

9. **LRB 409** – Notice of Review Against Refusal of Planning Permission in Principle for Erection of 3 Dwellinghouses (Short Term Holiday Let) and Change of Use of Land to Domestic Garden Ground at Land Adjacent to Little Mergie, Richarton, Stonehaven – Reference: APP/2017/2668
 - (ii) Supporting Documents as submitted by the Planning Service



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Application Reference: G/APP/2016/0611

TO: Colin Thompson
Old Chapel Road
Inverurie
AB51 4QN

FOR: Mr Rob Ingram
Golf View
Wellsley
Newmachar
Aberdeenshire
AB21 0PT

In pursuance of the powers exercised by them as Planning Authority, this Council having considered your application for the following:

Planning Permission in Principle for Erection of 3 No. Dwellinghouses at Site At , Brownhills, Newmachar, Aberdeenshire.

and in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, do hereby give notice of their decision to **GRANT Planning Permission in Principle** for the said development subject to compliance with the following conditions

- (1) Details of the specified matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No development shall begin on the site unless all of the details listed in this condition have been submitted to and approved in writing by the planning authority. The development shall be carried out in complete accordance with the details approved in relation to this condition.

Specified matters:

- (a) full details of the siting, design, layout, external appearance and finishing materials of the proposed development including waste bin uplift area, driveway, vehicle parking and turning area, and boundary treatments.
- (b) full details of the proposed means of access to the development including visibility splays, vehicle lay-by at the junction with the public road, vehicle turning area, bin uplift store area.
- (c) a landscaping scheme for the development including details of the existing

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landscape features and vegetation to be retained; the locations of new trees, shrubs, hedges and grassed areas; a schedule of plants including species, plant sizes and proposed numbers and density; the layout, design and materials of all hard landscaping works including any walls, fences and gates; and a programme for the completion and subsequent maintenance of the proposed landscaping.

- (d) a detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed ordnance datum point;
- (e) full details of the proposed means of disposal of foul and surface water from the development.

Reason: Permission for the development has been granted in principle only and subsequent approval is required for these matters in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

- (2) No works in connection with the development hereby approved shall commence unless the existing buildings on the site have been demolished in their entirety and all downtakings not intended for reuse in the proposed development have been removed from the site.

Reason: The development has been approved as a replacement for the existing buildings on the site.

- (3) No works in connection with the development hereby approved (other than the demolition of the existing buildings) shall commence unless an investigation of the site has been undertaken in accordance with BS 10175:2011+A1:2013 - 'Investigation of Potentially Contaminated Sites - Code of Practice' and a report of that investigation has been submitted to and approved in writing by the planning authority.

Where it is determined by the site investigation report that remediation of the site is required no works in connection with the development hereby approved (other than the demolition of the existing buildings) shall commence unless a remedial scheme has been submitted to and approved in writing by the planning authority. The development hereby approved shall not be brought into use unless the approved scheme of remediation has been carried out in its entirety and a validation report has been submitted to and approved in writing by the planning authority.

Any areas of hardstanding, clean cover or other such barriers within the application site boundary that are included within the approved scheme of remediation and are required to break one or more pollutant linkages shall be permanently retained as such and shall not be disturbed without the prior written approval of the planning authority.

Reason: In order to ensure any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

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- (4) No works in connection with the development hereby approved, other than that required by condition 2, shall commence unless a Level 1 archaeological standing building survey of the extant buildings and structures on the application site has been undertaken and has been submitted to and approved in writing by the planning authority. The standing building survey shall not be undertaken unless its scope has been approved in writing by the planning authority. The survey must be in a digital format and must be clearly marked with the planning reference number.

Reason: To ensure that a historic record of the building is made for inclusion in the National Record of the Historic Environment and in the local Sites and Monuments Record.

- (5) No other development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility splays measuring 25m in both directions along the channel line of the public road has been provided from a point 2.4m metres measured at right angles from the existing edge of the carriageway surface along the centre line of the approved access in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

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

- (6) No development in connection with the permission hereby granted, other than that required by condition 5, shall commence unless the vehicular and pedestrian access has been provided and surfaced in accordance with the details shown on the plans submitted and approved under condition 1. Once provided, the vehicular and pedestrian access shall thereafter be permanently retained as such.

Reason: To ensure the provision and retention of a means of access to an adequate standard in the interests of road safety.

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- (7) All soft and hard landscaping proposals shall be carried out in accordance with the planting scheme and management programme submitted and approved under Condition 1. 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.

- (8) No dwellinghouse hereby approved shall be occupied unless its lay by, driveway, turning and parking area has been provided and surfaced in accordance with the details shown on the plans submitted and approved under condition 1. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

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

- (9) No dwellinghouse hereby approved shall be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the plans submitted and approved under condition 1 and the Porosity Test Report (Colin Thompson Architects, 04 March 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.

- (10) No dwellinghouse hereby approved shall be occupied unless all of its associated means of enclosure have been provided in accordance with the scheme submitted and approved under condition 1. Once erected, the approved means of enclosure shall thereafter be permanently retained in accordance with the approved details.

Reason: In the interests of the residential amenities of the occupiers of the dwellinghouse and the visual amenities of the area.

- (11) 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

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- 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 dwellinghouse 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.

- (12) The proposed development shall be connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply without the separate express grant of planning permission by the planning authority.

Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

Informatives

- (1) Application for approval of all matters specified in conditions to a grant of Planning Permission in Principle must be made before whichever is the latest of the following dates:
- (a) The expiration of three years beginning with the date of the planning permission in principle; or,
 - (b) The expiration of 6 months from the date on which an earlier application (Matters Specified in Condition) for the requisite approval was refused or dismissed following an appeal or review.

In relation to any matter under part (b) above, only one application for approval of matters specified in conditions may be made after the expiration of the planning permission in principle.

The development hereby granted shall be begun before the expiration of two years from the final approval of the matters specified in conditions or, in the case of approval on different dates, the final approval of the last such matters to be approved.

- (2) Notice of the start of development: The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start the development. Failure to do so is a breach of planning control and could result in the planning authority taking enforcement action. [See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act

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1997 (as amended)]. Such notification shall contain the information set out in the 'Notification of Initiation of Development' Notice as appended.

