



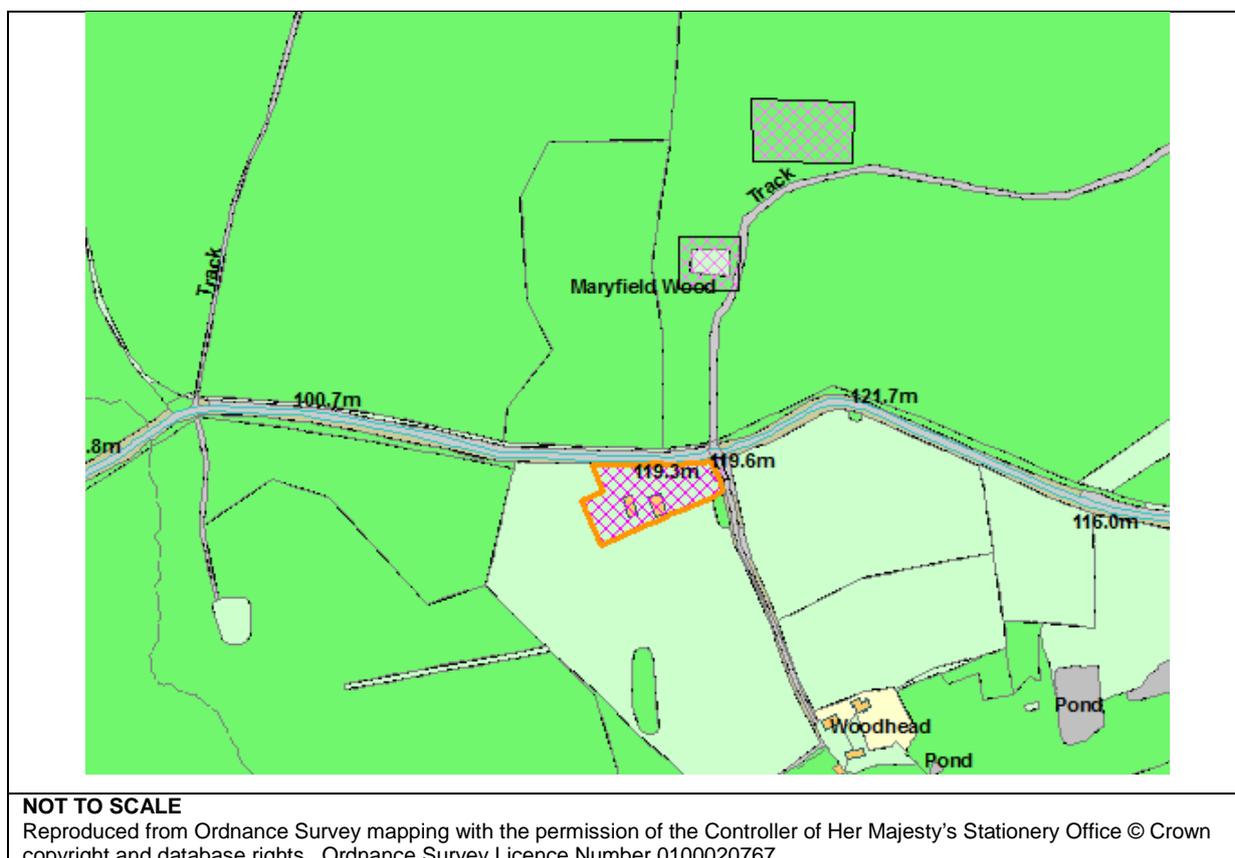
Marr Area Committee Report 29 August 2017

Reference No: APP/2016/3058

Full Planning Permission for Erection of 2 Dwellinghouses and Garage and Change of Use of Agricultural Land to Domestic Garden Ground at Land to North of Woodhead, Tillquhillie, Banchory, Aberdeenshire

Applicant: N J Properties Per Agent
Agent: John Wink Design, Midtown of Foudland, Glens of Foudland, Huntly, AB54 6AR

Grid Ref: E:371359 N:794710
Ward No. and Name: W16 - Banchory and Mid-Deeside
Application Type: Full Planning Permission
Representations: 0
Consultations: 6
Relevant Proposals Map: Aberdeenshire Local Development Plan
Designations: Aberdeen Housing Market Area
Complies with: Yes
Development Plans:
Main Recommendation: Delegated Grant



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.3.1g of Part 2C Planning Delegations of the Scheme of Governance as there is an unresolved objection from a consultee.
- 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.

