

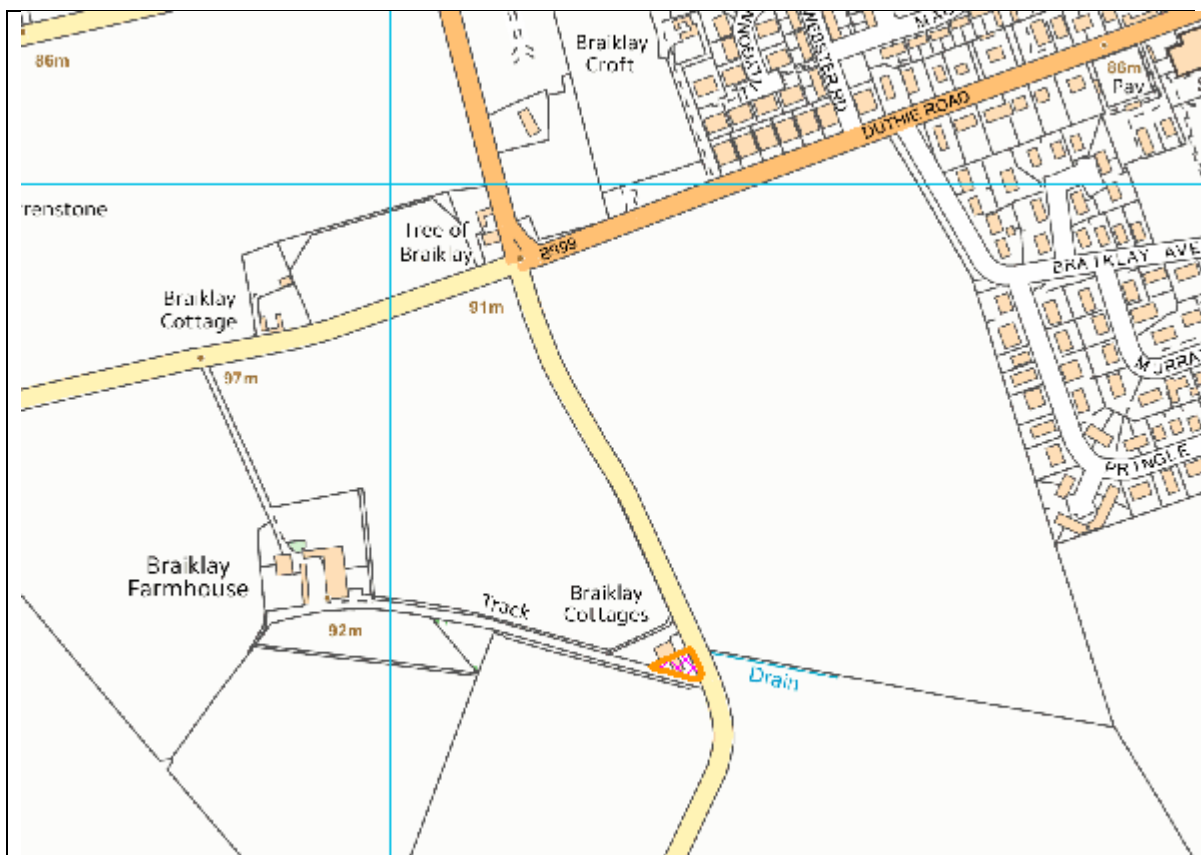
## Formartine Area Committee Report - 5 June 2018

