

## **INFRASTRUCTURE SERVICES COMMITTEE - 24 JANUARY 2019**

**Reference No: APP/2018/1820**

**Full Planning Permission for Demolition of Hotel and Erection of 5 Dwellinghouses and Change of Use of Land to Domestic Garden Ground at Cammies, Cammachmore, Newtonhill, Aberdeenshire, AB39 3NR**

**Applicant: Rocin Ltd Per Agent**

**Agent: John Wink Design, Midtown of Foudland, Glens of Foudland, Huntly, AB54 6AR**

Grid Ref:	E:390714 N:794606
Ward No. and Name:	W17 - North Kincardine
Application Type:	Full Planning Permission
Representations	42
Consultations	7
Relevant Proposals Map	Aberdeenshire Local Development Plan
Designations:	Aberdeen Greenbelt, Aberdeen Housing Market Area
Complies with	No
Development Plans:	
Main Recommendation	Delegated Grant

### **1. Reason for Report**

- 1.1 The Committee is able to consider and take a decision on this item in terms of Section F.4.1 of Part 2A List of Committee Powers and Section C.3.1d of Part 2C Planning Delegations of the Scheme of Governance as the application is a local development where in the professional opinion of the Head of Planning and Building Standards, approval would be a significant departure from the Development Plan and the Area Committee have decided to approve the application.
- 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. Principal Planning Issues (Summary)**

- 2.1 The proposed development is for the erection of five new detached dwellinghouses on the site of the former Cammies Hotel in Cammachmore, Newtonhill. The existing building would be demolished. The site lies within the

Greenbelt. Policy R1: Special Rural Areas of the Aberdeenshire Local Development Plan 2017 restricts the provision of new dwellinghouses in the Greenbelt unless in certain circumstances none of which apply in this instance. The principle planning issue is therefore whether the principle of the development can be supported as a departure if there are other relevant material considerations; whether the layout, siting and design is in keeping with the character of the area; and whether the development is in significant conflict with the functions of the Greenbelt.

- 2.2 A full discussion of the relevant planning issues is contained in the Kincardine and Mearns Area Committee Report of 11 December 2018 attached as **Appendix 2**.

### **3. Representations (Summary)**

- 3.1 42 valid representations (41 support/1 objection) have been received as defined in the Scheme of Governance.
- 3.2 Copies of the letters are available for inspection in the Members' Support Unit.

### **4. Area Committee Decision (Summary)**

- 4.1 At their meeting of 11 December 2018, the Kincardine and Mearns Area Committee agreed that the application be referred to the Infrastructure Services Committee with the Area Committee's recommendation that it be approved, subject to payment of developer obligations and affordable housing contributions or the completion of a Section 75 agreement, and the conditions set out in the report.
- 4.2 The following documents are attached as Appendices to this Report:
- **Appendix 1A:** Location Plan
  - **Appendix 1B:** Site Plan
  - **Appendix 2:** Copy of the Kincardine and Mearns Area Committee Report of 11 December 2018
  - **Appendix 3:** Extract of Minute of the Kincardine and Mearns Committee meeting of 11 December 2018

### **5. Implications and Risk**

- 5.1 An Equality Impact Assessment is not required as the proposal does not have a differential impact on any of the protected characteristics.
- 5.2 There are no staffing and financial implications.
- 5.3 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.

## 6. Officers Recommendation

### 6.1 That authority to GRANT Full Planning Permission is delegated to the Head and Planning and Building Standards subject to:

- a) Payment of developer obligations and affordable housing contributions or completion of a Section 75 Agreement.
- b) The following conditions:

01. No works in connection with the development hereby approved shall commence unless a Level 1 as specified by Archaeology (see associated informative that defines the level of detail for each type) 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.

02. 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 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.

03. 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. Protection measures for the landscape features to be retained;
- c. Existing and proposed finished levels;
- d. The location of new trees, shrubs, hedges, grassed areas and water features;
- e. A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- f. The location, design and materials of all hard landscaping works including walls, fences and gates;
- g. An indication of existing trees, shrubs and hedges to be removed;
- h. A programme for the implementation, completion and subsequent management of the proposed landscaping.

