



## Garioch Area Committee Report – 21 November 2017

Reference No: APP/2017/1822

**Description: Full Planning Permission for Change of Use and Alterations to Steading to Form 2 Dwellinghouses at The Blair, Fintray, Aberdeenshire, AB21 0JL**

**Applicant: Mrs Jacqui King**  
**Agent: Cameron Architectural Design Ltd**

Grid Ref:	E:384119 N:820532
Ward No. and Name:	W12 - East Garioch
Application Type:	Full Planning Permission
Representations:	1
Consultations:	10
Relevant Proposals Map Designations:	Aberdeen Housing Market Area, Countryside, Agricultural Heartlands
Complies with Development Plans:	No
Main Recommendation:	Grant



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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.

## **2. Background and Proposal**

- 2.1 This application seeks full planning permission for an amended scheme for the conversion existing steading at the Blair, Fintray. The site is located on an unclassified road between the B933 at Keith Hall and the B979 to Hatton of Fintray. The site is located approximately 3.8km north of Hatton of Fintray and 2.3km north east of Kinmuck. The application site refers to the north western half of an unconverted stone built steading. The south eastern half of the steading is subject to a pending application for conversion into two units, (APP/2017/1576). The traditional 'U' shaped steading was previously in filled by a cattle court. The building has been stripped out and the cattle court has been removed meaning that the internal north east and north west elevations are currently open to the elements.
- 2.2 The steading as a whole received planning permission in 2014 (APP/2014/1449) for conversion into two 'L' shaped units. At the end of 2016 an application, (APP/2016/3445) for Demolition of Existing Steading and Erection of 2 Dwellinghouses was submitted. Due to the unfavourable recommendation for the application from the planning service the application was withdrawn in January 2017. In February 2017 the steading was sold and the applicant bought the north western half of the steading.
- 2.3 This application seeks to subdivide the previously approved north western unit into two smaller units. One unit would make use of the frontage of the steading, with the second unit behind in the rear wing. To ensure that the both plots have sufficient usable private garden ground the internal courtyard area will be divided in two horizontally parallel to the south west elevation. Small modifications have been proposed to the approved, APP/2014/1449, design to facilitate the division into two units. The principal south west elevation is broadly similar with small modifications to the existing openings and removal of the existing wall head dormer and additional roof lights. Slightly more radical changes are proposed to the north west elevation to accommodate the additional unit. An additional garage opening is proposed to the southern end of the elevation. At the northern end of the elevation a small extension to accommodate an entrance hallway and utility as well as carport is proposed. The north west elevation will have four new wallhead dormers to the roof as well as additional rooflights. There will be areas of timber cladding to pick out key features and on the walls of the extended area. Further areas of cladding are proposed to the south east elevation as well as the gable end of the new car port.

- 2.4 Despite the additional garaging areas, all car parking will now be provided for Unit 1 (south west) and Unit 2 (northern west) to the south west in front of the south west principal elevation. It is indicated on the plan that the area can accommodate up to four parking spaces. Low level hedging at 0.6m high will be provided along the south western boundary to screen the proposed development from the road. Further 1.8m high timber fencing will be erected between the two plots and the remaining steading to the south east.
- 2.5 The proposed development will be served by a shared package sewerage system and a new surface water soakaway.

#### Site History

- 2.6 There is recent planning history to the application and to the surrounding area.
- APP/2008/2241, Full Planning Permission, Erection of Agricultural Building, Approved Sept 2008
  - APP/2014/1444, Part Demolition of Steading, Change of Use of Land to Residential and Erection of 3 no. Dwellinghouses, Withdrawn June 2014
  - APP/2014/1449, Change of Use, Conversion and Alterations of Steading to 2 No. Dwellinghouses, Approved August 2014
  - APP/2016/3445, Demolition of Existing Steading and Erection of 2 Dwellinghouses, Withdrawn, January 2017
  - APP/2017/1576, Conversion of Steading to Form 2 Dwellinghouses with Associated Parking and Gardens, pending

#### Supporting Information

- 2.7 The application is supported by a range of information including:
- Ground assessment and drainage recommendation report (prepared by S.A. McGregor, dated 4 April 2014)
  - Phase 1 Environmental Risk Assessment (prepared by EnviroCentre, dated June 2017)
  - Design statement (prepared by Cameron Architectural Design , dated July 2017)
  - Bat survey report, prepared by Back Hill Ecology July 2017
  - Supplementary Economic Justification was produced by Cameron Architectural Design, dated November 2017

#### Variations & Amendments

- 2.8 Revised drawings were submitted to amend the proposed uPVC windows to Alu-Clad and to address feedback from roads development (CAD-062-001Rev E).