Reference No: APP/2018/0594

**Full Planning Permission for Erection of Dwellinghouse at 1 Braiklay Cottage,  
Tarves, Aberdeenshire, AB41 7NJ**

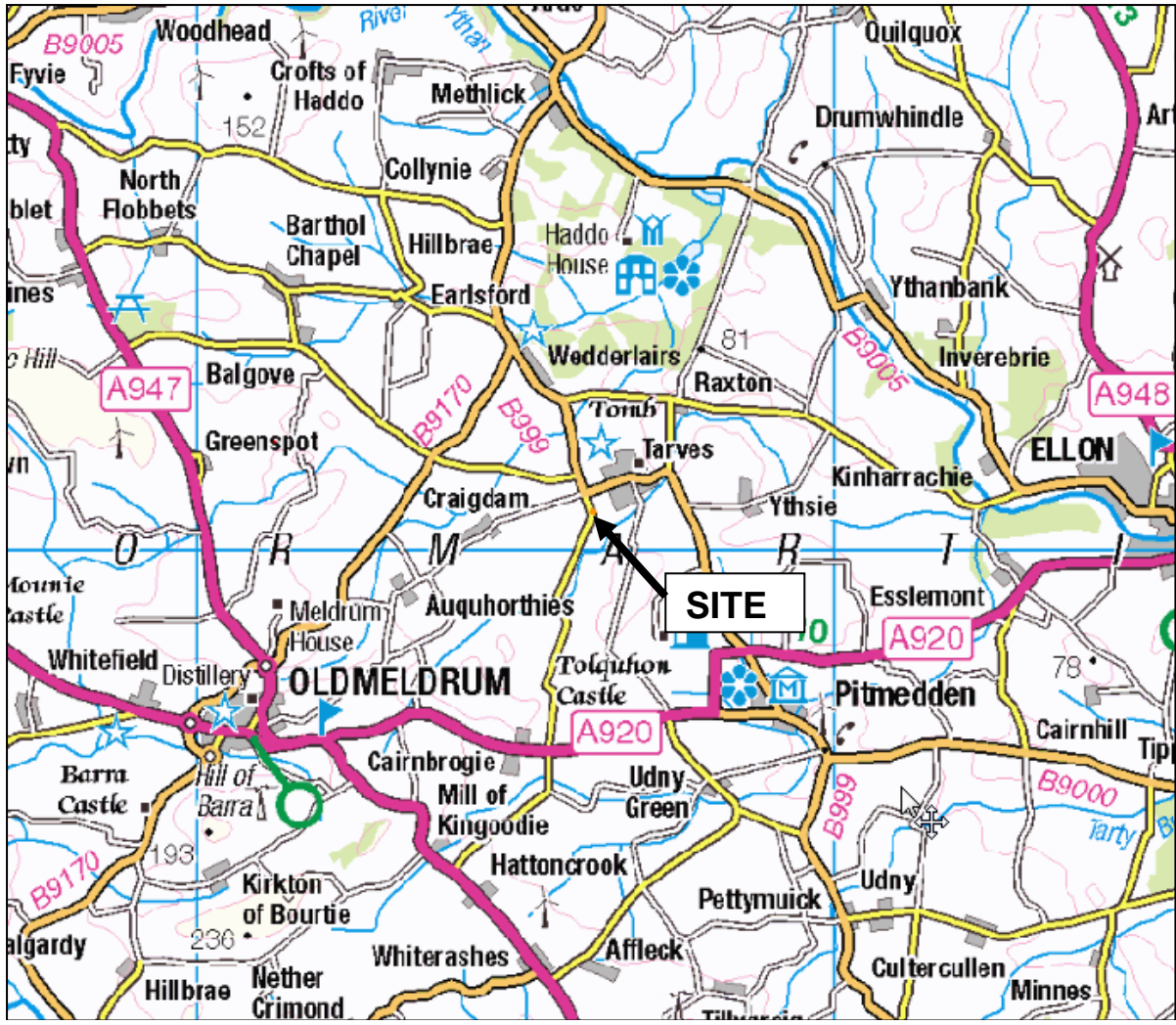
**Applicant:** Ms Lynne Presly  
**Agent:** Colin Thompson Chartered Architect

Grid Ref:	E:386226 N:830620
Ward No. and Name:	Mid-Formartine
Application Type:	Full Planning Permission
Representations:	0
Consultations:	6
Relevant Proposals Map:	Aberdeenshire Local Development Plan
Designations:	AHMA
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.3.1g of Part 2C Planning Delegations of the Scheme of Governance as there has been an unresolved objection from a Community Council within whose area the proposed development is to take place.
- 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 and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