The Landscaping Scheme must 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.

04. No development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility of 59 metres on the northern approach and 90 metres on the southern approach along the channel line of the public road has been provided from a point 2.4 metres measured at right angles from the existing edge of the carriageway surface along the centre line of the approved new access as shown on drawing reference 884-220 rev D. 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.

05. No development shall commence until a lay-by, generally as shown on drawing number 884-22-rev D, shall be formed on the frontage of the site and the proposed vehicular access taken via this. Construction, kerbing and tie-in

details shall be to a standard appropriate to the location and shall be agreed in advance with Infrastructure Services (Roads Development).

Reason: In the interest of road safety.

06. No works in connection with the development hereby approved shall commence unless details of the refuse bin uplift store area has 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. No dwellinghouse shall 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.

07. Prior to occupancy of each individual dwelling house hereby approved the parking provision requirement associated with that dwelling house as shown on drawing number 884-220-rev D shall be provided and surfaced in hardstanding materials. In addition:
- a. Prior to occupancy of the third dwelling house the first visitor space shall be provided and surfaced in hardstanding materials. The second visitor space shall be provided and surfaced in hardstanding materials prior to occupancy of the fifth dwelling house. Both spaces shall be located as shown on drawing number 884-220-rev D.
  - b. Prior to occupancy of the third dwelling house, the turning area shall be provided as shown on drawing number 884-220-rev D and surfaced in hard standing materials.
  - c. Prior to occupancy of the first dwelling house, a vehicle turning area, measuring no less than 7.6m x 7.6m shall be provided within the boundaries of the planning application site and surfaced in hardstanding materials.
  - d. The maximum gradient of the new access shall not exceed 1:20 gradient for the first 5m (to be fully paved for the first 5m measured from the edge of the road or back of the footway) and shall be internally drained and formed in such a way to prevent any flow of surface water either onto or from the public road. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the timely provision of car parking spaces, turning areas and driveway to an adequate standard to prevent the carriage of loose driveway material on to the public road and to enable all vehicle movements

onto or from the public road to be carried out in a forward gear all in the interests of road safety.

08. No works in connection with the development hereby approved shall commence unless the specification and colour of the harling, stone, window, doors and timber cladding to be used in the external finish for the approved development have been submitted to and approved in writing by the Planning Authority. The development shall not be occupied unless the external finish has been applied in accordance with the approved details.

Reason: In the interests of the appearance of the development and the visual amenities of the area.

09. 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.

10. Waste water from the proposed development shall be disposed of via the public sewer as indicated in the submitted application and shall not be disposed of via private means without the separate express grant of planning permission by the Planning Authority.

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

**6.2 That Members of the Infrastructure Services Committee agree the following reason for departing from Policy R1: Special rural areas of the Aberdeenshire Local Development Plan 2017:**

It is considered that the proposed development would significantly enhance the contribution of the site to the character of the greenbelt and surrounding landscape. As such, it is considered that the development can be supported as a departure from Policy R1 Special Rural Areas of the Aberdeenshire Local Development Plan 2017.

**For noting:-**

Part 2C (Planning Delegations) states at Section C.3.2b for Local Development, that following consultation with the Chair and Vice-Chair of the determining Committee, the Head of Planning and Building Standards can refuse planning applications for which Section 75 Agreements are not completed or Developer Obligations are not paid within four months from the date of the Committee at which the application is determined. Local Ward Members shall be notified of any such refusal.

Please note that this power may be exercised in respect of the application which is the subject of this Report if the application is approved by the Committee.

