

Formartine Area Committee Report - 16 January 2018

Reference No: APP/2017/2430

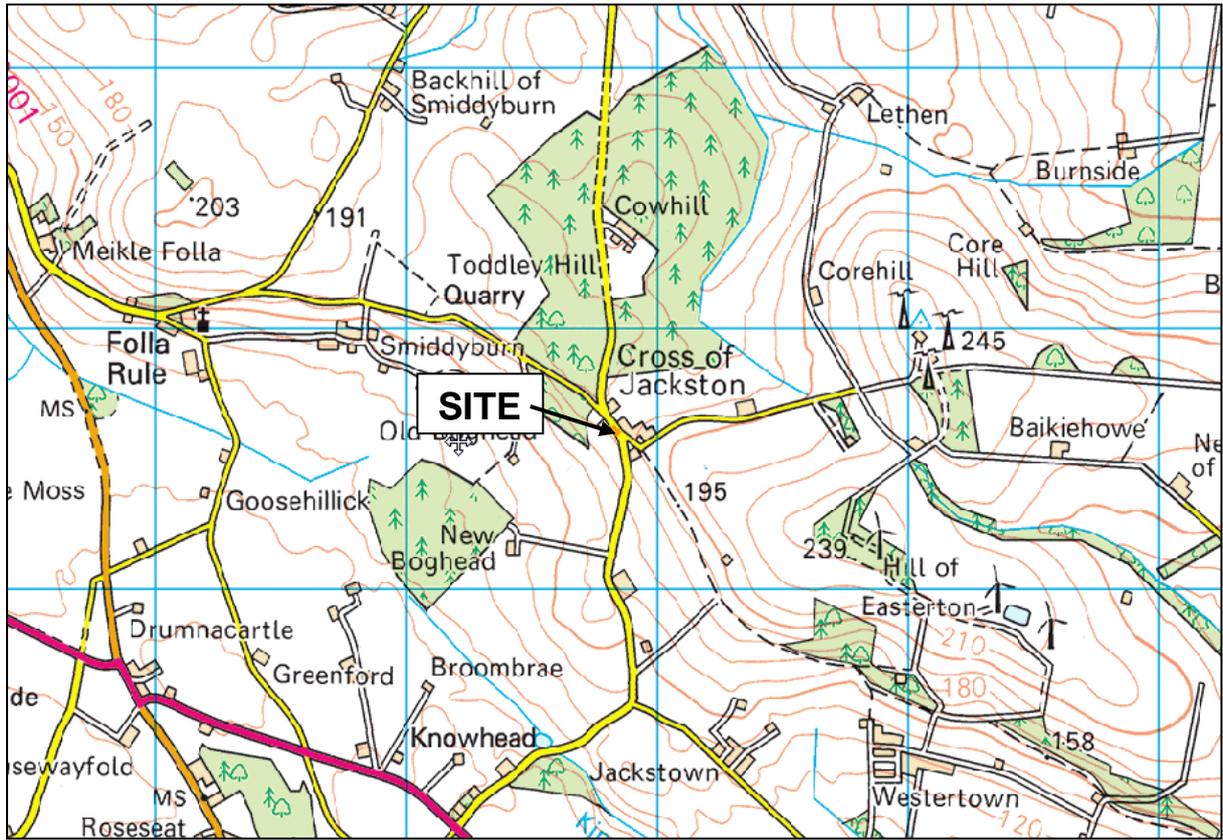
Full Planning Permission for Erection of 1.8m High Fence (Retrospective) at Cross of Jackston, Rothienorman, Inverurie, Aberdeenshire, AB51 8UT

Applicant:	Mr Stuart Brown
Agent:	No Agent
Grid Ref:	E:374834 N:832610
Ward No. and Name:	Turriff And District
Application Type:	Full Planning Permission
Representations:	2
Consultations:	1
Relevant Proposals Map:	Aberdeenshire Local Development Plan
Designations:	RHMA
Complies with Development Plans:	No
Main Recommendation:	Refuse



NOT TO SCALE

Reproduced from Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright and database rights. Ordnance Survey Licence Number 0100020767.