## **2. Background and Proposal**

- 2.1 This application seeks full planning permission for the erection of a dwellinghouse at 1 Braiklay Cottage, Tarves. It should be noted that the applicant proposes to demolish an existing property on the site in order to accommodate this proposal.
- 2.2 The site is located immediately to the south (approximately 10 metres) of the Tarves settlement boundary and lies within the Aberdeen Housing Market Area. The site currently contains an existing dwelling and is surrounded by agricultural land. Directly to the north of the site lies another dwellinghouse with other properties (North and South Braiklay and Braiklay Farmhouse) situated approximately 300 metres to the north west of the application plot. See Appendix 1 for Location Plan and Appendix 2 for Site Plan.
- 2.3 The existing property to be demolished is a single storey two bedroom cottage that has a natural slate hipped roof, brown render external material and timber frame doors and windows. The applicant proposes to replace the existing dwelling with a contemporary style single storey property. The dwellinghouse would occupy a footprint of approximately 65m<sup>2</sup> and would have a height of approximately 5.2m to the ridgeline. The property shall comprise of a hipped roof on the principle elevation, similar to the existing dwelling, with a pitched roof to the rear. The proposed single storey dwelling would consist of two bedrooms, a lounge, dining area and kitchen and will also incorporate a porch design feature at the front elevation. See Appendix 3 for Elevations. The applicant proposes the following finishing materials:
  - Cream/White Wet Dash Render/Vertical Timber (Larch) Cladding (Left Untreated to Weather Naturally)
  - Natural Slate Roof
  - Dark Grey UPVC Doors and Windows
  - Natural Larch Posts on (Dark Grey UPVC Coated) Steel Shoe Connectors to Raise Posts off the Ground for the proposed Entrance Porch

- 2.4 The application site is triangular in shape and is bounded to the north-east and the south-west by an existing low level stone dyke wall (approximately 300mm in height). Directly to the north, a blockwork wall and timber fence exist with the boundary of the neighbouring dwelling. The topography of the site slopes from a higher point at the western corner down towards the public road along the north east boundary.
- 2.5 The applicant proposes to use the existing septic tank to facilitate the foul drainage with the rain water directed to a new partial soakaway. The applicant proposes to connect to the public water supply network. In addition, the applicant has also shown a new vehicle access as well as parking spaces for two cars and a turning facility.
- 2.6 There is no relevant Planning History to the site.
- 2.7 In support of this application the applicant has provided the following reports:
- **Design Statement:** The submitted design statement provides a justification for the demolition of the existing property on site. The statement concludes that the building has been unoccupied for some time and is in a tired and poor state of repair and would require extensive repair works. In addition, the financial implications to fully restore the building have led to the conclusion that a replacement property is the most suitable and economic solution for the site. The design statement also details the design, layout and materials of the proposed dwelling in terms of character and amenity on the surrounding area, vehicle access and drainage.
  - **BAT Survey Report by Countrywise (06/08/2017):** The bat survey was conducted in order to assess whether there was any evidence of bats in the house identified for demolition, the location of roosts, species and number of bats found on site and the impact of the development. The survey found the following:

**Daytime Survey-** No sign of bats were found anywhere in or around the cottage though it was noted that there are opportunities for bats to roost under slates and at the wall head.

**Sunset Survey-** 2 common pipistrelle bats were recorded emerging from the corner above the rear door.

**Sunrise Survey-** 2 Common pipistrelle bats returned to the same location at sunrise.

**Conclusion:** 2 Common pipistrelle bats roost in the existing cottage and the roosts will be destroyed. Mitigation and compensation will be necessary to protect the bats. Mitigation measures recommended include:

- All contractors should have a briefing about the possibility of finding bats on site and action to take if bats are found.
- A bat box with double front panel must be erected in a location to be agreed by a licensed bat worker before work commences and any bats found in the box.
- A single pre-work survey must be carried out no more than 1 week before work commences.
- If bats are recorded emerging from the cottage during the pre-work survey, a licensed bat worker must be present when work commences in the area identified and any bats found placed in the bat box.

2.8 There have not been any variations or amendments to this application.

### 3. Representations

3.1 No valid letters of representation have been received.

### 4. Consultations

4.1 **Infrastructure Services (Archaeology)** has no objection to the application however have asked for a planning condition to be attached to the consent in relation to photographic surveys of the existing building being taken.

4.2 **Infrastructure Services (Environmental Health)** has no objections to the proposal.