2. Background and Proposal

- 2.1 Full planning permission is sought for the erection of 2 dwellinghouses and garages, and the change of use of land from agricultural to domestic garden ground at land to the north Woodhead, Tillquhillie, Banchory.
- 2.2 The site is located approximately 1.5 miles outside of Banchory and contains two redundant, disused agricultural buildings. The site is surrounded by agricultural land on all sides, bound by post and wire fencing, with tree planting on the northern boundary providing screening to the road (north). The surrounding area is characterised by traditional farm buildings scattered throughout the landscape. The site is accessed via an existing unclassified road; a new access will be formed directly onto this unclassified road.
- 2.3 A previous application for this proposal was withdrawn (APP/2016/2649) due to the proposed access road to the east of the site being unable to achieve the appropriate visibility splays. This re-submission includes an alternative access to the north of the site.
- 2.4 It is proposed to erect two traditionally proportioned dwellings, 1 ½ stories in height with an 'L' shaped footprint. The eastern unit shall have an integrated double garage, whilst the western plot shall have a detached double garage. Each dwelling will be of a slightly different layout and design, however will read as a contiguous proposal to the matching proportions and materials. The materials chosen are of high quality; off white wet harl render with a mix of traditional stone and timber cladding to break up the mass of the dwellings. The roof will be natural slate with the windows aluminium clad timber. The north and east of each plot will be utilised for parking and turning with garden ground surrounding each plot to the rear (south) and side (west).
- 2.5 A number of documents have been received in support of the proposal and are outlined below:
 - **Supporting Statement (John Wink Design June 2017)** - The agent has provided further information on the former use of the two outbuildings on the site. One of the buildings was used as a general purpose storage building and the other for the storage of hay. The agent has confirmed that the buildings are both redundant for their original purpose and unsuitable for modern agricultural practice.

- **Design Statement (John Wink Design September 2016)** - The design statement provides a site analysis and description, design solution and details of materials. The agent states that the proposal is to sit naturally within the site and have respect for its position in the wider landscape, having minimum impact on the amenity of adjacent properties. The design will ensure high performance in terms of minimising energy use and be developed with high architectural quality.
- **Drainage Certification (John Wink, December 2016)** - the results of the investigation indicate that the subsoil is suitable for an infiltration system for the disposal of septic tank effluent. In terms of surface water, the results indicate that a soakaway is appropriate for the disposal of surface water. Connection to the public water supply network is proposed.
- **Bat Survey (Black Hill Ecology Ltd)** – identifies presence of bats, including a roost for a low number of bats.

3. Representations

- 3.1 No valid letters of representation have been received.

4. Consultations

Internal

- 4.1 **Business Services (Developer Obligations)** have confirmed that agreement has been reached towards affordable housing and infrastructure. However, payment will be sought prior to final issue of consent.
- 4.2 **Infrastructure Services (Contaminated Land)** initially requested additional information on the former use of the site. On receipt of this information, contaminated land have confirmed that there is no indication of any past use which may have caused contamination.
- 4.3 **Infrastructure Services (Environment Department)** were consulted on the bat survey. They confirmed that the survey was acceptable and to consult Scottish Natural Heritage in relation to a licence.
- 4.4 **Infrastructure Services (Environmental Health)** have objected to the proposal due to an existing business operating approximately 140metres to the north of the site within Hill of Maryfield Wood. The business comprises the processing of timber into firewood. Environmental Health considered the noise to be noticeable for people occupying the proposed dwellings. Therefore, Environmental Health request that a Noise Impact Assessment is carried out. Additional comments have since been provided, reiterating concerns about the separation distance between the wood working operations and the site, and that they require a noise report to remedy their concerns before they could support the application.

- 4.5 **Infrastructure Services (Roads Development)** do not object to the proposal subject to a number of conditions in relation to the new access, off street parking, lay-by, visibility splay, refuse bin uplift and vehicle turning area.