### **3. Representations**

- 3.1 One valid representation (in support) has been received as defined in the Scheme of Governance. All issues raised have been considered. The letter raises the following material issues:

- *Restoration of attractive historic building;*
- *Provision of affordable housing;*
- *Additional housing will sustain local services and facilities.*

#### 4. Consultations

- 4.1 **Business Services (Developer Obligations)** The applicant has agreed to pay the required contributions should the application be approved.
- 4.2 **Infrastructure Services (Archaeology)** has no objection and in this case requires no mitigation as a recording of the building was carried out as part of the previous consent.
- 4.3 **Infrastructure Services (Contaminated Land)** on receipt of additional information that was submitted under the previous application contaminated land is satisfied and recommends a formal note be attached to the consent should the application be granted.
- 4.4 **Infrastructure Services (Environmental Health)** does not object and recommends a condition to ensure that the proposed development connects to the public water supply.
- 4.5 **Infrastructure Services (Natural Environment)** confirms that the bat survey is acceptable.
- 4.6 **Infrastructure Services (Roads Development)** initially raised concerns about a road safety and parking provision. On receipt of amended plans it confirmed there is sufficient onsite parking to serve the proposed development.
- 4.7 **Health and Safety Executive** does not advise against on safety grounds the granting of the planning application.
- 4.8 **National Grid** has not responded that the application site is not in a zone of its interest.
- 4.9 **Scottish Gas Networks** does not object to the proposal and show the medium pressure gas pipe to be out with the application site.
- 4.10 **Scottish Water** has no objection to the application.

#### 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 R2 Housing and employment development elsewhere in the countryside

Policy P1 Layout, siting and design

Policy RD1 Providing suitable services

Policy RD2 Developers' obligations

## 5.4 Other Material Considerations

None.

## 6. **Discussion**

- 6.1 Full planning permission is sought for the change of use and alterations to a steading to form two dwellinghouses. There is recent planning history to the site and the immediate area. The key planning issues are whether the principle of development can be supported, whether the layout and design is appropriate and whether the site can be suitably serviced.

### Principle of Development

- 6.2 In terms of the principle of this development Policy R2 Housing and employment development elsewhere in the Countryside. The policy allows for small scale development of up to three dwelling houses out with the Aberdeen City greenbelt. This is subject to other relevant policies and the meeting of the following criteria set out within it:

1. be appropriate in the greenbelt (see Policy R1: Special rural areas); or
2. involve the refurbishment or replacement, on the same site, of an existing house or disused building; or
3. involve remediation of redundant brownfield land opportunities.

In this instance point 2 is applicable as the proposal involves the conversion of a vernacular farm building.

- 6.3 The policy is clear that small scale development constitutes three dwelling houses. The proposal seeks to add an additional unit to half of a steading which was approved for conversion into one unit under a previous application in 2014. This would bring the total number of units within the steading up to three which would be acceptable in principle. However, before the submission of the application a separate application for subdividing the other half of the steading into two units was submitted. This site is under separate ownership with a different agent. Although the application under consideration was submitted second, both applications are under consideration at the same time and cannot be considered in isolation. If both were granted, clearly this would result in four units on the site.
- 6.4 A recent withdrawn application (APP/2016/3445) sought to demolish the steading and erect two dwellinghouses. The proposal could not be supported as the policy presumes against the demolition of attractive vernacular steadings. This scheme involves retention and conversion of the steading with a modest rear extension and minimal amendments to the original consent required. Material weight must be given to the proposed sympathetic scheme that seeks to preserve an attractive vernacular agricultural building.
- 6.5 The agent has submitted an Economic Report in support of the application. The report contains detailed research that has been undertaken on the current housing market in Aberdeenshire. The report makes links between the current downward market trend and the rise in demand for more modest sized dwellings with the proposal. The report in particular highlights the stagnation of the upper end of the market with 5/6 bedroomed properties. The agent has explained how this informed their client's decision to develop their half of the steading into two dwellings of 181m<sup>2</sup>, (unit 1) and 149m<sup>2</sup> (unit 2) as a proposed to one large dwelling of 242 m<sup>2</sup>. The agent has given examples of steadings and steading sites that have been approved by the planning authority for more than three dwellings. However, it is noted that these were received prior to the adoption of the 2017 Local Development Plan. The previous 2012 Local Development Plan allowed more flexibility and exceptional circumstances to be taken into account.
- 6.6 The additional information supplied by the agent has been evaluated and it is considered that there is a strong economic justification for amending the scheme to two more modest dwellings. In addition to the economic arguments it is also considered that unit can be unobtrusively divided into two dwellings with only the need for a small extension to the rear. No previously undeveloped land has been utilised and the additional parking can comfortably be accommodated on site. There will be no additional visual impact from the proposed development. It is therefore concluded that based on the above justification the conversion of half of the steading into two units is acceptable departure to the local development plan.

#### Layout and Design

- 6.7 All new development must comply with Policy P1 Layout, siting and design. Small modifications have been proposed to the previously approved design to facilitate the division into two units. The principal south west elevation is broadly similar with small modifications to the existing openings and the removal of an existing wall head dormer window. Further details were requested to show a 1.8m timber fence dividing the court yard to ensure that privacy between the two units is created. The proposed extension is

unobtrusively sited to the rear and will not be visible or detract from the symmetry of the principal elevation. The extension and additional upstairs windows to the north west elevation do not introduce any new issues of overlooking or overshadowing. The plans were updated to include the use of aluclad windows to match the neighbouring plot and accord with the original high quality design. The use of natural slate, aluclad windows and timber cladding is considered acceptable. The proposal therefore complies with Policy P1 Layout, siting and design.

