site is part of an agricultural field which is currently served by an access off the main public road at the north-west corner of the site. The land within the site slopes from north to south and eventually continues down to the Gadie Burn. An existing dwelling is located to the south west of the site although a mature Beech hedge provides screening from the proposed site. There are mature tree belts on the western and northern boundary of the site, albeit these are outwith the proposed site. These provide significant screening from the road and to area to the north of the site.
- 2.4 It is proposed to erect three detached dwellings and associated garages on the site. The indicative site layout shows that all of the dwellings would face onto the public road with main roof ridges running parallel to the road and detached garages. The dwellings would be served by utilising the existing field access and installing a new turning circle and access road to the front of the dwellings. Access would be retained to the rest of the agricultural field by a track on the northern edge of the site. A new footpath would be created at the southern corner of the site to allow pedestrian access onto the public road. The dwellings would connect to the public mains water supply and the foul drainage for each plot would be by an individual treatment plant and partial soakaway discharging into the Gadie Burn. No details have been provided in terms of boundary treatments at this stage.
- 2.5 A number of reports were submitted to support this application including drainage information and a design statement.
- 2.6 A similar proposal was consider for this site in 2016 and is directly relevant to the consideration of this application;

The above application was refused for the following reasons;

1. *That the erection of 3 dwellings would exceed the 20% allowance for the organic growth of the existing size of the settlement of Oyne. The principle of development is therefore contrary to Policy 3: Development in the countryside and SG Rural Development1: Housing and Business Development in the Countryside of the Aberdeenshire Local Development Plan 2012.*
2. *It has not been demonstrated that the development can be satisfactorily accessed by a variety of modes of transport, in a safe, convenient, and resource efficient manner therefore contrary to Policy 9 Developer contributions and SG Developer Contributions 2: Access to new development of the Aberdeenshire Local Development Plan 2012.*
3. *It has not been demonstrated that the development can be satisfactorily serviced by means of waste water and surface water drainage infrastructure and is therefore contrary to Policy 9 Developer contributions and SG Developer Contributions 3: Water and waste water drainage infrastructure of the Aberdeenshire Local Development Plan 2012.*

3. Representations

- 3.1 A total of 5 valid representations (5 objections) have been received as defined in the Scheme of Governance. This does not include multiple representations from the same household which equate to 6 letters in total. All issues raised have been considered. The letters raise the following material issues:
- *Road access specifically pedestrian safety, access across the bridge and previous roads department comments;*
 - *Drainage and flooding;*
 - *Impact on the cultural heritage including potential impact on the A-listed Westhall Castle;*
 - *High amenity area including the impact on the natural heritage;*
 - *Not in compliance with the LDP and other development opportunities within the settlement;*
 - *Impact on trees;*
 - *Ribbon development.*

4. Consultations

- 4.1 **Business Services (Developer Obligations)** has agreed contributions towards affordable housing, secondary education and sports and recreation facilities.
- 4.2 **Infrastructure Services (Flood Prevention Unit)** is satisfied with the proposals submitted, but has highlighted a discrepancy between the site plan and the drainage drawing.
- 4.3 **Infrastructure Services (Roads Development)** does not object to the proposal and has confirmed that all previous concerns have been addressed.

4.4 **Bennachie Community Council** objects to this proposal on pedestrian safety, connectivity to the B9002 and highlighting local residents concerns. A further concern is the loss of trees.

4.5 **Scottish Water** has not responded at the time of writing the 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 Strategic Development 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 2017

Policy R2 Housing and employment development elsewhere in the countryside.

Policy H2 Affordable housing

Policy P1 Layout, siting and design

Policy C1 Using resources in buildings

Policy RD1 Providing suitable services

Policy RD2 Developers' obligations

5.4 Other Material Considerations

An equality impact assessment is not required because the granting or refusing of the proposed development would not have a direct impact on people with protected characteristics.