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 their comments are incorporated within the report and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

2. Background and Proposal

- 2.1 This application seeks retrospective full planning permission for the erection of a 1.8 metre high wooden slat fence at Cross of Jackston, Rothienorman. The applicant removed the previous Leylandii hedge as it had grown 10 metres in height and was encroaching on the road and telephone wire. This country road has many large vehicles passing such as lorries from the local Quarry and tractors/trailers and harvesters from surrounding farms. Appendix 1 contains the Location Plan.
- 2.2 The fence will run in a 'L' shape along the North Eastern and South Eastern Boundary lines of the garden area associated with Westertown Farm which lies to the North. The fence will lie directly adjacent to the main road running through Cross of Jackston.

3. Representations

- 3.1 A total of 2 valid representations of support have been received as defined in the Scheme of Governance. All issues raised have been considered. The letters raise the following material issues:
 - *It provides privacy and shelter from the weather and noise from the traffic.*
 - *The new fence involved the removal of a decaying unsightly overgrown hedge. It was so tall it was at risk of damaging overhead telephone cables.*

4. Consultations

- 4.1 **Infrastructure Services (Roads Development)** has objected to the proposal on the basis that there will be insufficient visibility upon exiting the driveway at Westertown Farm as a result of the positioning and height of the fence.

A site visit carried out by Roads confirmed that the new fence is closer to the edge of the public road, and not on the same line as the original fence. Roads advise that the new fence be taken out and repositioned to the original fence line and that the fence height within the 2.4m x 90m visibility splay envelope be lowered to 1m above existing road level.

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

5.4 Other Material Considerations

None

6. Discussion

- 6.1 The main issues for consideration in determining this application are: the potential for any impact on the character and amenity of the surrounding area; and any potential issues for road safety, as per Policy P1 Layout, siting and design.
- 6.2 The fence will run along the North Eastern and South Eastern Boundary lines of the garden area associated with the dwellinghouse which lies to the North West. The Roads Department have highlighted there is a safety concern regarding the positioning and height of the fence as it blocks the visibility at the existing access. They have advised that the new fence be taken out and repositioned to the original fence line and that the fence height within the 2.4m x 90m visibility splay envelope be lowered to 1m above existing road level.
- 6.3 Attempts to negotiate with the applicant and the Roads department have been made, however a compromise has not been reached. The advice from Roads Development must be considered because it concerns road safety and the implementation of appropriate visibility splays. The applicant's proposal does not illustrate adequate splays. The applicant has stipulated that the fence must remain the same height so that the garden area is protected from fast moving passing traffic and the debris it will deposit. Roads have not deemed this to be a substantial concern and have stipulated that the key concern is the detrimental impact that the fence will have on visibility for those exiting the driveway.
- 6.4 Policy P1 Layout, siting and design of the Aberdeenshire Local Development Plan 2017 stipulates that development should be safe and pleasant and should encourage both activity and privacy as well as provide security and protect amenity. Without amendments the proposal does not meet the requirement of being safe and secure because of its impact on road safety. As such, the Planning Service recommends that this application be refused.

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 Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.
- 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 P1 Layout, siting and design