- 3) Notice of the completion of the development: As soon as possible after the development is finished, the person who completed the development must write to the planning authority to confirm that the development has been completed. [See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)]. Such notification shall contain the information set out in the 'Notification of Completion of Development' Notice as appended.
- (4) The proposed vehicular access onto the public road shall be formed at the Developer's expense and must be constructed in accordance with the council's specification.
- (5) Adequate provision shall be made for internal surface water drainage to ensure that surface water does not run from the site onto the public road or vice versa.
- (6) Adequate precautions shall be taken to protect any Statutory Undertaker's plant which may be affected by the works/development.
- (7) An application for a Road Excavation Permit must be submitted to Infrastructure Services, Area Roads Office at least 15 days prior to the commencement of any excavation works within the boundaries of the public road. Applicants should note that failure to obtain a Permit is an offence in terms of s56 of the Roads (Scotland) Act 1984. Note: The Public Road may incorporate- Carriageway, Verge, Cycleway/ Footway and Visibility Envelopes.

Further details and application forms may be obtained by telephoning the relevant Area Roads Office (see below) or on the council's website:

Banff & Buchan - 01261 813495

Buchan - 01771 638103

Formartine - 01358 726440

Garioch - 01467 628088

Kincardine & Mearns - 01569 768465

Marr - 019755 64920

- (8) A full photographic survey of the interior and exterior of the building, including all exterior elevations and the building's setting, with the addition of measured floor plans and elevations and a written account of the building's plan, form, function, age and development sequence. Surveys must be submitted in a digital format. A more detailed specification of the survey can be obtained from the Council's Archaeology Service.
- (9) Please note there is a possibility that bats may be present in the property/on the site. All bats and their breeding or resting places (i.e. roosts) are protected by law. It is an offence to disturb, injure or kill any bat or to damage, destroy or obstruct access to a bat roost. Damage does not have to be deliberate to be considered an offence. Work that may impact on bats and their roosts can only

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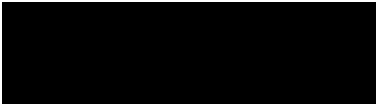
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be carried out under licence. If evidence of bats is discovered works must cease immediately and the advice of Scottish Natural Heritage must be sought.

Reason for Decision

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

Dated: 12 January 2017



Head of Planning and Building Standards

List of Plans and Drawings

Reference Number: 0313/09-20 D Amended - Site Plan

Variation to the Application

The site plan was updated to show all three buildings (1- steading and bothy, 2- outbuilding to south east of site, 3- outbuilding to north east of steading and bothy) within the site removed and to remove the indicative site layout. Although indicative at this stage, the layout initially proposed within Site Plan 0313/09-20 rev B (May 2015) was not considered an acceptable layout as it was not in keeping with the existing pattern of development.

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NOTES

- (i) In the case of any permission granted, this does NOT incorporate any building warrant for any operations or change of use which may be required under the Building (Scotland) Act 2003. This must be obtained separately from the Council prior to the start of building operations.
- (ii) Any permission granted does not incorporate any listed building consent which may be required. This must be obtained separately prior to the start of building operations.
- (iii) Any permission granted is without prejudice to any further consents required from Aberdeenshire Council in its role as landowner.
- (iv) If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A Notice of Review form should be obtained from and submitted to:

Head of Legal and Governance
Business Services
Aberdeenshire Council
Woodhill House
Westburn Road
Aberdeen
AB16 5GB
Tel: 01224 665147
Email: committee.services@aberdeenshire.gov.uk

A form may also be obtained from a local Planning office or the Council's website at www.aberdeenshire.gov.uk/committees/localreviewbody.asp

- (v) If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

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NOTICE OF REQUIREMENT FOR NOTICES

Notification of Initiation of Development

The person who intends to implement the development must inform the Planning Authority of the date they intend to start work on the development as soon as it is practicable using the enclosed Notice of Initiation of Development. This Notice must be submitted before starting work. Failure to do so would be a breach of planning control under Section 123(1) of the Town and Country Planning Act 1997 and the Planning Authority may take enforcement action.

The Permission may contain pre-conditions that require specific matters to be approved before development can commence. This means that a lawful commencement of the approved development cannot be made until the particular requirements of the condition(s) have been met. The person who intends to start development must ensure that all conditions are properly complied with. If you are in any doubt about the meaning or implications of any of the conditions you should contact the Planning Authority or seek professional advice. If you do not comply fully with the conditions the Planning Authority may serve a Breach of Condition notice on you or take enforcement action and you may be prosecuted or fined. Please note, there is no right of appeal against a Breach of Condition Notice.

Notification of Completion of Development

The person who completes the development must, as soon as practicable after doing so, give notice of completion to the Planning Authority using the enclosed Notice of Completion.

Please note, the Planning Authority may take enforcement action where such notice is not given.

PLEASE NOTE – THE ABOVE REQUIREMENTS ARE IN ADDITION TO ANY SIMILAR REQUIREMENTS UNDER THE BUILDING REGULATIONS OR ANY OTHER LEGISLATION.

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**NOTIFICATION OF INITIATION OF DEVELOPMENT
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, SECTION 27A(1)**

**PLANNING APPLICATION REFERENCE NUMBER: APP/2016/0611
Planning Permission in Principle for Erection of 3 No. Dwellinghouses at Site At ,
Brownhills, Newmachar, Aberdeenshire
Dated: 12 January 2017**

I hereby confirm that the above development is expected to commence on:

Date:

The person intending to carry out the development is:

Name:

Address:

.....

.....

.....

Postcode:

Telephone no:

***Please delete as appropriate**

*The above person is the owner of the land to which the development relates

*The landowner is (if different from the person above):

Name:

Address:

.....

.....

.....

Postcode:

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The person appointed to oversee the carrying out of the development is (if applicable):

Name:

Address:

.....

.....

.....

Postcode:

Telephone no:

Signed Date

On Behalf of

Please return this form, duly completed to:

Head of Development Management and Building Standards
Aberdeenshire Council
Garioch Area
Gordon House, Blackhall Road, Inverurie, AB51 3WA

IMPORTANT:

1. Failure to submit this Notice before commencement of development would be a breach of planning control under Section 123(1) of the Town and Country Planning Act 1997 and the Planning Authority may take enforcement action.
2. Any planning conditions imposed which necessitate action prior to the commencement of development, must be complied with to prevent a Breach of Planning Conditions and the subsequent service of a Breach of Condition Notice or other enforcement action.
3. Any planning conditions imposed relative to this planning application will be the subject of our planning condition monitoring policy which will entail a visit(s) to the site.