6. Discussion

6.1 This application for the erection of 3 dwellinghouses at Westhall, Oyne must be considered in terms of the main planning considerations which are:

- whether the principle of development is acceptable and in line with the relevant policies of the Aberdeenshire Local Development Plan;
- whether the layout, siting and design is appropriate within the context of the site and surrounding landscape;
- whether there will be a significant impact on the local environment; and
- whether the site can be sufficiently serviced by the required infrastructure.

Principle of development

6.2 The key planning issue for this application is whether the principle of development complies with Policy R2 Housing and employment development elsewhere in the countryside. The following is an extract from this policy directly relevant to this proposal;

'Small-scale growth of settlements where a particular need for development has been identified, by the addition of groups of no more than 3 houses within 200m of the settlement boundary, is also promoted. These identified settlements are listed in appendix 4. No more than an additional 20% growth of the settlement, up to a maximum of 10 new homes, will be permitted under this policy during the plan period.'

6.3 The Rural Development policy enables identified settlements to expand by up to 20% within the current Local Development Plan. Based on the size of Oyne it has an allowance of 10 new houses within this Local Development Plan period. A pending application (APP/2017/1005) is also for Planning Permission in Principle for the erection of three dwellings adjacent to Oyne. This is currently being considered but would not impact on the 20% allowance in regard to the currently considered site at Westlodge.

6.4 Therefore the principle of erecting three dwellings within the application site under consideration complies with the requirements set out in the above policy on the basis that it would not exceed the organic growth allowance for Oyne in the current plan period.

6.5 Given that the site lies directly adjacent to the settlement boundary of Oyne and the development comprises small scale development of up to three houses, the principle of development in terms of the scale of growth can be supported. However, there are other issues relating to the principle that require to be considered and the requirements of all other policies of the plan require to be met. The above policy also states that *'Siting and design of any new development will be a primary consideration.'*

6.6 The site lies outside but immediately adjacent to the settlement boundary of Oyne. The proposed indicative layout of the site comprises a linear pattern of

development that would be parallel to the line of the existing public road. There are a number of development sites within the locality that are directly adjacent to the road network therefore creating 'ribbon' development along the main transport network. Whilst "ribbon" development is generally not desirable for aesthetic reasons, the building pattern or "grain" of development in the immediate area follows the line of the B9002 public road and the unclassified road adjacent to this site. For this reason, the siting of the dwellings in this case would not warrant a recommendation of refusal. On this basis the siting is considered to be acceptable as a reasonable extension to the settlement.

Siting, Design and Layout

- 6.7 As this is an 'in principle' application, no details have been provided on the design of the dwellings, however an indicative site plan has been included which gives an idea of the scale of the proposed buildings. As no details of the proposal have been included it is not possible to comment on the specific design/layout of the dwellings. In terms of amenity impact on the neighbouring dwelling or visual effect on the wider landscape it is not possible to assess the impact due to the lack of detail. However, it can be concluded at this stage that plot 3 is sufficiently large as to not significantly impact on the amenity of this dwelling. Further details of the design and position of the dwellings would be assessed in a further planning application. It is considered that the site is well positioned and the existing landscape features would allow the dwellings to sit well within the landscape. As discussed above it does appear that the site can accommodate three dwellings provided appropriate conditions are attached to any planning approval.

Environment

- 6.8 Policy PR1 Protecting important resources aims, amongst other things, to protect important trees and woodlands. A tree report has been submitted which includes details on existing trees and proposals to protect the trees during construction. It is proposed to remove one tree, due to health and safety reasons and two dead trees. The remaining trees would not be affected by the proposed works as the proposed access road is outwith the root protection area and the footpath would be constructed using the no-dig cellular confinement method without any damage to the root plates. The service run would be aligned with the new internal access road and should not impact on the existing trees. It is noted that the trees are outwith the site boundary, however a management plan for future maintenance and protection would be required to ensure trees are managed and retained. Westhall Castle is an A-listed building located to the north east of the site (600m). The site visit confirmed that the impact on this building would be negligible due to the distance and the extensive mature landscape features.