4.3 **Infrastructure Services (Roads Development)** has no objection subject to planning conditions being attached to the consent. These conditions relate to the gradient of the new access, extending the existing footway, vehicle parking, formation of lay-by, visibility splays, refuse facilities and turning areas being implemented.

4.4 **Scottish Natural Heritage (SNH)** advised that if the application is approved, a licence will be required from SNH before the applicant can proceed with development and it is likely that a licence would be granted.

4.5 **Scottish Water** has no objection to the proposal. There is currently sufficient capacity in the Turriff Water Treatment Works. There is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development.

4.6 **Tarves Community Council** has objected to the proposal as the proposed treatment and finish for the timber linings are unacceptable and will detract from the neighbouring property, particularly the way the blackening process can vary greatly depending on weather. See Appendix 4 for full response.

## 5. Relevant Planning Policies

### 5.1 Scottish Planning Policy

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

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

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

### 5.2 Aberdeen City and Shire Strategic Development Plan 2014

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

### 5.3 Aberdeenshire Local Development Plan 2017

Policy R2 Housing and employment development elsewhere in the countryside

Policy P1 Layout, siting and design

Policy E1 Natural heritage

Policy E2 Landscape

Policy RD1 Providing suitable services

Policy C1 Using resources in buildings

#### 5.4 Other Material Considerations

None

### 6. Discussion

6.1 The key planning issue is the principle of development, whether the new dwelling meets any of the relevant criteria for rural housing development in the countryside, as well as the impact of the proposal on the character and amenity of the area and whether the site would be adequately serviced.

#### *Principle*

6.2 Policy R2 Housing and employment development elsewhere in the countryside is the principle policy in this case. Policy R2 concerns small scale housing developments in the countryside (i.e. outwith settlements) on sites outwith the greenbelt or coastal zone. The principle of new housing in the Aberdeen Housing Market Area is supported by Policy R2 where:

- Development is appropriate in the greenbelt (through Policy R1 Special rural areas); or
- Development which involves the refurbishment or replacement, on the same site, of an existing house or disused building; or
- Development which involves remediation of redundant brownfield land opportunities; or
- Small scale growth to an identified settlement from appendix 4; or
- Viable retirement succession.

6.3 It is considered that the proposal will involve the replacement of an existing house and remediation of brownfield land through the proposed demolition of the existing dwelling that exists on the site. It is therefore considered that the principle of the development can be established against Policy R2 of the Aberdeenshire Local Development Plan 2017.

#### *Layout, siting and design*

6.4 Policy P1 is also a consideration in the determination of this proposal. This policy requires that the design, scale and character of the dwellinghouse respects the surrounding area.

6.5 It is considered that the layout and siting of the dwellinghouse is deemed acceptable and would sit comfortably within the context of the plot. The siting of the proposed house is on a similar footprint as the dwelling that is proposed to be demolished. In addition, the drawings show that the applicant intends to maintain the principle building line of the proposed house in order that it lies parallel with the neighbouring property. There shall be approximately 120m<sup>2</sup> of garden ground amenity space throughout the site which does not differ significantly from what exists on site at present. It is considered that this is more than adequate in terms of private ground amenity space.

- 6.6 The plans indicate that the property would be single storey in height with a hipped roof at the front elevation that ties into a pitched roof at the rear. The applicant has reflected the proposed roof type and height that currently exists at the house on the site at present. The changes in terms of design predominantly are the use of contemporary materials such as sections of vertical timber cladding on all the elevations. In addition to this, the use of slate roof tiles is considered to be an appropriate design choice, and one which would respect the character of the area. The materials are appropriate for the rural setting and offer a welcome contrast in design whilst maintaining traditional steadings, thereby avoiding erosion often character within this countryside location. It is considered that the use of the materials and proposed design features help break up the exterior walls of the house and enhance the design of the building. It is considered that the proposal is a welcomed addition to the surrounding area in terms of layout, siting and design and would comply with Policy E2 Landscape.
- 6.7 In addition, given the location of the dwelling and distance to adjacent property there is no concern with regards to privacy or overshadowing. The proposed window on the north-west elevation (facing the adjacent property) will not cause any overlooking given that is to facilitate a bathroom with obscure glazing. The proposed property is similar in size and height that what exists at present, and also shall be located on a similar footprint, therefore there shall be no issues regarding overshadowing.