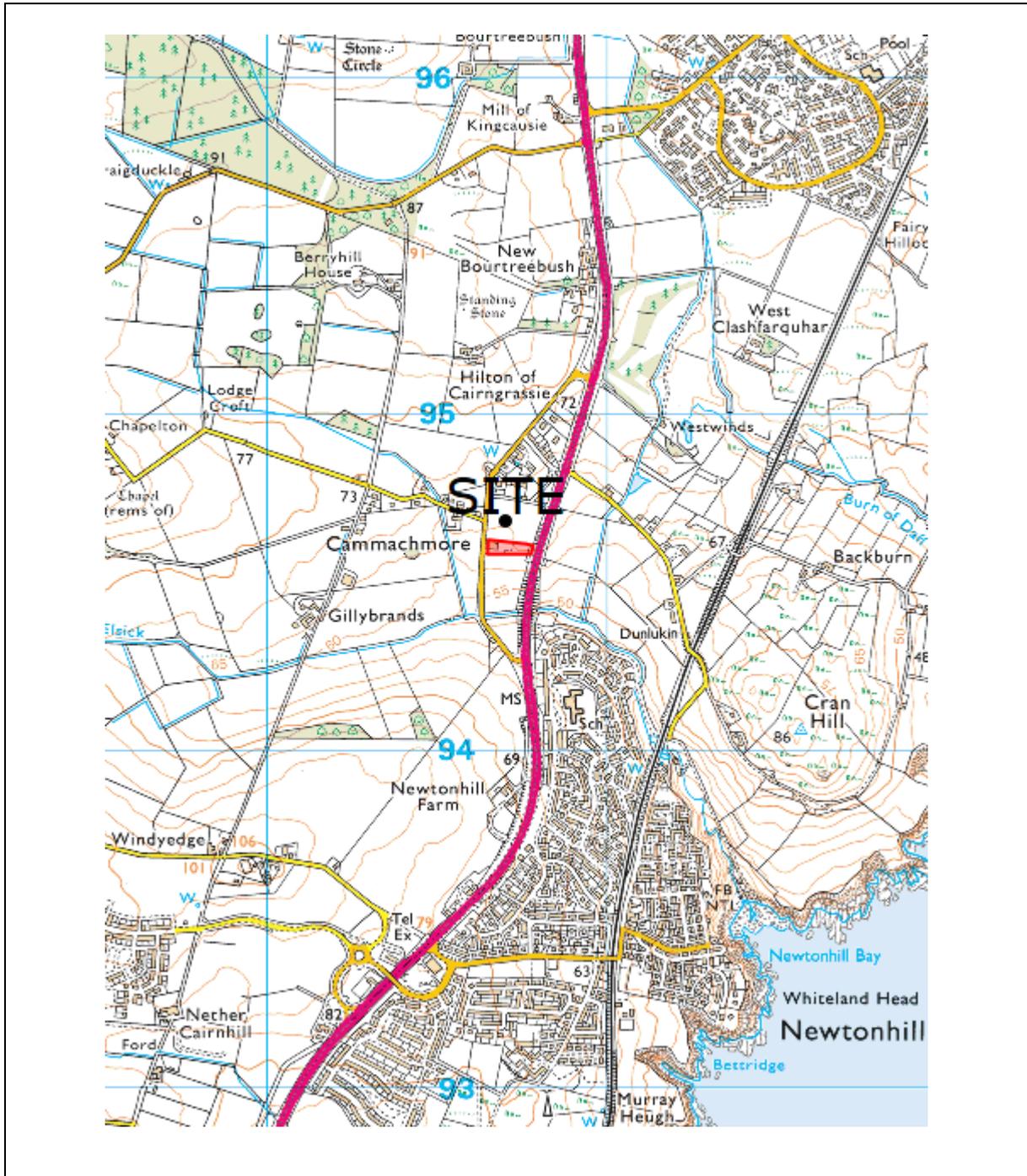
**Stephen Archer**  
**Director of Infrastructure Services**