Technical Considerations

- 6.9 *Policy RD1 Providing suitable services, Access to new development* requires development to be well related to existing developments and be close to existing public transport services where available. The site is located adjacent to the existing settlement boundary of Oyne which is served by regular bus services (B9002). The proposal will make use of an existing field access directly off the unclassified public road. The previous application was refused for three reasons including concerns about the connectivity with the existing settlement. The applicant has resolved these concerns through the provision

of a footpath link at the south of the site. While it is noted that this route does not continue all the way into the settlement it is acknowledged that the provision of a full route is not possible due to physical constraints. The development proposed is small scale therefore will generate a small amount of travel movements. The extension of the 30mph zone and the demonstration that visibility is sufficient has allowed Roads Development to remove its previous objection.

- 6.10 In terms of site servicing, this proposal will connect to the public water network, with foul and surface water dealt with through private drainage systems. The foul water will be disposed of through individual treatment tanks to partial soakaways before discharging into the Gadie Burn. Surface water will be disposed of through soakaways and feed into the Gadie Burn. It has been confirmed that all land is in the ownership of the applicant, therefore the drainage system can be implemented and maintained. The Flood Prevention Unit is satisfied with the proposed drainage system. All other matters can be addressed by applying appropriate conditions and informatives. Developer Obligations would require to be secured by upfront payment or section 75 agreement.

Representations

- 6.11 A number of issues were raised by objectors to the proposal which have been summarised above. All of the matters have been fully discussed above and the Planning Service is satisfied that all material planning considerations have now been resolved.

Conclusion

- 6.12 In conclusion, the development complies with the requirements of Policy R2 Housing and employment development elsewhere in the countryside. It has been demonstrated that this is an appropriate extension to an identified settlement and that there is capacity to accommodate this development. It is considered that the site is suitable for a residential dwellings in terms of location and siting. All technical issues have been resolved and it has been demonstrated that the site can be delivered.

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 is not required because the grant of permission in this case does not have a differential impact on any of the protected characteristics.
- 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 the Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

11. Recommendation

11.1 **GRANT Full Planning Permission subject to the following 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 development shall begin on the site unless all of the details listed in this condition have been submitted to and approved in writing by the planning authority. The development shall be carried out in complete accordance with the details approved in relation to this condition.

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 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.
- (d) Full details of the footpath design and specification.

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. No development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility of 59 metres in both directions along the channel line of the public road has been provided from a point 2.4 metres measured at right angles from the existing edge of the carriageway surface along the centre line of the approved access in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

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

3. The development hereby approved shall not be occupied unless the footpath has been provided in its entirety as shown on the approved plans. Once provided, the footpath shall thereafter be permanently retained as such.

Reason: To ensure access for pedestrians to the settlement.

4. 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, grassed areas and water features;
 - 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, gates;
 - e) A programme for the implementation, completion and subsequent management of the proposed landscaping.
5. 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.

6. No individual dwellinghouse hereby approved shall 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 the Council's Supplementary Planning Guidance on Carbon Neutrality in New Developments.

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 the Council's Supplementary Planning Guidance - Carbon Neutrality in New Developments.

7. No works in connection with this permission hereby approved shall commence unless a tree management scheme has been submitted to and approved in writing by the planning authority. The scheme shall provide details of appropriate proposals for the care and management of all trees to be retained and any new areas of planting.

Reason: In order to preserve the character and visual amenity of the area.

8. 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 protection plan. 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.

9. No works in connection with the development hereby approved shall commence unless details of the refuse bin uplift store area have been submitted to and approved in writing by the planning authority. The area shall be constructed behind any visibility splay and shall be designed so as to be accessible for refuse bin uplift and to prevent empty bins from being wind-blown. No dwellinghouse shall be occupied unless the refuse bin uplift store area has been provided and surfaced

in accordance with the approved details. 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.