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**NOTIFICATION OF COMPLETION OF DEVELOPMENT
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, SECTION 27B(1)**

**PLANNING APPLICATION REFERENCE NUMBER: APP/2016/0611
Planning Permission in Principle for Erection of 3 No. Dwellinghouses at Site At ,
Brownhills, Newmachar, Aberdeenshire
Dated: 12 January 2017**

I hereby confirm that the above development was completed on:

Date:

The person who completed the development is:

Name:

Address:

.....

.....

.....

Postcode:

Telephone no:

Signed Date

On Behalf of

Please return this form, duly completed to:

Head of Planning and Building Standards
Aberdeenshire Council
Garioch Area
Gordon House, Blackhall Road, Inverurie, AB51 3WA

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REPORT OF HANDLING

Application Reference: APP/2016/0611

Proposal: Erection of 3 No. Dwellinghouses

Address: Site At , Brownhills, Newmachar, Aberdeenshire

1. Description of Proposal

Planning permission in principle is sought for the erection of 3 no. dwellinghouses at a site a Brownhills, Newmachar.

The site lies approximately 210m to the south west of Newmachar to the immediate west of an existing farmhouse. The site itself comprises a traditional steading and bothy in a poor condition; with two further outbuildings within the site to the east. The site is bound by a combination of stone wall and post and wire fence. The site extends beyond the existing boundaries to the west and east by a relatively small area. The total area of the site is approximately 0.6ha.

The proposal includes the demolition of the steading and bothy to the south of the site along with the two outbuildings and their replacement with 3 no. dwellinghouses. The application is for planning permission in principle therefore the layout and siting of the proposed houses would be considered in further applications if planning permission in principle is granted.

The proposed houses are to be connected to the public water supply with a septic tank and soakaway for foul water. A surface water soakaway is proposed for each dwellinghouse.

The proposed houses are to be accessed from an existing road to the south, details of which would be determined at the matters specified in conditions stage.

2. Relevant Planning History

APP/2015/1724 Erection of 5 no. dwellinghouses at Land at Brownhills, Newmacher (Withdrawn: 04/08/2015)

To south east of site-

APP/2013/3909 Alterations and extension to dwellinghouse and erection of detached garage at Brownhills Farm, Newmacher (Withdrawn: 28/03/2014)

APP/2014/1783 Extension to dwellinghouse and erection of double garage at Brownhills Farm, Newmacher (Approved: 30/06/2014)

3. Supporting Information

Porosity Test Report, Colin Thompson Chartered Architect (March 2016)

Phase 1 Environmental Desktop Study, Grampian Geotechnical Scotland Ltd (May 2016)

Bat Survey, Countrywise (June 2016)

4. Variations & Amendments

The site plan was updated to show all three buildings (1- steading and bothy, 2- outbuilding to south east of site, 3- outbuilding to north east of steading and bothy) within the site removed and to remove the indicative site layout. Although indicative at this stage, the layout initially proposed within Site Plan 0313/09-20 rev B (May 2015) was not considered an acceptable layout as it was not in keeping with the existing pattern of development.

5. Representations

No valid representations have been received.

6. Consultations

Business Services (Developer Obligations) have highlighted the requirement for payment of developer obligations for the provision of 10% commuted sum towards affordable housing within the Aberdeen Housing Market Area and towards community facilities, sports and recreation. The applicant has confirmed their intentions to comply with this requirement.

Infrastructure Services (Archaeology) have no objection to the proposal subject to conditions for a standing building survey to be undertaken prior to demolition.

Infrastructure Services (Contaminated Land) have no objection to the proposal subject to conditions relating to the requirements for a site investigation and any remediation required prior to any works being undertaken.

Infrastructure Services (Environmental Health) have no objection to the proposal.

Infrastructure Services (Natural Heritage) have no concerns with the proposal following submission of a bat survey.

Infrastructure Services (Roads Development) have no objection subject to conditions.

Scottish Water has not replied to the consultation at the time of writing.

7. Relevant Policies

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.

Aberdeen City and Shire Strategic Development Plan 2014

The purpose of this Strategic Development Plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. All parts of the Strategic Development Plan area will fall within either a strategic growth area or a local growth and diversification area. Some areas are also identified as regeneration priority areas. There are also general objectives identified. In summary, these cover promoting economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapt to the effects of climate change and limit the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

Aberdeenshire Local Development Plan 2012

Policy 3: Development in the countryside

SG Rural Development 1: Housing and business development in the countryside

Policy 8: Layout, siting and design of new development

SG LSD 2: Layout, siting and design of new development

SG LSD 11: Carbon neutrality in new development

Policy 9: Developer contributions
SG DC 1: Developer contributions
SG DC 2: Access to new development
SG DC 3: Waste and waste water drainage infrastructure

Policy 11: Natural heritage
SG Natural Environment 2: Protection of the wider biodiversity and geodiversity

Proposed Aberdeenshire Local Development Plan 2017

The Town and Country Planning (Development Planning) (Scotland) Regulations 2008

Proposed Aberdeenshire Local Development Plan – Report of the examination

The Report of Examination of the Aberdeenshire Local Development Plan 2017 was issued on 19 December 2016, and subsequently published on 21 December 2016. There are recommended changes to policies and sites within the Examination Report. Reports to Area Committees will be on the 24 and 31 January 2017 and 7 February 2017 with a final Report to Full Council on 9 March 2017. In the interim period, until the adoption of the Local Development Plan, in respect of development management decisions, elements of the emerging plan, as adjusted to reflect the Reporter's recommendation, will carry significant material weight, which will need to be considered in the assessment of all planning applications.

8. Other Material Considerations

An equality impact assessment is not required because the granting or refusing of the application will not have a differential impact on the protected characteristics of the applicant or any third parties.

Planning Advice 1/2016: Housing and business development in the countryside and greenbelt.

9. Directions by Scottish Ministers

None.

10. Discussion

The key issues in the determination of this application are the principle of the development; layout and siting; and access and servicing.

Principle of development

Policy 3 and SG Rural Development 1 supports development when it meets one of several criteria including where it is for the refurbishment or replacement of an existing

or disused building, or it is on a site which has previously been developed and is now redundant.

