

Kincardine & Mearns Area Committee Report 22 August 2017

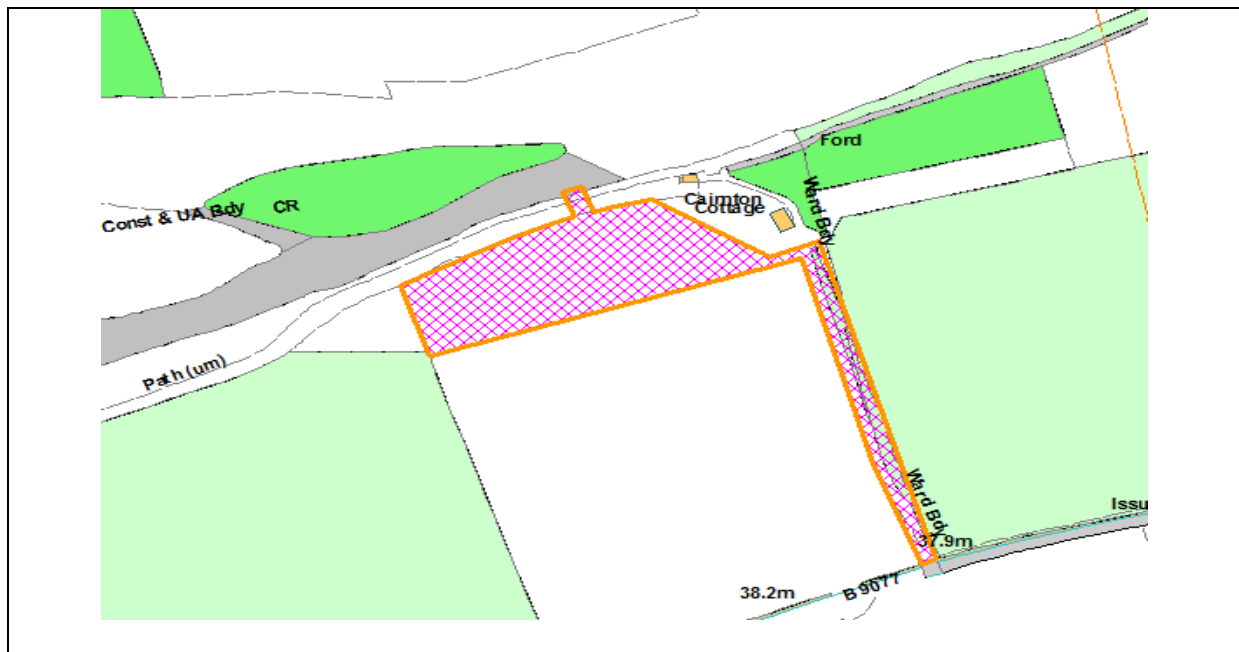
Reference No: APP/2017/1434

Full Planning Permission for Erection of 3 Dwellinghouses (Short Term Letting Accommodation) at Land to West of Cairnton Cottage, Durris, Aberdeenshire, AB31 6BA

Applicant: Maryculter House Hotel, South Deeside Road, Aberdeen

Agent: Wcparchitects, 6 Albyn Lane, Aberdeen

Grid Ref: E:381904 N:798360
 Ward No. and Name: W18 - Stonehaven And Lower Deeside
 Application Type: Full Planning Permission
 Representations: 0
 Consultations: 14
 Relevant Proposals Map: Aberdeenshire Local Development Plan
 Designations: Aberdeen Housing Market Area
 Complies with: No
 Development Plans:
 Main Recommendation: Grant with Conditions