#### *Levels and Landscaping*

- 6.8 The topography of the site slopes from a higher point at the western corner down towards the public road along the north east boundary. The applicant has highlighted existing and proposed floor levels ranging from FFL 9.2 and raising slightly to FFL 10.4. It is considered that the proposal will therefore sit comfortably with the character of the wider landscape. The landscaping includes a mixture of blockwork, timber fencing and a stone dyke boundary throughout the site as per what exists at present. The applicant proposes a planted garden at the southern and western corner of the site. Overall, taking into account the layout, siting and design and levels/landscaping, it is considered that the proposal complies with Policy P1.

#### *Drainage and access*

- 6.9 The proposed private drainage system is detailed on the submitted drawings. It is considered that given the proposed house is to sit on the site that exists at present, and no additional rooms are proposed, then the Planning Service is satisfied that a Geotechnical Certificate is not required as part of this application. In addition, Scottish Water has not objected to the proposal. Therefore, the existing drainage facilities in conjunction with the proposed plans will be acceptable and do not conflict with Policy RD1.
- 6.10 The applicant has provided vehicle access and drainage details as part of the proposal in which our Roads and Environmental Service deemed acceptable. The access will be taken via a public road leading to Tarves and will lead to a



turning area and 2 outdoor parking spaces. The applicant has not submitted the proposed refuse location which will be controlled via an appropriate condition. It is considered that the proposal meets the requirements of RD1 of the Local Development Plan. Further, an Energy Statement will be conditioned in order to ensure the development complies with Policy C1.

### *Protected Species*

- 6.11 As outlined in section 2, paragraph 2.7, a Bat Survey has been submitted and found that bats are roosting in the existing cottage. Mitigation measures have been recommended which are considered acceptable and SNH have also advised that a licence would be required but is likely to be granted. As such, it is considered that the development does not conflict with Policy E1.
- 6.12 Overall, the proposal is acceptable in principle under Policy R2 and considered appropriate in terms of layout, siting and design under Policy P1. It is also compliant with other relevant policies under the Aberdeenshire Local Development Plan 2017 and is therefore recommended for approval.

## **7. Area Implications**

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

## **8. Implications and Risk**

- 8.1 An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.
- 8.2 There are no staffing and financial implications.
- 8.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the Planning Authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.

## **9. Sustainability Implications**

- 9.1 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

## **10. Departures, Notifications and Referrals**

### **10.1 Strategic Development Plan Departures**

None

10.2 Local Development Plan Departures

None

- 10.3 The application is not a Departure from the Local Development Plan or the 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 subject to the following conditions:-**

01. The dwellinghouse hereby approved shall not 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.

02. 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.

03. The dwellinghouse hereby approved shall not be occupied unless the proposed foul and surface water drainage systems have been provided in

accordance with the approved plans. 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.

04. The development shall be served in accordance with the approved drawings and the following details:
- a) The maximum gradient of the first 5m of the new access must not exceed 1 in 20.
  - b) Prior to occupancy of development, first 5m of access (measured from edge of road or back of footway) to be fully paved.
  - c) Prior to occupancy of the development, the existing footway on the northwest side of the site must be extended south eastwards covering the entire frontage of the site, and must be constructed in accordance with Aberdeenshire Council's standards.
  - d) Prior to occupancy of development, off-street parking for 2 cars, surfaced in hard standing materials must be provided within the site.
  - e) Prior to commencement of development, a lay-by measuring 8.0m x 2.5m with 45 degree splays to be formed on frontage of the site & the proposed vehicular access to be taken via this. Construction shall be to a standard appropriate to the location & must be agreed in advance with Roads Development.
  - f) Prior to commencement of development, visibility splays, measuring 2.4m by 160m to be formed on either side of the junction of the vehicular access with the public road. The visibility splays so formed shall thereafter be kept free of all permanent obstructions above adjacent carriageway level.
  - g) Prior to occupancy of development a suitable vehicle turning area, measuring not less than 7.6m x 7.6m, must be formed within the site to enable all vehicle movements onto or from the public road to be carried out in a forward gear.