The proposed application is for the replacement of 3 buildings within the site boundary. The largest building, the steading and bothy, and outbuilding to the south east of the site are of a traditional character and in a dilapidated state. The third building lies to the north east of the steading and bothy and comprises the walls of a building with no roof. All buildings to be replaced are considered suitable for demolition as they are in a poor condition and would not be suitable for modern agricultural purposes. This is, in part, due to their stone construction and was confirmed following a site visit. SG Rural Development 1 supports small scale development up to 3 residential units. Therefore, the principle of the proposed replacement with 3 no. dwellinghouses is acceptable in this case.

The proposed site is bound by a wall or post and wire fence which extends beyond the existing boundary at two places to the east and west. The curtilage of the site is considered as the existing boundary of the site however, the area outwith the boundary measures approximately 320m² to the west and 135m² to the east. SG RD 1 states that where a proposal for a replacement building required any measure of undeveloped land outwith the curtilage, this may be considered on its merits. In this case, the area outwith the curtilage of the site is considered to be relatively small due to the overall area stated above. The site is not located on any prime agricultural land. Due to the configuration of the site, the addition to the west would delineate an existing boundary which is not currently uniform. This addition of land outwith the immediate curtilage is therefore considered acceptable in this case.

A previous application was submitted for the erection of 5 no. dwellinghouses on the site (APP/2015/1724). This was withdrawn as although the replacement of the steading and bothy was considered acceptable, its replacement with 5 no. dwellinghouses did not comply with Policy 3 and SG RD 1 as it did not meet the criteria of small scale development, which is defined as up to 3 residential units. It is only in exceptional circumstances that larger developments will be considered. Based on the information submitted at the time of submission, no exceptional circumstances were viewed to be applicable in this instance.

Policy R2: Housing and business development elsewhere in the countryside of The Proposed Local Development Plan 2017 supports small-scale proposals where it meets a number of criteria including where it involves the remediation of redundant brownfield land opportunities. The proposal if assessed against this aspect of the proposed policy, would be in compliance with it. There is no conflict between the applicable policies of both the proposed Local Development Plan 2017 and the adopted Local Development Plan 2012.

Overall, the proposed demolition of the steading, bothy and two outbuildings, and their replacement with 3 no. dwellinghouses is considered acceptable within the site. The proposal complies with Policy 3 and SG RD 1 and is supported in this case.

Layout and siting

Consideration is given to the site as a whole due to the indicative nature of the layout of the proposed houses which will be dealt with in further applications if PPP is granted.

SG LSD 2: Layout, siting and design of new development supports new development that responds to the site's context, uses appropriate materials and performs the functions expected of it whilst promoting a high standard of design.

The site is accessed from an existing road which serves a neighbouring dwellinghouse and the steading being considered in this application for replacement. The area of land included in the site boundary is of a scale considered appropriate for 3 dwellinghouses, garages and domestic curtilage, however, careful consideration would be required in the consideration of any further application to ensure the dwellinghouses were appropriate in relation to the neighbouring dwellinghouse. The indicative site plan initially submitted, for example, is not considered acceptable due to the siting of 3 dwellinghouses along the west of the site which would not demonstrate an acceptable pattern of development. However, this is not a consideration of this application now as it has been removed.

The proposal for 3 dwellinghouses on the site is compatible with the surrounding land use which is primarily agricultural. The closest neighbouring property lies immediately east of the site boundary, however, there is not considered to be any negative impact on amenity as a result of this proposal. Overlooking and overshadowing would be assessed in full at the detailed stage.

Overall, it is considered that an appropriate layout, siting and design for the proposal would be able to be agreed at the detailed stage.

Access and servicing

The proposed houses are to be accessed from an existing track to the south of the site. Consultation with Infrastructure Services (Roads Development) resulted in them having no issues with the proposed development subject to conditions.

The proposed servicing of the houses is via private drainage arrangements with a septic tank and soakaway and connection to the public water supply. A drainage certificate has been provided and demonstrates that the proposed arrangements are adequate for the proposed dwellinghouses.

Therefore, the application complies with Policy 9 and related SG DC 1, SG DC 2 and SG DC 3.

Other considerations

SG Natural Environment 2: Protection of the wider biodiversity and geodiversity gives protection to all habitats, species and geological features including those protected through UK or European law. A bat survey was submitted which demonstrated that there were no bats recorded entering the building and that the building has low potential because of its poor condition and poor habitat in the surrounding area, although a small number of bats commuted across the site. Infrastructure Services (Natural Heritage) had no concerns with the submitted bat survey.

Conclusion

Overall, the demolition of the buildings on site and their replacement with 3 dwellinghouses is considered acceptable in principle. The site can be adequately accessed and serviced. Therefore, the application is recommended for approval.

11. Recommendation

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

01. Details of the specified matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No development shall begin on the site unless all of the details listed in this condition have been submitted to and approved in writing by the planning authority. The development shall be carried out in complete accordance with the details approved in relation to this condition.

Specified matters:

- (a) full details of the siting, design, layout, external appearance and finishing materials of the proposed development including waste bin uplift area, driveway, vehicle parking and turning area, and boundary treatments.
- (b) full details of the proposed means of access to the development including visibility splays, vehicle lay-by at the junction with the public road, vehicle turning area, bin uplift store area.
- (c) a landscaping scheme for the development including details of the existing landscape features and vegetation to be retained; the locations of new trees, shrubs, hedges and grassed areas; a schedule of plants including species, plant sizes and proposed numbers and density; the layout, design and materials of all hard landscaping works including any walls, fences and gates; and a programme for the completion and subsequent maintenance of the proposed landscaping.
- (d) a detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed ordnance datum point;
- (e) full details of the proposed means of disposal of foul and surface water from the development.

Reason: Permission for the development has been granted in principle only and subsequent approval is required for these matters in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

02. No works in connection with the development hereby approved shall commence unless the existing buildings on the site have been demolished in their entirety and all downtakings not intended for reuse in the proposed development have been removed from the site.

Reason: The development has been approved as a replacement for the existing buildings on the site.

03. No works in connection with the development hereby approved (other than the demolition of the existing buildings) shall commence unless an investigation of the site has been undertaken in accordance with BS 10175:2011+A1:2013 - 'Investigation of Potentially Contaminated Sites - Code of Practice' and a report of that investigation has been submitted to and approved in writing by the planning authority.