### Technical Matters

- 6.8 Roads Development initially raised concerns about road safety. The plans were amended and all parking is now proposed in front of the south west elevation. On receipt of additional information it confirmed it was satisfied with the proposed access and parking arrangements.
- 6.9 A drainage report was prepared by SA McGregor and states that the proposed development will use standard sub-surface soakaway systems for disposal of foul and surface water. The report confirms that these will be effective in all weather conditions. Scottish Water confirmed that there is currently sufficient capacity at the Invercarnie water treatment works. Environmental Health has confirmed it is happy with the connection to the public water supply provided it is conditioned that the public water supply is retained. It has been demonstrated that the proposed development can be adequately serviced and the proposal complies with Policy RD1 Providing suitable services

### Other Matters

- 6.10 Archaeology does not object to the proposed development and in this case requires no mitigation as a recording of the building was carried out as part of the previous permission. Contaminated Land confirm on receipt of additional information that was submitted under the previous application that it is satisfied and recommend a formal note be attached to the consent should the application be granted. Due to a previous bat survey carried out in 2014 that found the building to be used by bats an updated survey was requested. However since the previous bat survey was carried out the cattle court has been demolished and internal elevations have been left exposed to the elements. A further Bat survey was carried out by Blackhill Ecology in July 2017. The report concludes that no bats were found and no mitigation is required. It has been confirmed that the bat survey is acceptable.

### Conclusions

- 6.11 The proposed development is considered an acceptable departure from Policy R2 Housing and employment development elsewhere in the Countryside. The application in isolation would create a total of three units, which is supported by policy. However, the tandem application submitted shortly before this application (APP/2017/1576) would bring the total numbers for the steading up to four which would be in excess of small scale development. The agent has carried out robust market research and has developed a viable scheme to retain the steading. The proposed high quality design that facilitates the retention of an attractive vernacular building which at one stage was earmarked for demolition is a material consideration. It is also considered that the two units can easily be accommodated within the

steading with just a modest unobtrusive extension and no previously undeveloped land are required to accommodate the addition unit. It is therefore concluded the proposal is an acceptable departure to Policy R2 Housing and employment development elsewhere in the Countryside.

## **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. Implications and Risk**

- 8.1 An equality impact assessment is not required because the granting or refusing of the application will not have a detrimental impact on the protected characteristics of the applicant or any third parties.
- 8.2 There are no staffing and financial implications.
- 8.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.

## **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 R2 Housing and employment development elsewhere in the Countryside.

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

- a) payment of agreed developer obligations; and
- b) the following conditions:

1. 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 2.4 metres by 59 metres is formed on either side of the junction of the vehicular access with the public road has been provided 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.

2. 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 areas shall thereafter be permanently retained as such.

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

3. 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 and grassed areas*
- 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 and gates*
- e) 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.

4. The vehicular access and driveways hereby approved shall not be brought into use unless they have been provided and surfaced in accordance with the details shown on the approved plans. Prior to occupancy of each dwelling, 2 off street parking spaces surfaced in hard standing materials must be provided. The first 5 metres of the access measured from the edge of the road or back of the footway shall be fully paved and shall have a maximum gradient not exceeding 1:20. 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, the access, driveway and parking area shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the access and driveway to an adequate standard; to prevent the carriage of loose driveway material on to the public road and to ensure the retention of adequate off-street parking facilities, all in the interests of road safety.

5. 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.

6. That the proposed foul water drainage system shall be carried out in accordance with the Drainage Recommendation Report dated 4 April 2014 and the approved plans and the dwellinghouses shall not be occupied unless the approved drainage system has been implemented in this form, unless otherwise agreed in writing with the Planning Authority. Following provision of the drainage system it shall thereafter be maintained by the developers or their successors in accordance with the approved maintenance scheme.

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

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

The proposed development would ensure the reuse of the existing attractive vernacular steading building that was at one stage intended to be demolished. The additional unit requires a small modest extension to the existing steading and no previously undeveloped land is required to be utilised. The planning service therefore supports the proposed development as an acceptable departure to Policy R2 Housing and employment development elsewhere in the Countryside.

**Stephen Archer**  
**Director of Infrastructure Services**  
**Author: Hilary Wilkinson (Planner)**  
**Date: 07/11/2017**

# Comments for Planning Application APP/2017/1822

## Application Summary

Application Number: APP/2017/1822

Address: Steading At The Blair Fintray Aberdeen Aberdeenshire AB21 0JL

Proposal: Change of Use and Alterations to Steading to Form 2 Dwellinghouses

Case Officer: Hilary Wilkinson

## Customer Details

Name: Mrs Samantha Annal

Address: Broadshed Fintray

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Beautiful building would be great to see it restored to its former glory. With the current aberdeen oil crisis it would be nice to see more of these affordable 2/3 bedrooms country properties which would reflect on the current climate. These large 5/6 bedroom homes don't improve the property market as they are now in the minority to be afforded. Local primary schools which are under capacity would also benefit from new families moving in and utilising/contributing to the facilities.