Author of Report: Aude Chaiban  
Report Date: 27 December 2018



Development Management & Building Standards

APPENDIX 1A



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**Aberdeenshire Council**

**Date 11/12/2018**

**Application Reference No APP/2018/1820**

**Development Management & Building Standards**

**APPENDIX 1B**



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**Aberdeenshire Council**

**Date 11/12/2108**

**Application Reference No APP/2018/1820**



## **1. Reason for Report**

- 1.1 The Committee is able to consider and take a decision on this item in terms of Section B.8.1 of Part 2A List of Committee Powers and Section C.3.1c of Part 2C Planning Delegations of the Scheme of Governance as the application for development is a departure from the Development Plan and is recommended for approval.
- 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 The application site is located on the periphery of the hamlet of Cammachmore and comprises a traditional building with a significant number of unsympathetic flat roof extensions on all four sides.
- 2.2 The application site is an elongated piece of ground covering an area of 0.4 hectare with an approximate depth of 130m and a width tapering from 42m at the front of the side (road side) to 26m at the rear. The site comprises the former hotel and associated areas of car parking. Full planning permission is sought to demolish the existing hotel and erect 5 detached dwelling houses on the area occupied by the hotel footprint and formal car park. The informal car park is proposed to be used as informal open space. The existing access would be relocated to the north, within the boundaries of the former Cammies Hotel.
- 2.3 The developed area of the site would be subdivided in two by a new east-west access road, leading towards an area of open space located between the proposed houses and the dual carriageway on the existing informal overflow car park. Two detached one and a half dwelling houses would be sited on either side of the site entrance. In addition, two one and a half storey dwelling houses would be sited to the north of the access road and a one and a half storey dwelling house to the south of the access. This latter house would have a simple roof line with no dormers, making it appear subservient to the adjacent house. In terms of design, all house types reflect traditional proportions and would be finished in materials that are appropriate to the area including natural stone, a white render (reflecting the dominant colour of the existing building), natural slate and alu-clad windows, doors and rainwater goods. A design statement setting out how the site has been developed to reflect the character of the site and surrounding area has been submitted.

### Planning History

- 2.4 Full planning permission for the conversion of the building into 8 flats (reference APP/2015/0481) was refused by the Kincardine and Mearns Area Committee. The reason for refusals were as follows:

- The application is for new housing in the Aberdeen Greenbelt which does not involve the sensitive restoration, conversion or extension of a vernacular building or other building of architectural merit. The existing building is not vernacular and has no architectural merit. As such, the development is contrary to Policy 4 Special types of rural land SG STRLtype2: Greenbelt of the Aberdeenshire Local Development Plan (2012).
  - The proposed first floor extension to accommodate one of the proposed residential units would increase the dominance of the existing flat roof extensions on the site and surrounding area to an extent that, in the opinion of the Planning Authority, it would have a significant detrimental impact on the character of the existing building on site. As such, the development is contrary to Policy 8 Layout, siting and design of new development and SG LSD2: Layout, siting and design of new development of the Aberdeenshire Local Development Plan (2012).
- 2.5 Full planning permission (APP/2015/2389) to convert the building into 7 flats was granted as a departure by the Infrastructure Services Committee.
- 2.6 Further to this, planning permission in principle (APP/2016/2658) for the demolition of the hotel and erection of 6 dwelling houses was refused. The reasons for refusal were as follows:
- The application is for the erection of new dwelling houses in the Greenbelt which does not involve the sensitive restoration, conversion or extension of a vernacular building or other building of architectural merit. As such, the development is contrary to Policy 4 Special types of rural land and SG STRLtype2: Greenbelt of the Aberdeenshire Local Development Plan (2012).
  - By virtue of the nature of the siting and physical nature of the proposed site, the proposal development would create a suburban linear development in the countryside resulting in a detrimental adverse impact on the character of the local landscape and townscape. The application is therefore contrary to Policy 8: The layout, siting and design of new development, SG LSD2: The layout siting and design of new development, Policy 12: Landscape Character and SG Landscape1: Landscape Character of the Aberdeenshire Local Development Plan (2012).
- 2.7 A subsequent appeal for plan application ref; APP/2016/2658 was considered under the 2017 Aberdeenshire Local Development plan notably Policy R1 Special rural areas and Policy P1 Siting, layout and design. The appeal was dismissed by the reporter on the grounds that ‘the extent of built development would be significantly increased within this highly visible greenbelt site’ resulting in a development that would ‘adversely affect the visual amenity and landscape character of this rural area.’