10. The *dwellinghouses* hereby approved shall not be occupied unless the existing 30mph speed limit is extended out to cover the new access as detailed on drawing number 504/02C. A Traffic Order will be required for the speed limit extension. The developer must cover all costs associated with extending the speed limit.

Reason: In the interests of road safety.

11. The *dwellinghouses* hereby approved shall not be occupied unless the layby, driveways, parking and turning areas have been provided and fully paved in accordance with details to be submitted to and approved in writing by the Planning Authority. The maximum gradient of the access shall not exceed 1:20 gradient and the access shall be internally drained and formed in such a way to prevent any flow of surface water either onto or from the public road. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of each driveway to an adequate standard to prevent the carriage of loose driveway material on to the public road in the interests of road safety.

12. 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.

13. The *dwellinghouses* hereby approved shall not be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plans and the Drainage Impact Assessment supplied by Goodson Associates. The foul and surface water drainage systems 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.

14. 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 plans 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.

11.2 Reason for Decision

The proposed development accords with the development plan and there are no material considerations which indicate that permission should be refused.

Stephen Archer
Director of Infrastructure Services
Author Matthew Watt (Planner)
Date 12.06.2017

From: [Matthew Watt](#)
To: [Planning Online](#)
Subject: FW: APP/2017/0753
Date: 05 May 2017 16:49:07

Please upload, Thanks

Matthew Watt

Planner

Aberdeenshire Council

T: 01467 534711

From: Stuart Rennie [mailto:stuart.rennie1@outlook.com]
Sent: 05 May 2017 13:04
To: Matthew Watt <matthew.watt@aberdeenshire.gov.uk>
Cc: Bennachie Community Council <bennachiecc@outlook.com>
Subject: Re: APP/2017/0753

Matthew

Following further consultation with Bennachie Community Council members, I can confirm that the 'concerns' raised in my email of 26 April are to be regarded as an OBJECTION to the proposal.

If possible at this late stage, I also wish to cite loss of trees as an additional reason for objecting. Construction of visibility splays would result in loss of trees from the avenue along the stretch of road adjacent to the site. This would be detrimental to the character of the local landscape.

Best regards

Stuart

Stuart Rennie
Planning Spokesperson
Bennachie Community Council

Comments for Planning Application APP/2017/0753

Application Summary

Application Number: APP/2017/0753

Address: Land At West Lodge Westhall Oyne Insch Aberdeenshire

Proposal: Erection of 3 Dwellinghouses

Case Officer: Matthew Watt

Customer Details

Name: Mr Michael Whitcombe

Address: Strathmore Cottage, U61s B9002 At Oyne Via Longcroft To A96t South Of Pitmachie, Oyne Insch, Aberdeenshire AB52 6QT

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This is the 4th known application for this site.

1. Settlement Plan

As noted in the Oyne Settlement Plan, Oyne is a small settlement, the size and location of which means that it is not an appropriate location for significant expansion. Several sites for development have been identified, including the former Archaeolink site. These areas have not been developed and there remain many unsold plots. This application is for a green field site on agricultural land beyond the village boundary.

This was noted in the refusal of the previous application (G/APP/2016/0929).

2. Access

As identified in the Infrastructure Services Roads Development "Technical Consultation No. 1", the access to the village is onto an unlit minor road. Vehicular access to the road has not been improved beyond the widening of the entrance and the removal of a tree.

The addition of pedestrian access although improved still shows pedestrians joining an unlit road on a corner. There is no footpath or pavement to the village and pedestrians have to cross a narrow single lane bridge over the Gadie which is poorly lit. From experience this is a dangerous area particularly at the time children go to school. The road is not wide enough for 2 cars to pass without using the verge.

The new pedestrian link is planned to cut through the existing wood strip which will result in the removal of trees in an area where Red Squirrels live.

The issues identified in the previous refusal remain.

3. Drainage

In the past, during heavy rain there has been considerable run off from the field above this site that flows directly onto the road at the site access. Water also runs down this field in heavy rain.

Surface and waste water drainage are shown to exit onto an area of already boggy ground behind existing houses.