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.3.1c of Part 2C Planning Delegations of the Scheme of Governance as the application for development is a departure from the Development Plan and is recommended for approval.
- 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 Full planning permission is sought to erect 3, three bedroom dwelling houses to be used for short term letting tourism accommodation on a site located on the south side of the River Dee, approximately 3km west of the entrance driveway to Maryculter House Hotel. Access to the site from the South Deeside Road (SDR) is via a 200m private track leading to the Cairnton cottage and the grassed river bank beyond.
- 2.2 The land falls away gradually towards the site from the SDR then more steeply before flattening out. The proposal would be sited on the flattest part of the site. The site is entirely incorporated into an arable field (cereals) located approximately 7.5m above the level of the bottom of the river bank which is covered in vegetation (riparian).
- 2.3 The proposed development is made up of self-contained 'fishing lodges' connected by two subservient glazed sections/links. The development would be sited parallel to the river bank and would be approximately 34m in length. The rear (north) elevation of the middle lodge would create a central focal point and face towards the river. The other two 'lodges' would be located on either side but sited perpendicular/square (gable end) to the river bank, making them appear subordinate to the central lodge. All 3 'lodges' would be one and three quarter storey traditionally proportioned with natural stone roofs and render. The gables facing towards the river would be fully glazed. The south elevation would also incorporate a vaulted ceiling single storey 'extension' glazed on three sides.
- 2.4 Access from the track to the 'lodges' would be taken from a point immediately adjacent to Cairnton Cottage. The new track would be 45m in length and 2.5m wide.
- 2.5 A number of reports and surveys were submitted with the planning application including:
 - A flood risk assessment demonstrating that the development will not be at risk of flooding or increase flood risk elsewhere.

- A drainage impact assessment demonstrating that foul and surface drainage can be achieved with no adverse impacts on the environment including the River Dee Special Area of Conservation.
- An environmental report detailing the results of the walkover survey and confirming that no protected species have been discovered that could be directly affected as a result of the development.
- A construction method statement setting out the measures that will be put in place to ensure that no silt (or other potential pollutants) seep into the River Dee.
- A design, access and justification statement seeks to justify the proposal in terms of its siting and location and design. It is stated that although the site is not directly related to a settlement as such, the very nature of the high-end self-catering accommodation which is proposed, means its appeal lies in its location with views over the fishing pools that the high paying angling tourists pursue. A statement sets out how the design was developed to reflect the local vernacular proportions and detailing.
- A business plan seeking to demonstrate the financial viability of the development/business proposal. The business plan also refers to market research carried out by VisitScotland in 2014 which highlights the lack of self-catering tourism accommodation for large parties within the lower Dee Valley (between Maryculter and Banchory) compared to the large number and variety of self-catering accommodation available in the upper Dee Valley, within the Cairngorms National Park. It is stated that the proposed development would help fill the gap for high-end accommodation specifically aimed at angling related tourism. It is stated that the proposed accommodation would be operated by the same business as Maryculter House Hotel and that the Ghillie (who currently resides at the hotel due to lack of other suitable accommodation) would be moving into Cairnton Cottage, adjacent to the application site.
- A letter from VisitScotland supporting the proposed development has been submitted by the agent. In this letter, it is stated that 'the angling market is extremely strong, with anglers more likely than other types of visitor to take part in activities such as wildlife watching, gardens, hill climbing, sailing and golf. Anglers have a high propensity to take fishing holidays on an annual basis, with types of visits varying from angling trips, where angling is the sole purpose, to trips where angling is more incidental. These lodges will meet the need of both these types of visitors.'

3. Representations

- 3.1 No valid letters of representation have been received.

4. Consultations

Internal

- 4.1 **Business Services (Business Development)** has commented that tourism is a priority for Aberdeenshire 'Aberdeen City and Shire Tourism Partnership strategy document "Building on our Strengths 2013-2010" aims to increase visitor spend and recognises that to achieve this there is a need to "improve and expand accommodation provision". This development proposed good quality self-catering accommodation primarily aimed at anglers.

From the figures provided the proposal appears profitable, based on 70% occupancy rate and fishing uptake. Although fishing revenue is included, the related cost of the ghillie appears to be omitted. Even if the assumption were found to be optimistic, the venture would still be profitable unless the assumption were significantly flawed.

Based on the information provided this proposal appears financially viable.

- 4.2 **Business Development (Developer Obligations)** has commented that as the proposed development would be restricted to short term holiday lets they are not seeking contributions in this instance.
- 4.3 **Infrastructure Services (Environment)** has commented that although the buffer strip between the River Dee and the development is less than recommended for the width of the river in the location, the land in which the lodges are located is agricultural land with minimal biodiversity value and they have incorporated a reasonable sized buffer which incorporates all the semi-natural vegetation along the river bank.
- 4.4 **Infrastructure Services (Contaminated Land)** has no objection to the proposed development.
- 4.5 **Infrastructure Services (Flood Risk and Coast Protection)** has advised that they have no comments to make with regard the proposed development.
- 4.6 **Infrastructure Services (Roads Development)** has no objections to the development subject to condition dealing with access surfacing; the provision of car parking, turning area and a refuse bin uplift store; a passing place.