### 3. Representations

3.1 A total of 42 valid representations (41 support and 1 objection) have been received as defined in the Scheme of Delegation. All issues raised have been considered. The letters raise the following material issues:

3.2 Letters of support (41)

- The development would be in keeping with the existing development to the north of the site and significantly enhance the character of the area;
- The development would provide houses to bring new families into the area and help boost the local economy;
- If the site is not developed, the existing building will keep on deteriorating and exacerbate its negative impact on the landscape;
- The development would be located on a brownfield site;
- Converting the existing into flats as proposed previously would be out of character with the area.

3.3 Letter of objection (1)

- The development would be out of character with the existing hamlet;
- The proposal makes no provision for open space/play areas for children;
- The development would be located on the wrong side of the dual carriageway for schools;
- Approving the application will set a precedent for more development on agricultural fields in the vicinity.

### 4. Consultations

#### Internal

4.1 **Business Services (Developer Obligations)** has confirmed that developer obligations towards affordable housing and infrastructure provision (community halls, sports facilities and healthcare) have been agreed with the applicant

4.2 **Infrastructure Services (Archaeology)** does not object to the proposed development subject to a planning condition requiring the submission of a level 1 standing building survey.

4.3 **Infrastructure Services (Housing)** is looking to secure a commuted sum to address housing needs in the local area.

4.4 **Infrastructure Services (Roads Development)** does not object to the proposed development subject to planning conditions relating to access geometry, surfacing, car parking and refuse bin storage provision.

4.5 **Infrastructure Services (Waste Management)** does not object to the proposed development provided that the road layout is satisfactory to Infrastructure Services (Roads Development)

## External

- 4.6 **Scottish Water** does not object to the proposed development and advises that capacity currently exists in the Nigg PFI Waste Water Treatment Works
- 4.7 **Transport Scotland** does not object to the proposed development subject to a planning condition to prevent direct pedestrian or vehicular access to the trunk road

## **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 R1 Special Rural Areas  
Policy B3 Tourist facilities  
Policy P1 Layout, siting and design  
Policy E1 Natural heritage  
Policy E2 Landscape  
Policy C1 Using resources in buildings  
Policy RD1 Providing suitable services  
Policy RD2 Developers' obligations

5.4 Other Material Considerations

None

**6. Discussion**

6.1 The key planning issues relating to this application are as follows:

- 1) Whether the principle of development can be supported
- 2) Whether the layout and siting are in keeping with the character of the area
- 3) Whether all technical issues can be addressed successfully
- 4) Whether there are any relevant material considerations

6.2 Development principle

6.2.1 The application site is located in the designated Greenbelt. The functions of the Greenbelt are identified as:

- (i) To direct growth to appropriate locations (non-greenbelt locations);
- (ii) To maintain and enhance the quality, character, landscape setting and the identity of settlements; and
- (iii) To enable access to open spaces and opportunities for physical recreation activities.

6.2.2 Policy R1: Special rural areas restrict development in the greenbelt with the following exceptions:

- 1) *It is for the extension of an existing building or use that is ancillary to the main use OR*
- 2) *It is for the purposes of agriculture, forestry, horticultural, conservation or essential public infrastructure OR*
- 3) *It is for a recreation use that is compatible with its agricultural or natural setting OR*
- 4) *It proposed the sensitive restoration, conversion or extension or a vernacular building or other building of architectural merit OR*
- 5) *It is accommodation required by a worker in a primary industry that is appropriate to the countryside*
- 6) *It is identified as a national priority in the National Planning Framework OR*

- 7) *It is identified under the policy for safeguarding of resources and areas of search as required to meet established needs and it is demonstrated that no other suitable site is available OR*
- 8) *It is for essential infrastructure required to serve a site allocated in the plan.*

6.2.3 The aim of the policy is to protect the Aberdeen Greenbelt from new development that would be inconsistent with its functions, and to support proposals that would enhance it. All planning applications must be assessed against the above policy unless other material consideration determine otherwise. In this instance, the application fails to meet the Policy and as such, it must be considered as a departure from that policy.