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

05. No works in connection with the development hereby approved shall commence unless details of the refuse bin uplift store area have been submitted to and approved in writing by the Planning Authority. The area shall be constructed behind any visibility splay and shall be designed so as to be accessible for refuse bin uplift and to prevent empty bins from being wind-blown. The dwellinghouse shall not be occupied unless the refuse bin uplift

store area has been provided and surfaced in accordance with the approved details. Once provided, the refuse bin uplift store area shall thereafter be permanently retained as such.

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

06. No demolition or any other 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.

## 11.2 Reason for Decision

01. The development complies with Policies R2 Housing and employment development elsewhere in the countryside, P1 Layout, siting and design and RD1 Providing Suitable Services contained within the Aberdeenshire Local Development Plan 2017 in that it would be a replacement of an existing dwellinghouse and there would be no negative impact on the amenity of the neighbouring property or the surrounding landscape.

Stephen Archer  
Director of Infrastructure Services  
Author of Report: Colin Campbell  
Report Date: 17 May 2018

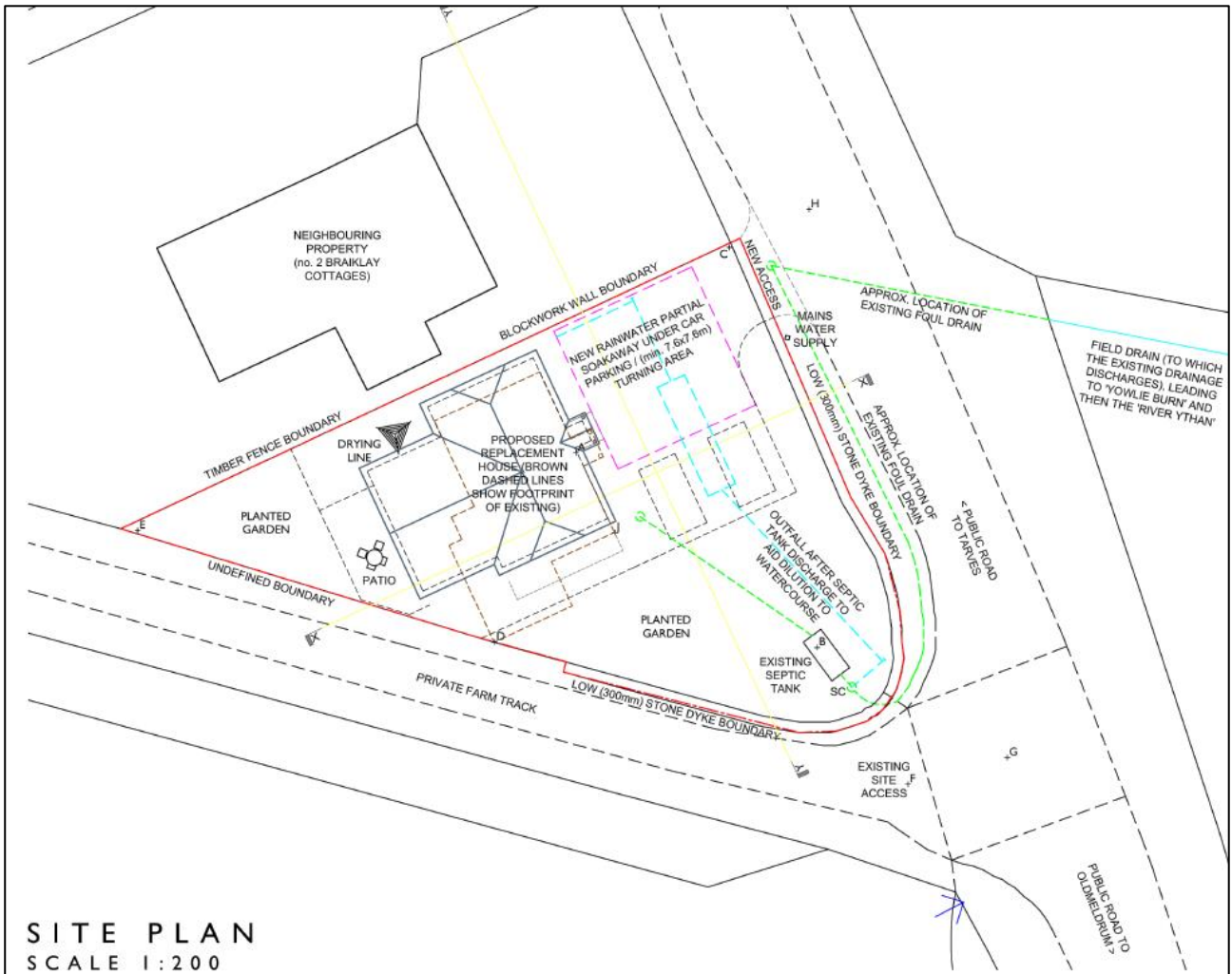
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Appendix 1  
Location Plan