Comments for Planning Application APP/2017/0753

Application Summary

Application Number: APP/2017/0753

Address: Land At West Lodge Westhall Oyne Insch Aberdeenshire

Proposal: Erection of 3 Dwellinghouses

Case Officer: Matthew Watt

Customer Details

Name: Mr George Mathers

Address: Strathmore house Oyne

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Road not suitable for more access traffic

Sewage into gadie already overloaded

No need at moment for more housing in Oyne

Comments for Planning Application APP/2017/0753

Application Summary

Application Number: APP/2017/0753

Address: Land At West Lodge Westhall Oyne Insch Aberdeenshire

Proposal: Erection of 3 Dwellinghouses

Case Officer: Matthew Watt

Customer Details

Name: Mr George Mathers

Address: Strathmore house, Oyne Ab526qt

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: No demand for further expansion of village

No capacity for additional sewage into gadie burn

No suitable access on to road and no pavements

Comments for Planning Application APP/2017/0753

Application Summary

Application Number: APP/2017/0753

Address: Land At West Lodge Westhall Oyne Insch Aberdeenshire

Proposal: Erection of 3 Dwellinghouses

Case Officer: Matthew Watt

Customer Details

Name: Mr David Boyle

Address: Gaudie Bank, Pu41 U61s North Of Railway East To Playing Fields, Oyne Insch, Aberdeenshire AB52 6QT

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Planning Application Reference APP/2017/0753

As neighbours who would be affected by this planning application for 3 dwelling houses we wish to register our objection on the following basis:

1. Road Access

1.1 Pedestrian Safety

The road B9002 is a narrow road which has no effective pavement for much of its length to allow safe pedestrian access to the village centre and the school. The road is bounded by the dykes of existing houses on one side and the Gill Burn runoff from Bennachie on the other: therefore there is no scope for extending the pavement. A further safety issue is an unmanned railway crossing across which pedestrians must walk in order to get to the school and bus stops.

We currently walk our two children to school along this road together with several other parents who include residents from Kirkton of Oyne taking their children to school along the Oyne woodland walk, joining the B9002 between Hope Cottage and Ivy Cottage. There are small sections of pavement on either side of the railway crossing, but other than that it is a question of squashing against the wall as vans, tractors, trucks and cars come over the bridge often at much more than 30 miles an hour. On occasions I have been fearful for my own and their safety. Our neighbours, the Whitcomes from Strathmore House, had their dog run over and killed on this stretch of road late last year.

The planning application asserts that there is clear line of sight from the proposed access to the development onto the B9002. However, this straight, downhill section of road currently encourages

traffic to speed past the proposed development location before entering the current village limits. The traffic then rounds a corner and enters the village often at a speed with little or no regard for pedestrians, frequently children or the elderly, walking on the road ahead where there is no pavement.

This problem has been exacerbated by the steading and farmhouse re-development at Mains of Petmathen on the B9002. Even this small number of additional families driving along the B9002 from the Old Rayne direction to school each the morning increases the risk to children walking along the road to school. If further development is approved then this risk will increase correspondingly as there will also be the construction traffic associated with the development and once completed, the risk from the new residents and service traffic to those residents. If the development is approved we strongly believe it will be further unsafe to walk children to school.

1.2. Narrow Bridge

The bridge over the Gadie on the B9002 between Strathmore House and Bridgend House is narrower than the rest of the already narrow road. During significant floods the Gadie came above the archway of the bridge and began to flow across the road into Strathmore House garden. It is possible that the structure of the bridge may have been compromised over time by repeated flooding and it seems foolhardy to encourage a material increase in traffic, in particular heavy construction traffic, across this bridge.