6.2.4 The proposed development is for the erection of five new detached dwellings. It is the opinion of this service that, in principle, the proposals would meet the functions of the Greenbelt as specified above. Notably, the proposal will lead to the demolition of an unsightly building thus enhancing the character of the landscape.

6.2.5 Policy B3 Tourist facilities presumes against the redevelopment of existing tourist facilities to other uses unless satisfactory evidence is provided showing 'that the business has been marketed for at least 12 months, including in the local area, and is no longer viable.' Evidence was submitted in support of an earlier planning application and the application was considered to comply with Policy in this regard. The application for converting the hotel into flats was supported on that basis and therefore the principle of meeting this policy has been previously established.

### 6.3 Layout, siting and design

6.3.1 Policy P1: Layout, siting and design seeks to ensure that new development optimises its response to the site's context notably in terms of its setting including its relationship to the existing landscape, townscape and neighbouring features. Policy E2: Landscape seeks to ensure that new development is designed to respect the landscape character of the area.

6.3.2 The building is located in a prominent position on the edge of the road leading up to the hamlet of Cammachmore approximately 100m to the north. The siting of the building and its compact layout is an intrinsic part of the local townscape and landscape character of the area. The proposed layout and design of the development (described in paragraph 2.3) would retain the character of the site in accordance with Policy P1: Layout, siting and design. Furthermore, it is considered that the proposal would be in keeping with surrounding development and relate well to the surrounding landscape in accordance with Policy E2: Landscape.

6.3.3 In terms of open space provision Policy P2: Open space and access to new development seeks to ensure that all new development is accompanied by adequate public open space. The proposal incorporates approximately 1600sqm of communal parkland to compensate for the smaller private garden

space. The overall level of open space within the application site exceeds 75% of the total development area. This level of open space is considered satisfactory.

6.3.4 In terms of carbon neutrality, Policy C1: Using resources in buildings seeks to ensure that new development is designed to reduce carbon-dioxide emissions. Although no information has been submitted to demonstrate that the proposal accords with the policy, the matter could be controlled through appropriate conditions.

#### 6.4 Technical issues

6.4.1 Policy RD1: Providing suitable services seeks to ensure that new development can be accessed safely. Infrastructure Services are satisfied that the required standards can be met. Infrastructure Services (Roads Development) has no objection to the application.

6.4.2 Policy RD1: Providing suitable services seeks to ensure that new development can be drained in ways that avoid flooding and pollution to the environment. It is proposed to connect the development to the public drainage system and Scottish Water has confirmed that there is capacity available. Planning Service is of the opinion that a technical solution can be achieved within the application site boundary.

#### 6.5 Conclusion

6.5.1 To conclude, it is considered that the proposed development would significantly enhance the contribution of the site to the character of the greenbelt and surrounding landscape. The business on site has clearly ceased to operate and following attempts to market the former business, it is clear that there is no scope to re-invigorate the former use in this location. As such, it is considered pragmatic that the re-development of this now brownfield site can be supported as a departure from Policy R1: Special Rural Areas.

### **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 [state reasons using the guidance provided by the Equalities team and does not have a differential impact on any of the protected characteristics.

8.2 There are no staffing and financial implications.

- 8.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.

## 9. Sustainability Implications

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

## 10. Departures, Notifications and Referrals

### 10.1 Strategic Development Plan Departures

None

### 10.2 Local Development Plan Departures

Policy R1: Special rural areas

- 10.3 The application is a Departure from the valid Local Development Plan and has been advertised as such. Any representations received have been circulated as part of the agenda and taken into account in recommending a decision. The period for receiving representations has expired.
- 10.4 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.
- 10.5 The proposed development is, in the opinion of the Head of Planning and Building Standards, in significant conflict with Policy R1: Special Rural Areas. of the Aberdeenshire Local Development Plan (2017) and if the Committee is minded to approve then the application will have to be referred to Infrastructure Services Committee.

