



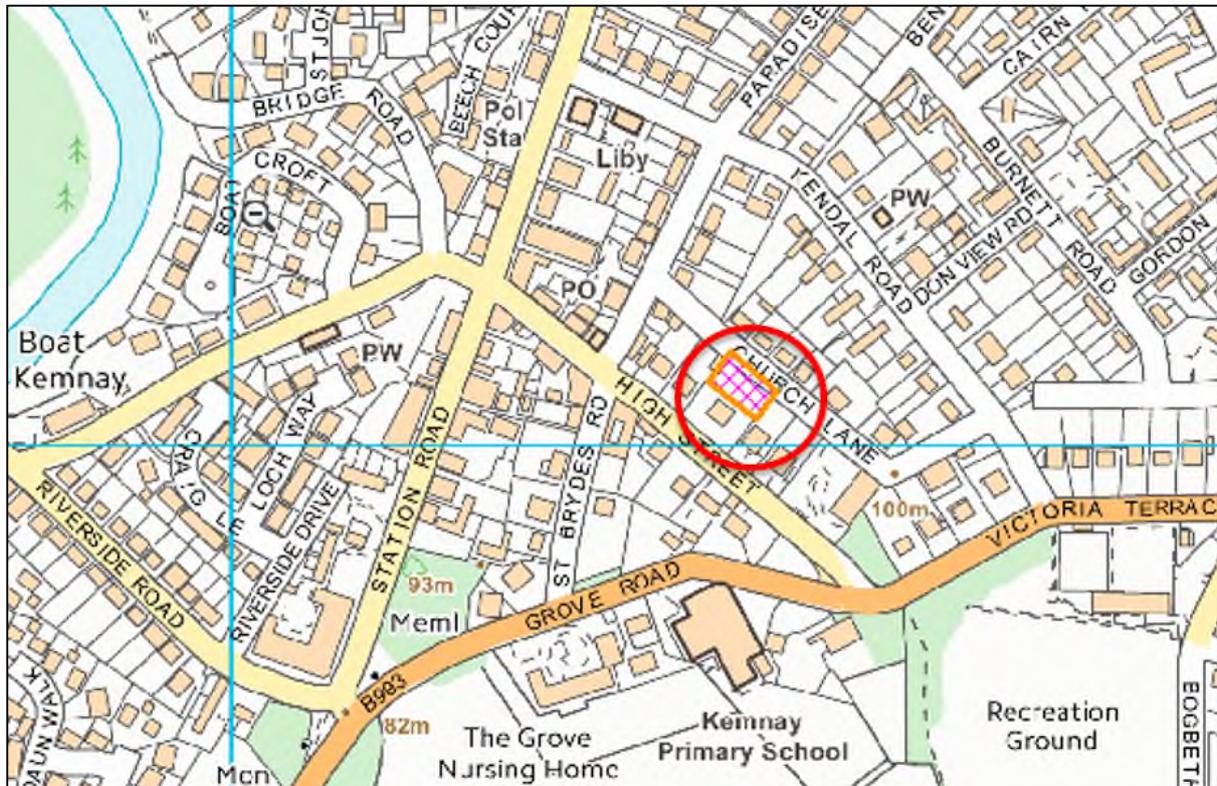
Garioch Area Committee Report – 29 May 2018

Reference No: APP/2018/0602

Description: Full Planning Permission for Erection of Dwellinghouse (Renewal of Planning Permission APP/2014/3815) at Land at 25 High Street, Kemnay, Aberdeenshire

Applicant: Ms Caroline Susan Wainman

Grid Ref:	E:373306 N:816035
Ward No. and Name:	W10 - West Garioch
Application Type:	Full Planning Permission
Representations:	6
Consultations:	5
Relevant Proposals Map Designations:	Within Kemnay settlement
Complies with Development Plans:	Yes
Main Recommendation:	Grant



NOT TO SCALE

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1. Reason for Report

- 1.1 The Committee is able to consider and take a decision on this item in terms of Section B.9.1 of Part 2A List of Committee Powers and Section C.3.1f of Part 2C Planning Delegations of the Scheme of Governance as there have been valid objections from six or more individuals or bodies with separate postal addresses or premises.
- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make.