1.3. Objections to Previous Application APP/2016/0929 from Roads Department

Document APP_2016_0929_Roads_7299118 shows that the Roads Department objected to the previous application to build 3 dwelling houses in this space because of road safety. Nothing has changed in this respect between the two applications. Therefore point 2 on the decision to refuse the previous application remains valid (APP_2016_0929_Decision_PPP_Refusal_7331365)

"It has not been demonstrated that the development can be satisfactorily accessed by a variety of modes of transport, in a safe, convenient, and resource efficient manner therefore contrary to Policy 9 Developer contributions and SG

Developer Contributions 2: Access to new development of the Aberdeenshire Local Development Plan 2012"

2. Drainage, Sewers and Flooding

Although the Developer has undertaken some ground investigations the fact remain there is still no access to mains sewers in Oyne and ultimately in times of heavy rain there will be runoff into the Gadie Burn. With the proposed development being uphill there will be increased runoff from soakaways into the Gadie Burn. Furthermore, due to the local contours, there is also field runoff directly onto the B9002 including across the proposed development site which, if septic tanks are permitted, could overflow down the road on the route into the Gadie. There are several soakaways already draining into the Gadie Burn, including our own. New development and associated storm water runoff would inevitably increase the downstream flooding risk. As was seen by the floods in January 2016 the volume of water flowing quickly into the Gadie impacted the flooding further

downstream.

Arguably point 3 of the decision to refuse the previous application is also still valid. Despite the commissioning of a groundworks survey the same issues exist in that there is no public sewer system and therefore there will be runoff downhill into the Gadie Burn

"It has not been demonstrated that the development can be satisfactorily serviced by means of waste water and surface water drainage infrastructure and is therefore contrary to Policy 9

Developer contributions and SG Developer

Contributions 3: Water and waste water drainage infrastructure of the Aberdeenshire Local Development Plan 2012."

When we last tried to renew our house insurance several insurers refused to quote despite our house not being at any risk of flooding. Many insurers consider proximity to the watercourse to be enough of an issue. Therefore the residents of any new development could also encounter limitations when trying to secure home insurance.

3. Cultural Heritage

This proposed development sits within the boundaries of a Category A listed building. There is a belt of mature beech trees and an historic dyke originally part of the Westhall Castle Estate, which would no doubt be impacted by development and the associated groundworks. Red squirrels live in this belt of trees and chanterelle mushrooms grow in this high amenity area. Many residents and visitors use the area for recreational walking throughout the year. It is arguable that a development here is not in keeping with protecting the natural environment as outlined in "The Vision" section of the "Aberdeen City and Shire Strategic Development Plan"

"protect and improve our valued assets and resources, including the built and natural environment and our cultural heritage;"

4. Outside the Current Local Development Plan and Existing Number of Housing Plots Currently Available in Oyne

This proposal is outside of the current Settlement Statement for Oyne in the Garioch section of the Local Development Plan. There are currently at least 9 housing plots available for development in Oyne. Many of these plots have been available for over a year and have either not been purchased or have no development has begun. Given these circumstances, there is clearly a surplus of development opportunities to meet current demand for additional housing in Oyne. Turning over a mature green belt location bordering a culturally significant site to a housing development makes no sense especially as it is contrary to the current Settlement Statement plan.

5. Summary and Conclusions

The issues with this development are as follows:

- Significant road safety risk to pedestrian and animals walking to school and the bus stop in the village centre along the narrow B9002 with no continuous pavement.

- Increased volume of traffic on the narrow bridge could compromise its structural integrity following significant flooding over previous years.
- No mains drainage system would result in increased runoff into the Gadie Burn and B9002 which could cause further problems to properties downstream during flooding.
- Difficulty for residents to get home insurance with proximity to the water course.
- This is a culturally significant area of high amenity value with belts of mature trees and no existing contemporary housing bordering the A listed Westhall Castle grounds.
- This proposal is outside of the agreed Settlement Statement for Oyne in the Local Development Plan. With at least 9 plots available in Oyne which have been on the market for a significant amount of time there is no legitimate reason to approve further developments on a mature greenbelt site situated outside the currently prescribed development zone.

We would urge you to carefully consider our objections, especially the safety of our children and request that you reject this development.