## 11. Recommendation

- 11.1 **That Members agree that the application be referred to the Infrastructure Services Committee for determination and confirm their support for the application by agreeing that Authority to GRANT be delegated to the Head of Planning and Building Standards subject to:**

- (i) **Payment of all agreed developer obligations or a section 75 agreement**
- (ii) **The following conditions:**

01. No works in connection with the development hereby approved shall commence unless a Level 1 [as specified by Archaeology (see associated informative that defines level of detail for each type)] 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.

02. 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 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.

03. 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) Protection measures for the landscape features to be retained;
- c) Existing and proposed finished levels;
- d) The location of new trees, shrubs, hedges, grassed areas and water features;
- e) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- f) The location, design and materials of all hard landscaping works including walls, fences and gates,;
- g) An indication of existing trees, shrubs and hedges to be removed;

h) A programme for the implementation, completion and subsequent management of the proposed landscaping.

The Landscaping Scheme MUST 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.

04. No development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility of 59 metres on the northern approach and 90 metres on the southern approach along the channel line of the public road has been provided from a point 2.4 metres measured at right angles from the existing edge of the carriageway surface along the centre line of the approved new access as shown on drawing reference 884-220 rev D. 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.

05. No development shall commence until a lay-by, generally as shown on drawing number 884-22-rev D , shall be formed on the frontage of the site and the proposed vehicular access taken via this. Construction, kerbing and tie-in details shall be to a standard appropriate to the location and shall be agreed in advance with Infrastructure Services (Roads Development).

Reason: In the interest of road safety.

06. No works in connection with the development hereby approved shall commence unless details of the refuse bin uplift store area has 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. No dwellinghouse shall 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.

07. No dwellinghouse hereby approved shall be occupied unless its required parking (14 spaces surfaced in hard standing materials) and turning area (as shown on drawing number 884-220-rev D) 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 the new access shall not exceed 1:20 gradient for the first 5m (to be fully paved for the first 5m measure from the edge of the road or back of the footway) and shall be internally drained and formed in such a way to prevent any flow of surface water either onto or from the public road. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of [the/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.

08. No works in connection with the development hereby approved shall commence unless the specification and colour of the harling, stone, window, doors and timber cladding to be used in the external finish for the approved development have been submitted to and approved in writing by the planning authority. The development shall not be occupied unless the external finish has been applied in accordance with the approved details.

Reason: In the interests of the appearance of the development and the visual amenities of the area.

09. 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.

10. Waste water from the proposed development shall be disposed of via the public sewer as indicated in the submitted application and shall not be disposed of via private means 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.

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

It is considered that the proposed development would significantly enhance the contribution of the site to the character of the greenbelt and surrounding landscape. As such, it is considered that the development can be supported as a departure from Policy R1 Special Rural Areas of the Aberdeenshire Local Development Plan 2017.

**For noting:-**

Part 2C (Planning Delegations) states at Section C.3.2b for Local Development, that following consultation with the Chair and Vice-Chair of the determining Committee, the Head of Planning and Building Standards can refuse planning applications for which Section 75 Agreements are not completed or Developer Obligations are not paid within four months from the date of the Committee at which the application is determined. Local Ward Members shall be notified of any such refusal.

Please note that this power may be exercised in respect of the application which is the subject of this report if the application is approved by the Committee.”

**Stephen Archer**  
**Director of Infrastructure Services**  
**Author of Report: Aude Chaiban**  
**Report Date: 28<sup>th</sup> November 2018**

## APPENDIX 3

### KINCARDINE AND MEARN'S AREA COMMITTEE, 11 DECEMBER 2018 APPENDIX A

#### PLANNING APPLICATIONS FOR DETERMINATION

**(A) Reference No: APP/2018/1820**

**Description:** Full Planning Permission for Demolition of Hotel and Erection of 5 Dwellinghouses and Change of Use of Land to Domestic Garden Ground at Cammies, Cammachmore, Newtonhill.