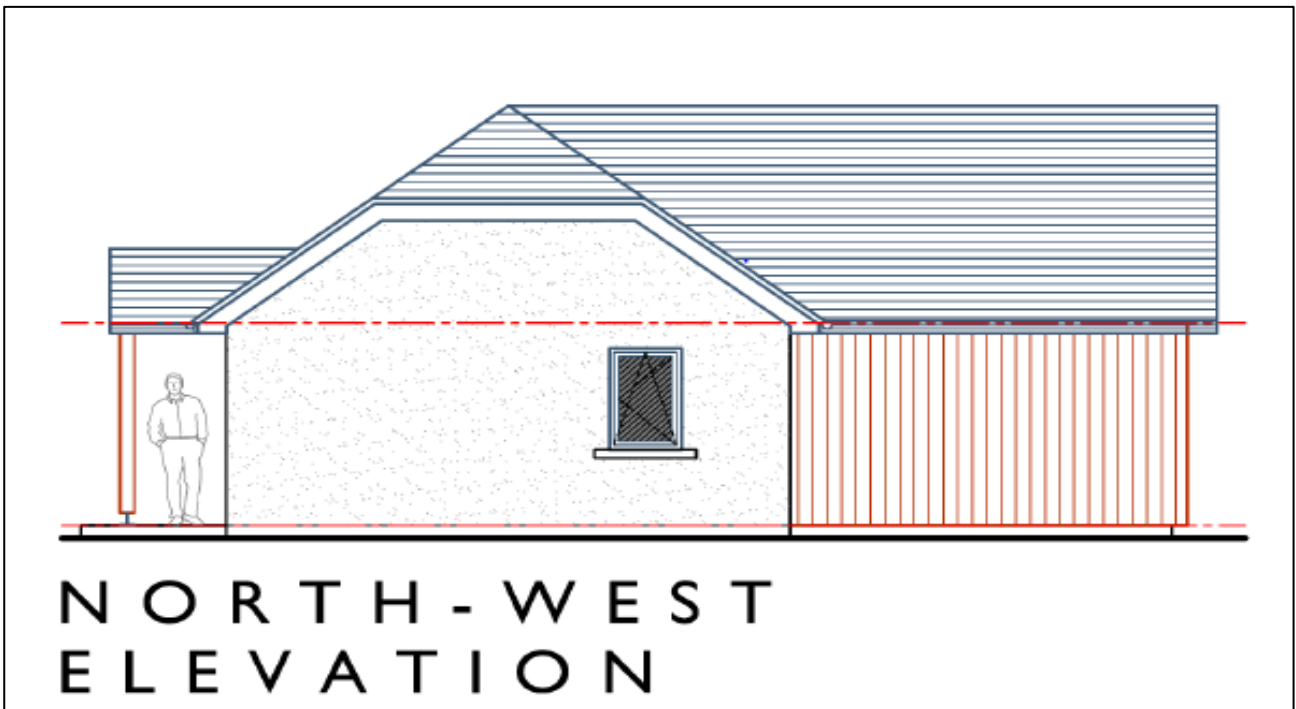
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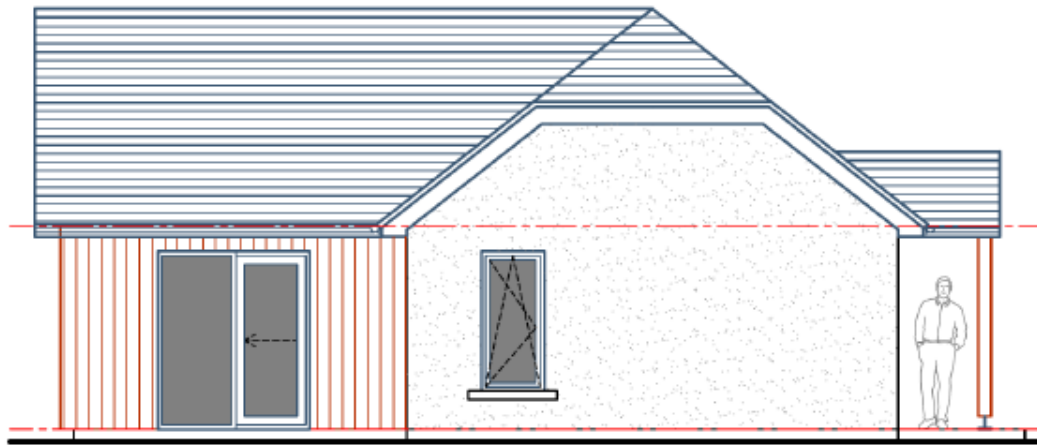
Appendix 2  
Site Plan