Where it is determined by the site investigation report that remediation of the site is required no works in connection with the development hereby approved (other than the demolition of the existing buildings) shall commence unless a remedial scheme has been submitted to and approved in writing by the planning authority. The development hereby approved shall not be brought into use unless the approved scheme of remediation has been carried out in its entirety and a validation report has been submitted to and approved in writing by the planning authority.

Any areas of hardstanding, clean cover or other such barriers within the application site boundary that are included within the approved scheme of remediation and are required to break one or more pollutant linkages shall be permanently retained as such and shall not be disturbed without the prior written approval of the planning authority.

Reason: In order to ensure any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

04. No works in connection with the development hereby approved, other than that required by condition 2, shall commence unless a Level 1 archaeological standing building survey of the extant buildings and structures on the application site has been undertaken and has been submitted to and approved in writing by the planning authority. The standing building survey shall not be undertaken unless its scope has been approved in writing by the planning authority. The survey must be in a digital format and must be clearly marked with the planning reference number.

Reason: To ensure that a historic record of the building is made for inclusion in the

National Record of the Historic Environment and in the local Sites and Monuments Record.

05. No other development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility splays measuring 25m in both directions along the channel line of the public road has been provided from a point 2.4m metres measured at right angles from the existing edge of the carriageway surface along the centre line of the approved access in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

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

06. No development in connection with the permission hereby granted, other than that required by condition 5, shall commence unless the vehicular and pedestrian access has been provided and surfaced in accordance with the details shown on the plans submitted and approved under condition 1. Once provided, the vehicular and pedestrian access shall thereafter be permanently retained as such.

Reason: To ensure the provision and retention of a means of access to an adequate standard in the interests of road safety.

07. All soft and hard landscaping proposals shall be carried out in accordance with the planting scheme and management programme submitted and approved under Condition 1. 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.

08. No dwellinghouse hereby approved shall be occupied unless its lay by, driveway, turning and parking area has been provided and surfaced in accordance with the details shown on the plans submitted and approved under condition 1. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

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

09. No dwellinghouse hereby approved shall be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the plans submitted and approved under condition 1 and the Porosity Test Report (Colin Thompson Architects, 04 March 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.

10. No dwellinghouse hereby approved shall be occupied unless all of its associated means of enclosure have been provided in accordance with the scheme submitted and approved under condition 1. Once erected, the approved means of enclosure shall thereafter be permanently retained in accordance with the approved details.

Reason: In the interests of the residential amenities of the occupiers of the dwellinghouse and the visual amenities of the area.

11. 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 dwellinghouse 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.

12. The proposed development shall be connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply without the separate express grant of planning permission by the planning

authority.

Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

Reasons for Decision

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

12. Process of Determination

The application was Approved via delegated powers under the Councils Scheme of Delegation.

13. Planning Obligations

Yes



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Application Reference: APP/2017/0481

TO: Colin Thompson Chartered Architect
Old Chapel Road
Inverurie
Aberdeenshire
AB51 4QN

FOR: Mr Rob Ingram
Golf View
Wellsley
Newmachar
Aberdeen
AB21 0PT

In pursuance of the powers exercised by them as Planning Authority, this Council having considered your application for the following:

Full Planning Permission for Conversion of Steading to Form 2 Dwellinghouses with Ancillary Accommodation at Steadings At , Brownhills, Newmachar, Aberdeenshire, AB21 7PZ

and in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, do hereby give notice of their decision to **GRANT Full Planning Permission** for the said development subject to compliance with the following conditions:

- (1) No works in connection with the development hereby approved shall commence unless a photographic survey of the existing buildings and structures on the application site has been submitted to and approved in writing by the planning authority. All external and internal elevations of the buildings and structures together with the setting of the buildings and structures and any unusual features of the existing buildings and structures shall be photographed. The photographic viewpoints must be clearly annotated on a plan to accompany the survey. The photographs and plan must be in a digital format and must be clearly marked with the planning reference number.
Reason: To ensure that a historic record of the building is made for inclusion in the National Monuments Record for Scotland and in the local Sites and Monuments Record.
- (2) No works in connection with the development hereby approved shall commence unless details of the proposed means of enclosure to be erected on the boundaries of the site, including the retaining walls, have been submitted to and approved in writing by the planning authority. The dwellinghouses hereby approved shall not be brought into use unless the means of enclosure have

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been erected in accordance with the approved details. Once erected, the means of enclosure shall thereafter be permanently retained in accordance with the approved details.

Reason: In the interests of the residential amenities of the neighbouring property and the occupants of the approved development.

- (3) No other development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility splays measuring 25m in both directions along the channel line of the public road has been provided from a point 2.4m metres measured at right angles from the existing edge of the carriageway surface along the centre line of the approved access in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

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

- (4) No dwellinghouse hereby approved shall be occupied unless the vehicular and pedestrian access has been provided and surfaced in accordance with the details shown on the approved plan. Once provided, the vehicular and pedestrian access shall thereafter be permanently retained as such.

Reason: To ensure the provision and retention of a means of access to an adequate standard in the interests of road safety.

- (5) No dwellinghouse hereby approved shall 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 each access shall not exceed 1:20 gradient and 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. The lay-by shall measure 8.0m x 2.5m with 45 degree splays to be formed on the frontage of the site and proposed vehicular access taken by this. 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.

- (6) No dwellinghouse hereby approved shall not be occupied unless the refuse bin uplift store areas have been submitted to and approved in writing by the planning authority. The area shall be constructed and surfaced in accordance



with the details shown on the approved plan. 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.

- (7) No dwellinghouse hereby approved shall be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the plans submitted and approved under condition 1 and the Porosity Test Report (Colin Thompson Architects, 04 March 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.

- (8) 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.

- (9) The residential annex hereby approved shall be used only for purposes incidental to the enjoyment of unit 2 as a dwellinghouse. No separate curtilage shall be formed and the residential annex shall at no time be used as an independent dwellinghouse without the express grant of planning permission from the planning authority.

Reason: The relationship between the residential annex and the main dwellinghouse within the site is such that the residential amenities of the occupants of both would potentially be adversely affected by the creation of an independent residential unit in addition to the two dwellinghouses hereby approved.