External

- 4.7 **BP** have commented that, as the safety and engineering of their Forties Pipeline will not be affected, they have no comments to make on the proposal.
- 4.8 **Forestry Commission Scotland** has advised that they have no comments to make with regard the proposed development.
- 4.9 **Health & Safety Executive** has commented that they do not advise, on safety grounds, against the granting of planning permission in this case.
- 4.10 **National Grid** has no objection to the proposed development which is in close proximity of a High-Pressure Gas Pipeline on the basis that they were contacted by the developer to arrange a Deed of Consent for pipeline crossing before the work is carried out.
- 4.11 **Scottish Environment Protection Agency (SEPA)** has no objection to the application on flood risk grounds.
- 4.12 **Scottish Natural Heritage (SNH)** has commented that in their view, it is unlikely that the proposal will have a significant effect on any qualifying interests and as such, an appropriate assessment is not required, provided the level of surface water and waste water treatment are adequate to avoid pollution to the River Dee. Providing the design of the SUDS and waste water treatment is in accordance with current guidance, they are content that these will be suitable to avoid pollution.
- 4.13 **Scottish Water** has no objection to the proposed development.
- 4.14 **Shell UK** has commented that from the information provided, there is no reason why the development and associated construction works would directly affect their pipeline servitude strip or the safety and integrity of their pipeline. The developer should be made aware that Shell should be consulted prior to the laying of services associated with the development that would need to cross their pipeline.

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 2017

Policy B3 Tourist facilities
Policy P1 Layout, siting and design
Policy E1 Natural heritage
Policy E2 Landscape
Policy C4 Flooding
Policy RD1 Providing suitable services

5.4 Other Material Considerations

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6. Discussion

6.1 There are 4 key issues to consider in connection with this application including:

- Whether the development principle can be supported,
- Whether the landscape and visual impact of the proposal is acceptable,

- Whether the proposal is likely to affect nature conservation interests related to the River Dee Special Area of Conservation and the wider area, and
- Whether all technical issues have been addressed or could be addressed through appropriate planning conditions.

Development Principle

- 6.2 Policy B3: Tourist facilities support new tourism facilities that are well related to settlements identified in the Aberdeenshire Local Development Plan and that deliver net economic and social benefits. It is evident that the site is not well related to existing settlements within Aberdeenshire or Aberdeen City area. The site is located 3.5km and 4.5km from Drumoak and Kirkton of Maryculter settlements respectively and between 5.5km and 11.4km from Peterculter and Aberdeen respectively. As such, the proposal is not considered to comply with planning policy in this regard.
- 6.3 Notwithstanding the above, the proposal seeks to exploit a resource that is immediately adjacent to the site i.e. the River Dee by providing high quality accommodation aimed primarily at anglers. There is no denying that salmon fishing is one of the main tourist pulls to Aberdeenshire. As advised by VisitScotland, the angling market is extremely strong and market research carried out by them in 2014 identifies a lack of high-end accommodation aimed at large groups, close to Aberdeen. The proposal is aimed at the high-end angling tourism market and locating the fishing lodges within walking distance of the fishing beats would not only be more sustainable, it would also provide an environment that is likely to be highly attractive to the type of customers the proposal is aimed at and increase the range of self-catering accommodation available between Aberdeen and Banchory. As such, it is considered that a departure from planning policy can be supported in this instance.

Layout, siting and design

- 6.4 Policy P1: Siting, layout and design, supports development designs that demonstrate the six qualities of successful places. Development should be distinctive, safe and pleasant, welcoming through visual appeal, adaptable, resource efficient and well connected. The proposed development displays traditional proportions and materials that are in keeping with the Aberdeenshire vernacular. Although the length of the elevation is 34m long, this is comparable to other development (hotels, country-houses) along the river. Although the development would be located in an elevated position above the river bank, it would be located against a backdrop of rising ground making it relatively inconspicuous when viewed from the South Deeside Road. Views from the North Deeside road would be limited as demonstrated by the indicative photomontages submitted with the application.