External

- 4.6 **Scottish Natural Heritage (SNH)** were consulted due to the presence of bats within the redundant buildings. SNH has confirmed that it is likely the licencing tests will be met and a licence could be granted.

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 P1: Layout, siting and design
 Policy R2: Housing and employment development elsewhere in the countryside
 Policy RD1: Providing suitable services
 Policy RD2: Developers obligations
 Policy E1: Natural heritage

6. Discussion

- 6.1 What requires to be considered is whether the proposal meets policy, fits successfully within the site, respects the character of the surrounding area, and whether it can be satisfactorily served both in terms of drainage and access.

Principle of development

- 6.2 Policy R2 Housing and employment development elsewhere in the countryside states we will approve new small scale development, subject to other policies where it is for refurbishment or replacement of an existing or disused building, or it is on a site which has been previously developed and is now redundant.
- 6.3 The application site comprises of two disused outbuildings buildings. It is proposed to demolish both outbuildings and replace with modern dwellinghouses. The outbuildings are unsuitable for modern agricultural practice, constructed in dry dash render and concrete block and in a state of disrepair. In this case, the existing buildings are of no particular architectural merit and are considered appropriate to demolish and replace with suitable new build dwellinghouses, in line with Policy R2 housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017.

Layout, siting and design

- 6.4 Policy P1: layout, siting and design states that new development must be appropriately designed and in-keeping with the character and setting of the surrounding area.
- 6.5 The proposed dwellings would be sited centrally within substantially sized plots with a mix of natural boundary treatments, post and wire fencing, foliage and dry stone dykes to maintain the rural feel of the development. The proposed house designs utilise traditional, high quality materials, natural slate roof and a mix of wall treatments. The design encompasses modern elements such as feature glazing, with the 3D visualizations providing an overview of the dwellings with sharp, clean lines, feature gables and contrasting materials. The site is a substantial size which can accommodate the scale of the proposed dwellings, ensuring the development will not erode the character of the area through over-development.

- 6.6 Overall, the proposed house design is considered to demonstrate the requirements set out with Policy P1, ensuring adequate amenity space, connectivity throughout the site, providing a sense of place and appropriate, contemporary appeal.

Amenity

- 6.7 No detrimental amenity impacts are expected to occur in regard to overlooking, overshadowing or overbearing. There is a separation distance of approximately 28 metres, with a large expanse of garden ground between the proposed dwellings. Design/landscaping have ensured that any potential amenity impacts are reduced. There are no neighbouring properties that could be impacted by development.
- 6.8 No valid representations were received in regard to the application, however, during the determination of the application a member of the public raised concerns regarding the potential issues two proposed dwellings could have on his existing wood cutting business, which is located approximately 140m to the north of the development site. Therefore, in turn, the amenity impact his business may have on the future occupants of the proposed dwellings which could lead to complaints that could detrimentally impact on his business. Although this could not be treated as a valid objection due to the concerns being raised out with the 21 day statutory period, as a material planning concern was raised, the Planning Service have a duty to investigate the concern. The business comprises the processing of timber for firewood which entails use of chainsaws and a tractor powered log splitter, and sits approximately 140m north of the site within woodland on Hill of Maryfield.
- 6.9 Environmental Health were subsequently consulted. After a site visit, the Environmental Health Officer recommended a Noise Impact Assessment was carried out to include the measurements of the noise from various activities and an assessment of how they could affect the potential occupiers of the proposed dwellings.
- 6.10 However, the applicant/agent was reluctant to provide the report at a late stage in the process, and the Planning Service have taken a balanced view that the existing operations in the rural area are not substantial, the separation distance to the site is reasonable, the landform/landscape features provide some screening/barrier and that new occupant would effectively be moving to the area where the noise source already exists, rather than a new nuisance being created. The proposal includes planting along the northern boundary of the site which will provide further mitigation. A landscaping condition will be attached to the consent to gain details of the type and species of planting proposed, and at this time it can be controlled that the planting will be dense, semi-mature/quick growing to ensure further mitigation is in place at an early stage. In addition, the dwellinghouses have been designed with the majority of the habitable rooms to the south to take advantage of the southern aspect, which in turn reduces any detrimental noise impact from the north. Furthermore, future occupants of the dwellings would be moving to the source of the noise as opposed to the noise being created following the erection of the dwellinghouses, which case law typically identifies as “moving to the

nuisance". The type of noise is typical of rural activities associated with living in the countryside, and could equally stem from agricultural uses.