**Applicant:** Rocin Ltd, Cammies, Cammachmore, Newtonhill, Stonehaven, AB39 3NR.

**Agent:** John Wink Design, Midtown of Foundland, Glens of Foundland, Huntly, AB54 6AR.

A report by the Director of Infrastructure Services was circulated advising Members that the Committee was able to consider this item in terms of the Scheme of Governance as the application for development was a departure from the Development Plan and was recommended for approval. The Senior Planning Officer confirmed that if the Committee recommended approval the application would be referred to Infrastructure Services Committee for determination.

The Senior Planning Officer advised that the site was located on the outskirts of Cammachmore and comprised a traditional building with numerous unsympathetic flat roof extensions on all four sides. The site comprised the former hotel and associated areas of car parking. Full planning permission was sought to demolish the existing hotel and erect 5 detached dwelling houses on the area occupied by the hotel footprint and former car park. The Senior Planning Officer made reference to the planning history of the site and addressed issues raised within representations.

It was considered that the proposed development would significantly enhance the contribution of the site to the character of the greenbelt and surrounding landscape. The business on site has ceased to operate and following attempts to market the former business, there was no scope to re-invigorate the former use in this location. As such, it was considered pragmatic that the re-development of this now brownfield site could be supported as a departure from Policy R1: Special Rural Areas.

The Senior Planner then responded to Members' questions in relation to parking spaces and affordable housing. It was confirmed that a commuted sum would be paid for affordable housing rather than on site provision.

After due consideration, the Committee **agreed:-**

(1) that the application be referred to the Infrastructure Services Committee for determination and confirmed their support for the application by agreeing that Authority to grant be delegated to the Head of Planning and Building Standards subject to:

- (i) Payment of all agreed developer obligations or a section 75 agreement.
- (ii) The following conditions:

01. No works in connection with the development hereby approved shall commence unless a Level 1 as specified by Archaeology (see associated informative that defines level of

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detail for each type)] 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.

02. 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 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.

03. 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) Protection measures for the landscape features to be retained;
- c) Existing and proposed finished levels;
- d) The location of new trees, shrubs, hedges, grassed areas and water features;
- e) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- f) The location, design and materials of all hard landscaping works including walls, fences and gates,;
- g) An indication of existing trees, shrubs and hedges to be removed;
- h) A programme for the implementation, completion and subsequent management of the proposed landscaping.

The Landscaping Scheme MUST 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

### APPENDIX 3

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.

04. No development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility of 59 metres on the northern approach and 90 metres on the southern approach along the channel line of the public road has been provided from a point 2.4 metres measured at right angles from the existing edge of the carriageway surface along the centre line of the approved new access as shown on drawing reference 884-220 rev D. 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.

05. No development shall commence until a lay-by, generally as shown on drawing number 884-22-rev D, shall be formed on the frontage of the site and the proposed vehicular access taken via this. Construction, kerbing and tie-in details shall be to a standard appropriate to the location and shall be agreed in advance with Infrastructure Services (Roads Development).

Reason: In the interest of road safety.

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

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The maximum gradient of the new access shall not exceed 1:20 gradient for the first 5m (to be fully paved for the first 5m measure from the edge of the road or back of the footway) and shall be internally drained and formed in such a way to prevent any flow of surface water either onto or from the public road. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

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Reason: To ensure the timely completion of [the/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.

08. No works in connection with the development hereby approved shall commence unless the specification and colour of the harling, stone, window, doors and timber cladding to be used in the external finish for the approved development have been submitted to and approved in writing by the planning authority. The development shall not be occupied unless the external finish has been applied in accordance with the approved details.

Reason: In the interests of the appearance of the development and the visual amenities of the area.

09. 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.

10. Waste water from the proposed development shall be disposed of via the public sewer as indicated in the submitted application and shall not be disposed of via private means 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.

- (2) that the reason for departing from the Aberdeenshire Local Development Plan 2017 be as follows:-

It is considered that the proposed development would significantly enhance the contribution of the site to the character of the greenbelt and surrounding landscape. As such, it is considered that the development can be supported as a departure from Policy R1 Special Rural Areas of the Aberdeenshire Local Development Plan 2017.