Kind Regards

David & Moragh Boyle

Comments for Planning Application APP/2017/0753

Application Summary

Application Number: APP/2017/0753

Address: Land At West Lodge Westhall Oyne Insch Aberdeenshire

Proposal: Erection of 3 Dwellinghouses

Case Officer: Matthew Watt

Customer Details

Name: Mrs ann boyle

Address: Bridg End House, U61s B9002 At Oyne Via Longcroft To A96t South Of Pitmachie, Oyne Insch, Aberdeenshire AB52 6QT

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Having checked the Local Development plan 2017, I see that there is no provision for building on this site.

However since an application has been lodged I should like to make several observations.

ROAD SAFETY

The B9002 is a narrow rural road with no pavements, an unmanned railway crossing and a narrow bridge.

Walking home from school or the Village Hall is already dangerous enough without increasing the traffic associated with three modern houses.

I have already noticed more traffic problems, connected to the conversion of the steadings at Longcroft to housing.

There being frequent jousting of cars on the bridge over the Gadie.

WATER RUN-OFF

Three new houses with drives, roofs and drainage, will increase the speed and volume of water running off this area into the Gadie and houses downstream were already flooded in the heavy rains of Jan 2016.

During this event, a stream formed, running down the slope from West Hall through the area shaded in this plan and into the Gadie behind Strathmore cottage.

Having observed at first hand, some years ago in Chapel of Garioch, how regulations controlling water run-off, can be completely flouted by a developer, I have no confidence that the problem could be addressed here.

THREAT TO TREES

The houses in this application are near to an avenue of iconic trees, possibly threatening their root run and contravening tree conservation regulations.

STRIP DEVELOPMENT

Surely the nucleus of Oyne village should be in the vicinity of the school and archeolink, as shown in the 2017 development plan. Straggling development along a rural road must be undesirable.

From: [Sylvia Coultts](#) on behalf of [Planning](#)
To: [Planning Online](#)
Subject: ACTION REQUIRED - FW: Development Application APP/2017/0753 Oyne
Date: 11 April 2017 09:12:20

Please upload to DMS etc

Kind Regards

Sylvia Coultts
Admin Support Officer
Infrastructure Services
Planning & Building Standards
Gordon House
Blackhall Road
Inverurie
AB51 3WA
Tel: 01467 539425 or 761 9425 (internal)
Email: buildingstandards@aberdeenshire.gov.uk
Website: www.aberdeenshire.gov.uk/planning/buildingstandards

-----Original Message-----

From: Brian Morley [REDACTED]
Sent: 10 April 2017 23:15
To: Planning <planning@aberdeenshire.gov.uk>
Subject: Development Application APP/2017/0753 Oyne

Sirs,

As a resident of Oyne I wish to record my objection to an application for three houses to be built on land outside the building zone prescribed in the current Council plan. I cannot understand why such a proposal is being entertained once more given the existence of the Council plan.

The reasons why the proposal should be refused are as follows.

1 The proposed development would exacerbate the water runoff problems known to exist with the Gadie Burn and add an additional dimension of potentially overflowing septic tanks. Flood water is known to flow directly from the development site onto the road and down to the bridge.

2 The road is already hazardous for pedestrians owing to the speed and size of some vehicles, which include large farm vehicles, articulated trucks some of which have difficulty negotiating the railway crossing. More housing would increase the traffic and its hazards.

3 The proposed development site is located in an area of high landscape amenity value for both residents of the area and visitors who walk and cycle throughout the year. The avenue of roadside trees and old retaining walls provide an important character statement which would be destroyed by housing development. Furthermore, the immediate area has significant historical and cultural heritage value which I understand is recognised by Council.

4 Council has given careful consideration to the likely population growth needs of Oyne and already designated a zone for the supply of new housing where safe transport access and drainage issues can be addressed.

Summary

The development application 0753 for Oyne should be refused.

Dr Brian Morley
Bridge End House,
Oyne, Inch,
AB526QT