- 6.11 The request for information from Environmental Health, and absence of that information, results in an objection from Environmental Health remaining. The Planning Service did discuss with the applicant whether they wished to carry out a Noise Impact Assessment, however they opted not to. The Planning Service, balancing the above points, are therefore minded to progress the application and support the proposal.

Servicing

- 6.12 Turning to Policy RD1, providing suitable services and RD2 Developer obligations; contributions have been agreed towards affordable housing and infrastructure, payment can be sought as a delegated matter. Roads Development do not object to the proposal, providing a number of conditions regarding the new access, driveway, off-street parking and refuse bin uplift are attached to the consent, compliant with Policy RD1 access to new development. In regard to drainage, the results of the investigation indicate that the subsoil is suitable for the installation of a new septic tank and soakaway for disposal of surface and foul water, in line with Policy RD1 water and waste water.

Potential impact on bats

- 6.13 Policy E1 Natural heritage seek to ensure that species protected by national or international law are protected from harm from development. A bat survey carried out in 2014 confirmed that bats were found to be present within the outbuildings. As bats were found to be present, and the survey was 2 years old, the advice from SNH was sought as to whether an updated bat survey would be required. They confirmed that in order to determine the likelihood of a licence being granted an updated survey was required. An updated survey was carried out in May 2017. This confirmed that the outbuildings are used as a roost site for a small number of bats. The proposed development will affect all buildings, which will lead to the destruction of the bat roosts. In order to mitigate against this a number of measures have been put in place which are outlined within the bat survey report. Scottish National Heritage was consulted and states that it is likely the tests would be met and a license would be granted. Therefore, the application complies with Policy E1 Natural heritage.

Conclusion

- 6.14 Overall, the application is acceptable in regard to ensuring the character of the area is respected by ensuring the proposed dwellings are appropriately sited and designed. The potential noise implications from a neighbouring wood cutting operation situated to the north is not considered to raise significant issues. The application is considered to comply with the relevant policies of the Aberdeenshire Local Development Plan 2017, and is therefore recommended for approval.

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 granting or refusing of the application will 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 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:-

- (a) Satisfactory resolution of Developer Obligations;
- (b) The following conditions:

01. 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.

02. 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 90 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.

03. The dwellinghouses hereby approved shall not be occupied unless its lay-by, driveway, parking and turning area has 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 first 5m of the new access shall not exceed 1:20 gradient and the first 5m of new access (measured from the edge of the public road) is to be fully paved. Off-street parking for 5 cars, surfaced in hard standing must be provided within the site and a lay-by measuring 8.0metres by 2.5metres with 45 degree splays is to be formed on the frontage of the site and the proposed vehicular access is to be taken via this. Construction shall be to a standard appropriate to the location and must be agreed in advance with Roads Development. A suitable vehicle turning area, measuring not less 7.6metres by 7.7metres must be formed within the site to enable all vehicle movements onto or from the public road in forward gear. Each 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.

04. No works in connection with the development hereby approved shall commence unless details of the refuse bin uplift store areas have been submitted to and approved in writing by the planning authority. The areas 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 areas have been provided and surfaced in accordance with the approved details. 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.

05. 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 landscape features and vegetation to be retained;
- (b) Protection measures for the landscape features to be retained;
- (c) The location of any new trees, shrubs, hedges, grassed areas and water features,
- (d) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- (e) The location, design and materials of all hard landscaping works including walls, fences, and gates;
- (f) An indication of existing trees, shrubs and hedges to be removed;
- (g) A programme for the implementation, completion and subsequent management of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

06. 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.

07. 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 report carried out by John Wink Design dated December 2016. 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.

11.2 Reason for Decision

01. The application is considered appropriate to the countryside setting, with ample amenity space utilising two existing brownfield opportunities in line with R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017. Issues relating to noise from a nearby rural enterprise are not considered to significantly impact on amenity of future residents.

Stephen Archer
Director of Infrastructure Services

Author of Report: Louise Smith
Report Date: 1 August 2017