- 6.5 Policy E2: Landscape, seeks to ensure that new development does not have a detrimental impact on the landscape character of the area in which it is set. The proposed development would be of a relatively low scale notably in terms of its height and would display relatively traditional proportions in keeping with other development in the local and wider area. The applicant has provided indicative photomontages which appear to show that the development would have no significant long term impacts on the landscape character of the lower Dee Valley in accordance with planning policy.

Nature conservation

- 6.6 The application site is located within the boundaries of the River Dee Special Area of Conservation (SAC). Policy E1: Natural heritage, seeks to protect internationally protected areas such as SAC against development that will have a detrimental impact on their integrity or the interests that give rise to the designation. In the case of the River Dee, these interests include, salmon, otters and freshwater pearl mussels. Scottish Natural Heritage are satisfied that any impacts of this development can be avoided by ensuring that surface and foul water drainage meet the latest standards. Infrastructure Services (Environment) are satisfied that this is adequate in this case for the reasons stated in paragraph 4.3 above.
- 6.7 Policy E1: Natural heritage, also seeks to ensure that new development does not adversely affect species protected by law. A walkover survey of the site was carried out to establish the presence of a number of legally protected species of animals including red squirrels, badgers, birds of prey, water voles and otters. With the exception of a badger set which was found outwith the badger protection zone recommended by Scottish Natural Heritage, no evidence of other species has been discovered within the survey area.
- 6.8 Policy P1: siting, layout and design, seeks to ensure that new developments identify measures that would be taken to improve biodiversity in proportion to the potential opportunities available and the scale of the development. The site is located on agricultural land with minimal biodiversity value and within close proximity of the River Dee SAC/Local Nature Conservation Site and existing semi natural woodland and the landscaping plan has been amended to replace all exotic species with locally native species thus improving the biodiversity of the site.

Technical matters

- 6.9 In accordance with Policy C4: Flooding, a detailed flood risk assessment (FRA) was carried out and reviewed by both SEPA and Infrastructure Services (Flood Risk and Coastal Protection) at pre-application stage. This FRA report was submitted with the application and both consultees have confirmed that they have no objections to the proposed development on grounds of flooding.

- 6.10 Policy RD1: Providing suitable services, seeks to ensure that access to new development does not cause road safety issues. Infrastructure Services (Roads Development) have no road safety concerns in relation to the proposal for the reasons outlined in paragraph 4.6 above.
- 6.11 Policy RD1: Providing suitable services, also seek to ensure that new development is drained in ways that avoid flooding and pollution to the water environment. The submitted drainage report demonstrates that suitable foul drainage solutions can be achieved on site.

Conclusion

- 6.12 In summary, although the proposed development is not well related to a settlement and therefore non-compliant with Policy B3: Tourist facilities, it would be located within walking distance of the resource it is seeking to exploit i.e. the River Dee. Indeed, although the proposed accommodation would not be used exclusively by fishing parties throughout the year, it is primarily aimed at anglers. In addition, it has been demonstrated that the development would have no significant landscape or visual impacts and all other relevant issues relating to drainage, nature conservation, access and servicing have been addressed. As such, the Planning Service is satisfied that the proposal can be supported as a departure from Policy B3: Tourist facilities, of the Aberdeenshire Local Development Plan 2017. The proposal is otherwise fully compliant with all relevant policies of the Aberdeenshire Local Development Plan 2017 notably Policy P1 Layout, siting and design, Policy E1 Natural heritage, Policy E2 Landscape, Policy C4 Flooding and Policy RD1 Providing suitable services.

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 proposed development is not considered to 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

Policy B3 Tourist facilities

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

10.4 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.

10.5 The application would not have to be referred to Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

11. Recommendation

11.1 GRANT Full Planning Permission subject to the following conditions:-

01. 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 215 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 new 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.

02. No part of the development hereby approved shall be erected unless an Energy Statement applicable to that building 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.