2. Background and Proposal

- 2.1 This planning application seeks full planning permission for the erection of a new two-bedroom dwellinghouse to the rear of 25 High Street, Kemnay ('Blythewood'). The proposed new house would be accessed from Church Lane, a private road which leads south-eastwards from Paradise Road. The proposed housing site currently forms part of the large rear garden of Blythewood and this existing house is set back but faces onto the High Street from which it takes access. The rear garden to 'Blythewood' contains a stone-built and slate roofed outbuilding which would be removed as part of the proposal. This outbuilding is a lean to building onto a common wall with the neighbouring property at number 23 High Street. Access to the site and proposed dwellinghouse will be from Church Lane. Blythewood currently has two access points onto the High Street.
- 2.2 The proposed dwellinghouse has two linear single storey wings that are to be orientated parallel with Church Lane. The closest wing to Church Lane would be 12.8m long while the other would be 13m long. The northeast elevation wall facing Church Lane would be set back 1.14m from the lane and would be finished in second hand natural granite. This would effectively be the continuation of a rebuilt granite wall that formed the boundary between the site and Church Lane. The existing boundary wall is between 1.7 and 1.84m tall and would be rebuilt to a height of between 2m and 2.4m. Both wings of the new house would have pitched roofs of natural slate and would be connected by a flat roofed link section. The other elevations of the house would be mainly finished in timber cladding.
- 2.3 The development includes a car port structure in the northwest corner of the site and a driveway allowing space for two cars, accessed from Church Lane. It is proposed to connect to the mains water supply and foul drainage network, with provision for surface water disposal on site. An air source heat pump is proposed within the boundary to the north west elevation.
- 2.4 The previous application and decision, which this application effectively seeks to extend, was considered by Garioch Area Committee on 3 February 2015 and 24 February 2015. Full Planning Permission was granted on 8 April 2015 and since this date a number of conditions attached to the permission have been met, but development has not been started on site. The informative attached to the earlier application advised that the decision would expire three years after the date of the decision notice, and on this basis the permission has lapsed since the application was submitted.

3. Representations

3.1 A total of 6 valid representations (6 objections) have been received as defined in the Scheme of Governance. This does not include multiple representations from the same household which equate to 8 letters in total. All issues raised have been considered. The letters raise the following material issues:

- *Church Lane is a single track unpaved lane giving access to 11 houses, as well as providing an arterial route for pedestrians travelling to and from the High Street, the Church Hall and the Kemnay Primary School on Grove Road. There is potential conflict between construction traffic and vehicles accessing properties, pedestrians using lane as a through route and this potential conflict should be managed by condition.*
- *The proposal its siting, layout and design will result in over-development that will spoil the character of the area.*
- *Church Lane is narrow, with no opportunity for on-street parking, and no room to complete a U-turn without using private driveways and development would lead to further congestion on the lane.*
- *The layout siting and design of the development will have a detrimental impact on the surrounding area due to overbearing nature, loss of light to garden ground, and loss of local amenity.*

4. Consultations

4.1 **Business Services (Planning Obligations)** advises that planning obligations have been met earlier and no further contributions are necessary.

4.2 **Infrastructure Services (Environmental Health)** advise that it has no adverse comments to make and has no objections subject to applying a condition about the air source heat pump.

4.3 **Infrastructure Services (Roads Development)** advises that it has no objection to the renewal of this planning application.

4.4 **NESBReC** advises that within the area there is potential that West European Hedgehog (*Erinaceus europaeus*) and the Eurasian Red Squirrel (*Sciurus vulgaris*) might be found.

4.5 **Scottish Water** advises that there is currently sufficient capacity in the Invercannie Water Treatment Works and the Kemnay Waste Water Treatment Works.

5. Relevant Planning Policies

5.1 Scottish Planning Policy

The aim of the Scottish Planning Policies is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and

- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning system guides the future development and use of land in cities, towns and rural areas in the long term public interest. The goal is a prosperous and socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

5.2 Aberdeen City and Shire Strategic Development Plan 2014

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

5.3 Aberdeenshire Local Development Plan 2017

Policy P1: Layout, siting and design

Policy P3 Infill and householder developments within settlements (including home and work proposals)

Policy P4 Hazardous and potentially polluting developments and contaminated land

Policy RD1: Providing suitable services

Policy RD2: Developers' obligations

6. Discussion

- 6.1 Since the earlier application was considered and granted planning permission, the 2017 Local Development Plan has been adopted. The key policies relevant to the determination of the application are broadly the same as those previously used and contained within the 2012 Local Plan. These relate to "Shaping Places" Policies P1, P3 & P4, "Climate Change" Policy C1, and "The Responsibilities of Developers" Policies RD1 and RD2.
- 6.2 The principle of the proposal and potential local impacts along with layout and design of the proposed development is considered through policies P3 and P1 in the 2017 LDP. These seek to ensure that infill developments such as this respect the scale, density and character of its surroundings and will not erode the character or amenity of the surrounding area. Applicants must also demonstrate that there will be no significant interference with the existing or proposed use of neighbouring sites, or the accessibility of future potential development areas.