Informatives

- (1) In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended) this planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development is begun within that period.
- (2) Notice of the start of development: The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start the development. Failure to do so is a breach of planning control and could result in the planning authority taking enforcement action. [See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act



1997 (as amended)]. Such notification shall contain the information set out in the 'Notification of Initiation of Development' Notice as appended.

- (3) Notice of the completion of the development: As soon as possible after the development is finished, the person who completed the development must write to the planning authority to confirm that the development has been completed. [See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)]. Such notification shall contain the information set out in the 'Notification of Completion of Development' Notice as appended.
- (4) The proposed vehicular access onto the public road shall be formed at the Developer's expense and must be constructed in accordance with the council's specification.
- (5) Adequate provision shall be made for internal surface water drainage to ensure that surface water does not run from the site onto the public road or vice versa.
- (6) Adequate precautions shall be taken to protect any Statutory Undertaker's plant which may be affected by the works/development.
- (7) An application for a Road Excavation Permit must be submitted to Infrastructure Services, Area Roads Office at least 15 days prior to the commencement of any excavation works within the boundaries of the public road. Applicants should note that failure to obtain a Permit is an offence in terms of s56 of the Roads (Scotland) Act 1984. Note: The Public Road may incorporate- Carriageway, Verge, Cycleway/ Footway and Visibility Envelopes.

Further details and application forms may be obtained by telephoning the relevant Area Roads Office (see below) or on the council's website:

Banff & Buchan - 01261 813495

Buchan - 01771 638103

Formartine - 01358 726440

Garioch - 01467 628088

Kincardine & Mearns - 01569 768465

Marr - 019755 64920

Reason for Decision

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

Dated: 4 December 2017



Head of Planning and Building Standards



List of Plans and Drawings

Reference Number: 1016/06-20 C Site Layout Plans

Reference Number: 1016/06-22 A Unit 2 Ground Floor Plan

Reference Number: 1016/06-23 A Unit 2 First Floor Plan

Reference Number: 1016/06-24 A Unit 1 Detached Garage

Reference Number: 1016/06-25 B Elevations

Reference Number: 1016/06-20 D Site Layout Plans



NOTES

- (i) In the case of any permission granted, this does NOT incorporate any building warrant for any operations or change of use which may be required under the Building (Scotland) Act 2003. This must be obtained separately from the Council prior to the start of building operations.
- (ii) Any permission granted does not incorporate any listed building consent which may be required. This must be obtained separately prior to the start of building operations.
- (iii) Any permission granted is without prejudice to any further consents required from Aberdeenshire Council in its role as landowner.
- (iv) If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A Notice of Review form should be obtained from and submitted to:

Head of Legal and Governance
Business Services
Aberdeenshire Council
Woodhill House
Westburn Road
Aberdeen
AB16 5GB
Tel: 01224 665147
Email: committee.services@aberdeenshire.gov.uk

A form may also be obtained from a local Planning office or the Council's website at www.aberdeenshire.gov.uk/committees/localreviewbody.asp

- (v) If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



NOTICE OF REQUIREMENT FOR NOTICES

Notification of Initiation of Development

The person who intends to implement the development must inform the Planning Authority of the date they intend to start work on the development as soon as it is practicable using the enclosed Notice of Initiation of Development. This Notice must be submitted before starting work. Failure to do so would be a breach of planning control under Section 123(1) of the Town and Country Planning Act 1997 and the Planning Authority may take enforcement action.

The Permission may contain pre-conditions that require specific matters to be approved before development can commence. This means that a lawful commencement of the approved development cannot be made until the particular requirements of the condition(s) have been met. The person who intends to start development must ensure that all conditions are properly complied with. If you are in any doubt about the meaning or implications of any of the conditions you should contact the Planning Authority or seek professional advice. If you do not comply fully with the conditions the Planning Authority may serve a Breach of Condition notice on you or take enforcement action and you may be prosecuted or fined. Please note, there is no right of appeal against a Breach of Condition Notice.

Notification of Completion of Development

The person who completes the development must, as soon as practicable after doing so, give notice of completion to the Planning Authority using the enclosed Notice of Completion.

Please note, the Planning Authority may take enforcement action where such notice is not given.

PLEASE NOTE – THE ABOVE REQUIREMENTS ARE IN ADDITION TO ANY SIMILAR REQUIREMENTS UNDER THE BUILDING REGULATIONS OR ANY OTHER LEGISLATION



**NOTIFICATION OF INITIATION OF DEVELOPMENT
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, SECTION 27A(1)**

APPLICATION REFERENCE NUMBER: APP/2017/0481

Full Planning Permission for Conversion of Steading to Form 2

**Dwellinghouses with Ancillary Accommodation at Steadings At , Brownhills,
Newmachar, Aberdeenshire, AB21 7PZ**

Dated: 4 December 2017

I hereby confirm that the above development is expected to commence on:

Date:

The person intending to carry out the development is:

Name:

Address:

.....

.....

.....

Postcode:

Telephone no:

***Please delete as appropriate**

*The above person is the owner of the land to which the development relates

*The landowner is (if different from the person above):

Name:

Address:

.....

.....

.....

Postcode:



The person appointed to oversee the carrying out of the development is (if applicable):

Name:

Address:

.....

.....

Postcode:

Telephone no:

Signed Date

On Behalf of

Please return this form, duly completed to:

Head of Planning and Building Standards
Aberdeenshire Council
Gordon House, Blackhall Road, Inverurie, AB51 3WA

IMPORTANT:

1. Failure to submit this Notice before commencement of development would be a breach of planning control under Section 123(1) of the Town and Country Planning Act 1997 and the Planning Authority may take enforcement action.
2. Any planning conditions imposed which necessitate action prior to the commencement of development, must be complied with to prevent a Breach of Planning Conditions and the subsequent service of a Breach of Condition Notice or other enforcement action.
3. Any planning conditions imposed relative to this planning application will be the subject of our planning condition monitoring policy which will entail a visit(s) to the site.



**NOTIFICATION OF COMPLETION OF DEVELOPMENT
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, SECTION 27B(1)**

APPLICATION REFERENCE NUMBER: APP/2017/0481

Full Planning Permission for Conversion of Steading to Form 2

**Dwellinghouses with Ancillary Accommodation at Steadings At , Brownhills,
Newmachar, Aberdeenshire, AB21 7PZ**

Dated: 4 December 2017

I hereby confirm that the above development was completed on:

Date:

The person who completed the development is:

Name:

Address:

.....