- 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

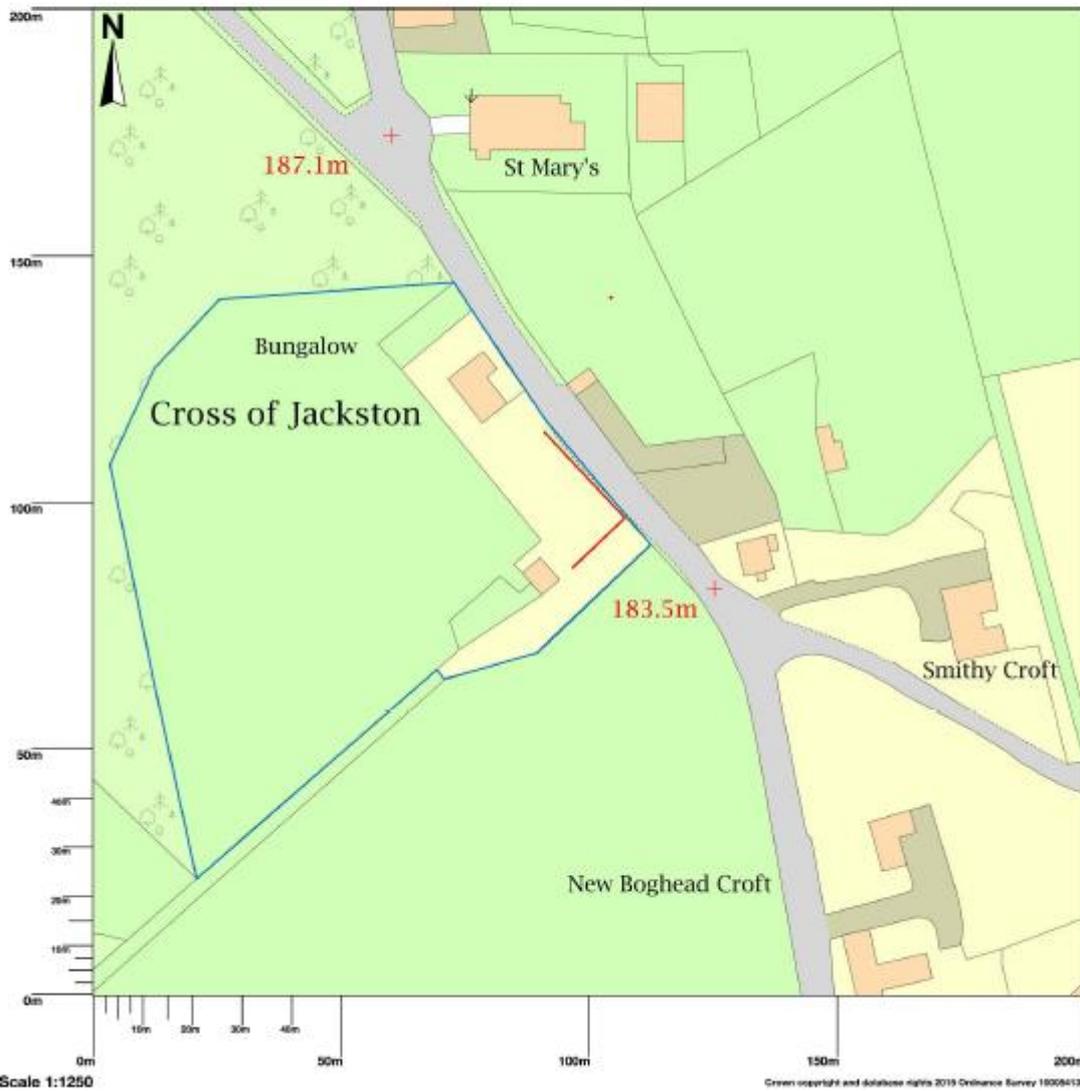
11.1 REFUSE for the following reason:-

01. The proposed development does not comply with Policy P1 Layout, siting and design of the Aberdeenshire Local Development Plan 2017 in that it will impact road safety due to insufficient visibility splays.

Stephen Archer
Director of Infrastructure Services
Author of Report: Alex Calderwood
Report Date: 7 December 2017



Cross Of Jackston, Rothienorman, Inverurie, AB51 8UT



Map shows area bounded by: 374735.0,832509.0,374935.0,832709.0 at a scale of 1:1250. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

Produced on 21 September 2017 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2017. Supplied by UKPlanningMaps.com a licensed Ordnance Survey partner (100054135). Unique plan reference: p4b/191265/261972. Ordnance Survey and the OS Symbol are registered trademarks of Ordnance Survey, the national mapping agency of Great Britain. UKPlanningMaps logo and other designs are Copyright © copla ltd 2017

Comments for Planning Application APP/2017/2430

Application Summary

Application Number: APP/2017/2430

Address: Cross Of Jackston Rothienorman Inverurie Aberdeenshire AB51 8UT

Proposal: Erection of 1.8m High Fence (Retrospective)

Case Officer: Alex Calderwood

Customer Details

Name: Mr Ian Page

Address: The Steading Cross of Jackston

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: The property owner has removed a decaying unsightly overgrown hedge that was somewhat taller than this fence, in fact so tall it was at risk of damaging overhead telephone cables. The owners made a positive change by employing a local contractor to erect a non intrusive, well built and tidy fence to replace the hedge. The fence has absolutely no bearing on any other residence and provides a degree of shelter to the properties garden space. I sincerely hope that common sense prevails and the fence is granted permission

Comments for Planning Application APP/2017/2430

Application Summary

Application Number: APP/2017/2430

Address: Cross Of Jackston Rothienorman Inverurie Aberdeenshire AB51 8UT

Proposal: Erection of 1.8m High Fence (Retrospective)

Case Officer: Alex Calderwood

Customer Details

Name: Mr Fraser Nicol

Address: Bonnyview Cross of jackston Inverurie

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: My wife and I support this application, the fence is a benefit to both our property and the applicants property. It provides much needed privacy and shelter from the weather and traffic noise.