- 6.3 This proposal is identical to that previously considered and consented. There are no significant differences between the policy objectives of the 2012 LDP to the policies which have been adopted in the current development plan. Many objectors raised the issue of overdevelopment and layout siting and design as a key issue within their objection, as had been raised previously. The issue of the principle of the development, along with layout siting and design were considered by committee after a site visit. There are no changes to the detail of the proposed development or material changes to development plan policy that would suggest that the proposed development does not continue to meet the policy objectives associated with P3 and P1 of the 2017 LDP.
- 6.4 Since the last application was considered, there have been changes to the permitted development rights regarding air source heat pumps (ASHP) and the Planning Service has a greater awareness of potential noise impacts. The type and specification of the ASHP shall be conditioned to ensure no nuisance arises to the satisfaction of Environmental Health and in compliance with Policy P4. While it is suggested that the proposed development overall will be low energy use, a condition will be attached to ensure Policy C1 "Using resources in buildings" is met with the proposed development. The development can therefore meet Policy C3.
- 6.5 A key issue raised within the representations relates to the site access arrangements as the access is by way of a small private lane. In considering the proposed development, Policy RD1 "Providing suitable services" seeks to ensure that "we will only allow development that provides adequate road, waste management, water or waste water facilities, connections and treatment as appropriate." Access to and servicing the site were considered through the previous application and there are no changes to the proposed development or material changes to development plan policy that would suggest the proposed development would not continue to meet policy and this position is supported by comments received from Roads Development and from Scottish Water. The detail of the proposal and the policy position, including matters relating to access, were considered by Committee in 2015 following which permission was granted.
- 6.6 Other issues raised in representations about damage to the lane by construction vehicles and subsequent repairs and the impact on a drain are not considered to be material to the determination of the application.
- 6.7 Regarding Policy RD2 "Developers' obligations", Business Services has advised that all necessary payments have already been paid.
- 6.8 In conclusion, the proposed development meets the policy requirements of the 2017 Local Development Plan and there are no material considerations that would justify a refusal. The identical application was considered by Garioch Area Committee early 2015, where the same areas of concern were raised in representations and the committee supported granting permission. Whilst there has been a change of Local Development Plan in the interim period there are no changes to the proposal or significant policy shift that would support coming to a different conclusion.

7. Area Implications

- 7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community Plan.

8. Implications and Risk

- 8.1 An equality impact assessment is not required because the development does not have a differential impact on any persons identified 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

None

- 10.3 The application is not a Departure from the Local Development Plan or Strategic Development Plan and no departure procedures apply.
- 10.4 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.
- 10.5 The application would not have to be referred to Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

11. Recommendation

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

1. The 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 Policy C1 of the Aberdeenshire Local Development Plan 2017.

The development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and Policy C1 of the Aberdeenshire Local Development Plan 2017.

2. For the avoidance of doubt, the air source heat pump (ASHP) shown on the approved drawings is not approved. Prior to installation, details of the type and specification of the ASHP shall be submitted for the written approval of the planning authority. Noise level due to the operation of the ASHP when measured at 1m from any window, door or other ventilation opening serving any adjacent property shall not exceed 38 dB LAeq (1 hour). Once approved, the ASHP shall be installed in complete accordance with the approved details.

Reason: To ensure no noise nuisance arises from the proposed ASHP.

3. No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority.

Details of the scheme shall include:

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

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

originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

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

4. No development in connection with the planning permission hereby granted shall take place unless full details of the proposed means of disposal of surface water from the development including a maintenance scheme have been submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing by the Planning Authority, surface water shall be disposed of via the use of Sustainable Urban Drainage Systems and the dwellinghouse shall not be occupied unless the agreed drainage system has been provided in its entirety and maintained thereafter throughout the lifetime of the consent in accordance with the approved maintenance scheme.

Reason: To ensure the provision of an acceptable drainage system in the interests of the amenity of the area.

5. The dwellinghouse hereby approved shall not be occupied unless a scheme for the provision of obscure glazing or outlook control film on the northerly bay window on the upper floor of 'Blythewood' (25 High Street) has been submitted to and approved in writing by the Planning Authority and unless the obscure glazing or outlook control film has been fitted fully in accordance with the approved scheme. Once installed, the obscure glazing or outlook control film shall be permanently retained thereafter.

Reason: In the interests of the residential amenity of the dwellinghouse hereby approved.

6. No development in connection with the permission hereby granted shall take place unless details of all of the proposed means of enclosure to be provided in the proposed development have been submitted to and approved in writing by the Planning Authority. The dwellinghouse shall not be occupied until all of its means of enclosure have been provided in accordance with the approved details.

Reason: To prevent adverse overlooking into and from neighbouring properties.

7. The dwellinghouse hereby approved shall not be occupied unless its driveway, turning and parking area has been provided and surfaced in accordance with the details shown on the approved plans. Once provided, the driveway, turning and parking area 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.

11.2 Reason for Decision

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

Stephen Archer
Director of Infrastructure Services
Author: Sheena Lamont (Planner)
Date: 14/05/2018