.....

.....

Postcode:

Telephone no:

Signed Date

On Behalf of

Please return this form, duly completed to:

Head of Planning and Building Standards

Aberdeenshire Council

Gordon House, Blackhall Road, Inverurie, AB51 3WA

REPORT OF HANDLING

Application Reference: APP/2017/0481

Proposal: Conversion of Steading to Form 2 Dwellinghouses with Ancillary Accommodation

Address: Steadings At , Brownhills, Newmachar, Aberdeenshire, AB21 7PZ

1. Description of Proposal

Full planning permission is sought for the conversion of a steading to form 2 dwellinghouses with ancillary accommodation at Brownhills, Newmachar.

The site lies approximately 210m to the south west of Newmachar to the immediate west of an existing farmhouse. The site itself comprises a traditional steading and bothy with an out building to the south east. The site is bound by a post and wire fence to the west, is unbound to the north and south with a timber fence to the east. The site extends beyond the existing boundary to the west to accommodate surface water and foul water soakaways.

The proposal includes the conversion of the steading and bothy to form two dwellinghouses. Unit 2, to the west, also has ancillary accommodation whilst the outbuilding to the east is to be demolished and replaced with a garage for Unit 1. The conversion of the building includes the addition of 3 porches and 3 gable roof extensions on the internal south, north and west elevation of the steading. The height of the eastern gable is also to be extended by approximately 1.2m. Throughout the steading several of the openings are to be altered through being fully or partially blocked up, or widened.

The proposed finishes include natural slate roof, the reuse of existing natural stones and additional larch cladding, white timber windows and doors and black upvc rainwater goods.

The proposed houses are to be connected to the public water supply with a new septic tank with effluent to the land via a soakaway, sited at the west of the site. A new soakaway is also proposed for surface water drainage.

The proposed houses are to be accessed from an existing road to the south, which is to be extended to provide access to the north of unit 2 and east of unit 1. A total of 6 parking spaces is provided. A retaining boundary wall is proposed to the north to accommodate a change in level by approximately 1m.

2. Relevant Planning History

APP/2017/1975 Erection of 3 dwellinghouses: Non-compliance with condition 2 of planning permission in principle reference APP/2016/0611 (Refused: 07/11/2017)

This application was refused for the reason that the original permission was granted on the basis of replacement of the steading and two further outbuildings. The recommendation of the planning service was agreed by Local Members.

APP/2016/0611 Erection of 3 no. dwellinghouses (Approved: 12/01/2017)
This permission was granted on the basis of replacement of the steading and two further outbuildings with a site which extends from the current site to the north.

APP/2015/1724 Erection of 5 no. dwellinghouses at Land at Brownhills, Newmachar (Withdrawn: 04/08/2015)

To south east of site-

APP/2013/3909 Alterations and extension to dwellinghouse and erection of detached garage at Brownhills Farm, Newmachar (Withdrawn: 28/03/2014)

APP/2014/1783 Extension to dwellinghouse and erection of double garage at Brownhills Farm, Newmachar (Approved: 30/06/2014)

3. Supporting Information

Porosity Test, Colin Thompson Chartered Architect (February 2017)

Design Statement, Colin Thompson Chartered Architect (January 2017)

Bat Survey Report, Countrywise (June 2016)

4. Variations & Amendments

None.

5. Representations

No valid representations have been received.

6. Consultations

Infrastructure Services (Archaeology) have no objection subject to condition for a photographic survey.

Infrastructure Services (Natural Heritage) have no objection to the proposal. The bat survey provided was found to be acceptable and indicated no evidence of bats.

Infrastructure Services (Roads Development) have no objection subject to conditions.

Business Services (Developer Obligations) have highlighted the requirement for payment of developer obligations. The applicant has confirmed their intentions to comply with this requirement.

Scottish Water has not replied to the consultation at the time of writing.

7. Relevant Policies

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.

Aberdeen City and Shire Strategic Development Plan 2014

The purpose of this Strategic Development Plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. All parts of the Strategic Development Plan area will fall within either a strategic growth area or a local growth and diversification area. Some areas are also identified as regeneration priority areas. There are also general objectives identified. In summary, these cover promoting economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapt to the effects of climate change and limit the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

Aberdeenshire Local Development Plan 2017

Policy R2: Housing and employment development elsewhere in the countryside

Policy P1: Layout, siting and design

Policy E1: Natural heritage

Policy RD1: Providing suitable services

Policy RD2: Developers' obligations

8. Other Material Considerations

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.

9. Directions by Scottish Ministers

None.

10. Discussion

The key issues in the determination of this application are the principle of the development; layout, siting and design; and access and servicing.

Principle of development

The site lies in the Aberdeen Housing Market area outwith any settlements and therefore the key policy in determining the principle of this application is Policy R2: Housing and employment development elsewhere in the countryside. This policy supports development when it meets one of several criteria including where it is for the refurbishment or replacement, on the same site, of an existing house or disused building.

The proposed application is for the conversion of a traditional steading which is in a dilapidated state into two dwellinghouses with ancillary accommodation. There is also an outbuilding to the south east of the site which is to be demolished and replaced with a garage to provide parking for one of the residential units. The proposal includes the addition of three porches and three separate extensions on to the existing steading building.

The principle of the redevelopment of the steading is considered acceptable as it complies with Policy R2 for the refurbishment of a disused building. The additional elements proposed as part of the refurbishment lie outwith the footprint of the steading however, are of a scale incidental to the overall redevelopment and are considered acceptable in this case. In addition to this, an area of ground outwith the curtilage of the steading is proposed for foul and surface water drainage. This is not located on any prime agricultural land and is considered acceptable in this case.

Overall, the proposal is considered acceptable in principle.

Layout, siting and design

SG LSD 2 aims to improve the standard of layout, siting and design of development to achieve high standards of urban and rural design. This policy requires development to respond to design issues including optimising response to site context, resource-efficiency and use of appropriate materials whilst ensuring it performs functions expected of it. In the case of an individual dwellinghouse this includes the provision of privacy, amenity, waste and water systems, connectivity and flexibility.

The key proposed changes in the full restoration of the dilapidated building including restoration of the roof, an area of height increase of the roof, the addition of three porches and three gable extensions along with a number of minor amendments to openings. The restoration and extensions proposed are acceptable in terms of finishes and designs.