03. The development hereby approved shall not be occupied unless a refuse bin uplift store area has been constructed (behind any visibility splay) so as to be accessible for bin uplift and shall be secure enough to prevent empty bins from being windblown. Details shall be submitted for approval by the Planning Authority in consultation with the Roads Authority. Once provided, the refuse bin uplift store area[s] shall thereafter be permanently retained as such.

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

04. No part of the development hereby approved shall be occupied unless off street car parking for 9 cars and turning area measuring 7.6m x 7.6m have been provided and fully paved in accordance with details to be submitted to and approved in writing by the Planning Authority. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the timely provision and completion of the car parking spaces and turning area to an adequate standard in the interests of road safety and to prevent the release of loose materials into the River Dee in the interests in nature consultation.

05. No part of the development hereby approved shall be occupied until the first 5m of the access (measured from the edge of the public road) has been fully paved.

Reason: To prevent the carriage of loose driveway material on the public road in the interests of road safety

06. No part of the development hereby approved shall be occupied unless a passing place measuring as shown on drawing reference 2374/1000/D has

been formed. Once provided the passing place shall thereafter be retained as such in permanently.

Reason: To ensure the existing road network can accommodate the traffic likely to be associated with the proposed development in the interests of road safety.

07. No part of the development hereby approved shall be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plans and the Ground Assessment and Drainage Recommendation Report by SA McGregor dated 31st May 2017. 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.

08. 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.

09. All construction works in connection with the development hereby approved shall be carried out in complete accordance with the approved Construction Method Statement by WCP Architects dated May 2017 and amended on 19th June 2017 and associated drawing reference 2374/1006B.

Reason: In the interests of protecting the natural environment.

10. 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.

(The agreed landscaping scheme MUST be comprehensive and include timescales for the implementation of the works)

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.

11. That no external lighting shall be erected without first submitting details (including location) and specification for the further consideration and approval by the Planning Authority. For the avoidance of doubt any external

lights shall be low level and shall not be directed towards the river. Once installed the lights shall be retained as such permanently.

Reason: In the interests of avoiding impact on otters and foraging bats.

12. Each fishing lodge hereby approved shall be used solely as temporary holiday letting accommodation and for no other purposes whatsoever including use as permanent residential units without the prior express grant of planning permission by the planning authority. Each fishing lodge shall not be occupied as a person's sole or main residence and the owner of the fishing lodges shall maintain an up-to-date register of the name of each occupier of the fishing lodges on the site, their length of stay and their main home address and shall make this information available at all reasonable times to the planning authority.

Reason: The occupation of the [holiday chalets/caravans] as permanent residential units would not comply with the Council's Local Development Plan policies regarding residential development in this area.

13. No windows are to be installed in connection with the development hereby approved unless full details of the proposed windows have been submitted to and approved in writing by the planning authority. The details shall include elevational and sectional drawings at a sufficient scale [e.g. 1:5/1:10/1:20] to show the proposed new window detailing; dimensions, glazing patterns, ventilation and opening methods. Thereafter, the windows shall be installed in accordance with the approved details.

Reason: In the interests of the appearance of the building and the visual amenities of the area.

14. The development hereby approved shall not be harled unless a sample panel of the proposed harling has been made available to and approved in writing by the planning authority. The development shall not be brought into use unless the harling has been applied in its entirety in accordance with the approved details.

Reason: In the interests of the appearance of the building and the visual amenities of the area.

11.1 Reasons for Decision

Although the proposed development is not well related to a settlement and therefore non-compliant with Policy B3: Tourist facilities, it would be located within walking distance of the resource it is seeking to exploit i.e. the River Dee. As such, the Planning Service is satisfied that a departure from Policy B3: Tourist facilities, of the Aberdeenshire Local Development Plan 2017 can be supported in this instance. The proposal is otherwise fully compliant with all relevant policies of the Aberdeenshire Local Development Plan 2017 notably Policy P1 Layout, siting and design, Policy E1 Natural heritage,

Policy E2 Landscape, Policy C4 Flooding and Policy RD1 Providing suitable services.

11.2 That the Committee agree the reason for departing from the Aberdeenshire Local Development Plan 2017.

Stephen Archer
Director of Infrastructure Services
Author of Report: Aude Chaiban
Report Date: 3 August 2017