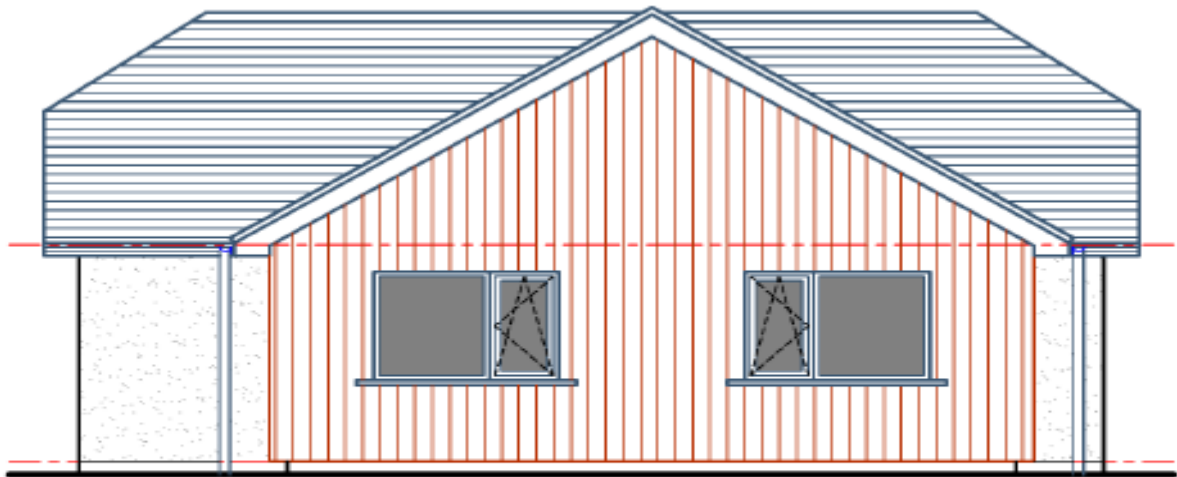
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Appendix 3  
Elevations





SOUTH-EAST  
ELEVATION



SOUTH-WEST  
ELEVATION



APP/2018/0594

Appendix 4  
Community Council Comments

## Tarves Community Council

Community Council Postbox  
Tarves Post Office  
The Square  
Tarves  
AB41 7GX  
20<sup>th</sup> April 2018

Aberdeenshire Council  
P. & B. S. Formartine Area  
45 Bridge Street  
Ellon.

Dear Sir/Madam

**APP/2018/0594; Erection of Dwellinghouse at| 1 Braiklay Cottage, Tarves.**

Members discussed this application and resolved to object to the proposal for the following reasons.

The proposed treatment and finish of timber linings are inappropriate.

The principle of a replacement dwelling house is acceptable and the design is to be commended in fitting well with the neighbouring house, however, the untreated timber linings will detract from the aforementioned, particularly the way that the blackening process can vary greatly depending on weather.

Should there be a proposal to make any changes to the timber treatment then we would appreciate the opportunity to comment further and or review this current objection.

Yours on behalf of the Community Council

Robert P. Davidson

Chairman.