The proposed for the restoration of the building for residential use is considered compatible with the surrounding area which includes residential and agricultural uses. However, the proposal has the potential to impact on amenity of the neighbouring property, as raised in a letter of representation. On consideration of these concerns, it is noted that the distance from the south east corner of unit 1 to the boundary of the closest neighbouring property is approximately 10m, with the distance exceeding approximately 25m from the neighbouring house itself. Although it is acknowledged that the proposal to redevelop the steadings would introduce residential use to the surrounding area which is at a higher elevation, the distances involved are not considered to result in any overlooking. This would be further avoided through the existing boundary treatments present. There is also not expected to be an unacceptable level of overshadowing to the neighbouring property due to the distances involved.

Concerns were raised regarding the siting of the garage to serve plot 1 within the letter of representation. There are no concerns regarding the access to the site as a result of the garage e.g. sufficient visibility can be achieved to the site, and no consideration can be given to loss of a view from a neighbouring property which is not a material planning consideration. The siting of the garage is considered acceptable.

Overall, the proposed conversion of the steading is considered acceptable in terms of layout siting and design and does not introduce any impacts on neighbouring amenity.

Access and servicing

The proposed houses and ancillary accommodation are to be served from an exciting access track. No concerns were raised by the Roads Department regarding the access and sufficient parking has been provided for the size of the proposed dwellinghouses.

The proposed servicing of the houses is via private drainage arrangements with a septic tank and soakaway and connection to the public water supply. A drainage certificate has been provided and demonstrates that the proposed arrangements are adequate for the proposed dwellinghouses.

Therefore, the application complies with Policy RD 1: Providing suitable services.

Other considerations

Policy E1: Natural heritage gives protection to all nature conservation sites, protected species and the wider biodiversity and geodiversity through UK or European law. A bat survey was submitted under the previous application (APP/2016/0611) which demonstrated that there were no bats recorded entering the building and that the building has low potential because of its poor condition and poor habitat in the surrounding area, although a small number of bats commuted across the site. Infrastructure Services (Natural Heritage) had no concerns with the proposal for conversion of the steading due to the findings of the previous bat report.

Conclusion

Overall, the proposed conversion of the steadings to 2 dwellinghouses and ancillary accommodation is considered acceptable in principle. The layout, siting and design is found to be acceptable and there are no unacceptable impacts on neighbouring amenity anticipated. The site can be adequately accessed and serviced. Therefore, the application is recommended for approval.

12. Recommendation

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

01. No works in connection with the development hereby approved shall commence unless a photographic survey of the existing buildings and structures on the application site has been submitted to and approved in writing by the planning authority. All external and internal elevations of the buildings and structures together with the setting of the buildings and structures and any unusual features of the existing buildings and structures shall be photographed. The photographic viewpoints must be clearly annotated on a plan to accompany the survey. The photographs and plan must be in a digital format and must be clearly marked with the planning reference number.

Reason: To ensure that a historic record of the building is made for inclusion in the National Monuments Record for Scotland and in the local Sites and Monuments Record.

02. No works in connection with the development hereby approved shall commence unless details of the proposed means of enclosure to be erected on the boundaries of the site, including the retaining walls, have been submitted to and approved in writing by the planning authority. The dwellinghouses hereby approved shall not be brought into use unless the means of enclosure have been erected in accordance with the approved details. Once erected, the means of enclosure shall thereafter be permanently retained in accordance with the approved details.

Reason: In the interests of the residential amenities of the neighbouring property and the occupants of the approved development.

03. No other development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility splays measuring 25m in both directions along the channel line of the public road has been provided from a point 2.4m metres measured at right angles from the existing edge of the carriageway surface along the centre line of the approved access in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter and no visual

obstruction of any kind shall be permitted within the visibility splays so formed.

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

04. No dwellinghouse hereby approved shall be occupied unless the vehicular and pedestrian access has been provided and surfaced in accordance with the details shown on the approved plan. Once provided, the vehicular and pedestrian access shall thereafter be permanently retained as such.

Reason: To ensure the provision and retention of a means of access to an adequate standard in the interests of road safety.

05. No dwellinghouse hereby approved shall 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 each access shall not exceed 1:20 gradient and 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. The lay-by shall measure 8.0m x 2.5m with 45 degree splays to be formed on the frontage of the site and proposed vehicular access taken by this. 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.

06. No dwellinghouse hereby approved shall not be occupied unless the refuse bin uplift store areas have been submitted to and approved in writing by the planning authority. The area shall be constructed and surfaced in accordance with the details shown on the approved plan. 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.

07. No dwellinghouse hereby approved shall be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the plans submitted and approved under condition 1 and the Porosity Test Report (Colin Thompson Architects, 04 March 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.

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. The residential annex hereby approved shall be used only for purposes incidental to the enjoyment of unit 2 as a dwellinghouse. No separate curtilage shall be formed and the residential annex shall at no time be used as an independent dwellinghouse without the express grant of planning permission from the planning authority.

Reason: The relationship between the residential annex and the main dwellinghouse within the site is such that the residential amenities of the occupants of both would potentially be adversely affected by the creation of an independent residential unit in addition to the two dwellinghouses hereby approved.

Reasons for Decision

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

13. Process of Determination

The application was the subject of consultation with Local Members under the Council's Scheme of Delegation.

14. Planning Obligations

Yes

Karen McDonald

From: Ward Pages <no-reply@sharepointonline.com>
Sent: 04 November 2017 00:00
To: Karen McDonald
Subject: [Ward Pages]: Planning Consultation Results: Land At Brownhills N...

Importance: High

Dear Karen McDonald,

Your planning consultation entitled [Land At Brownhills Newmachar Aberdeenshire](#) for Planning Application Reference APP/2017/1975 on Ward Pages has closed, your proposal for this application to be determined by officers using delegated powers has been Accepted. Full results are shown below:

Councillor	Response	Comments	Interest Declared
Cllr. Glen Reid	Agree Officer Delegation		● No Interest Declared
Cllr. Dominic Lonchay	Agree Officer Delegation		● No Interest Declared
Cllr. Fergus Hood	No Response		● No Response
Cllr. Martin Ford	Agree Officer Delegation		● No Interest Declared

Please do not reply to this email - you can see full details of responses to this consultation on [Ward Pages](#).