

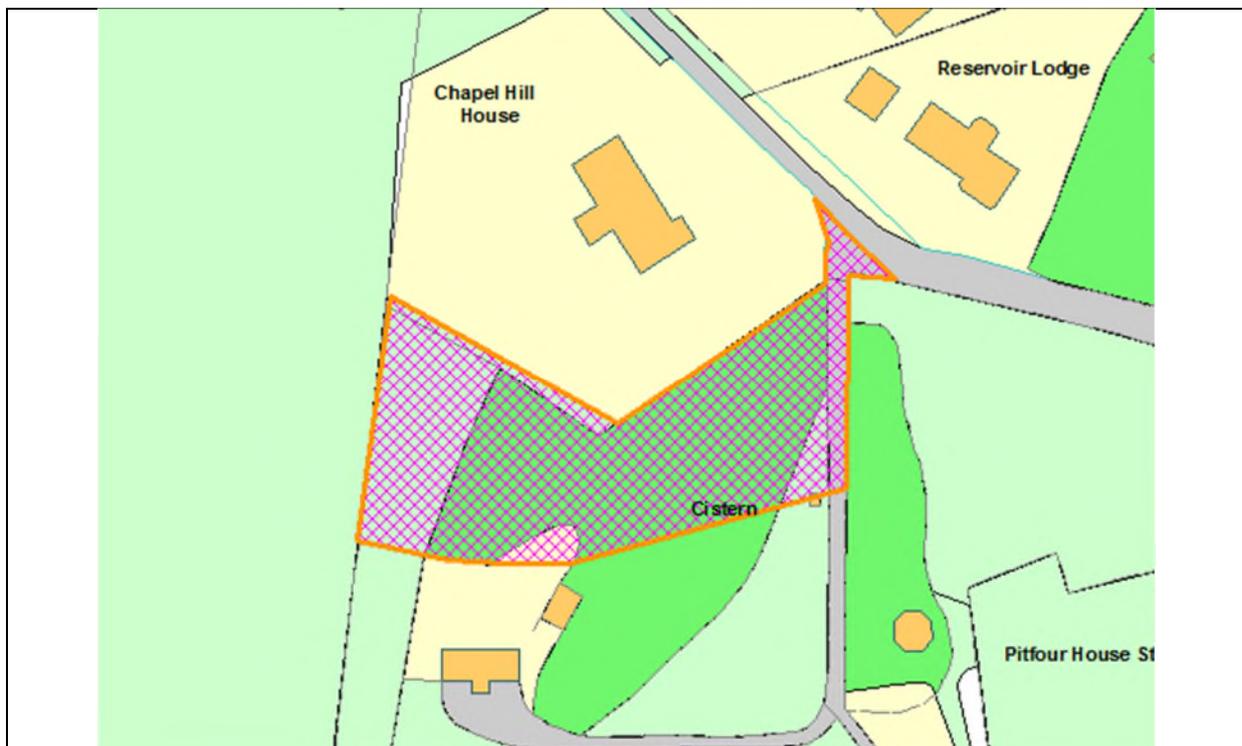
Buchan Area Committee Report 27 August 2019

Reference No: APP/2019/0155

Full Planning Permission for Erection of Dwellinghouse at Site Adjacent to The Laundry, Chapel Park, Pitfour Lake, Mintlaw

Applicant: Mr D Mackie Per Agent
Agent: Baxter Design Company, 1 The Square, Mintlaw, Peterhead, AB42 5EH

Grid Ref: E:397773 N:849308
Ward No. and Name: W04 - Central Buchan
Application Type: Full Planning Permission
Representations: 2
Consultations: 6
Relevant Proposals Map: Aberdeenshire Local Development Plan 2017
Designations: Rural Housing Market Area
Complies with:
Development Plans: No
Main Recommendation: Refuse



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.8.1 of Part 2A List of Committee Powers and Section C.3.1e of Part 2C Planning Delegations of the Scheme of Governance as there have been valid objections from five or fewer individuals or bodies with separate postal addresses or premises, and at least two of the total number of Local Ward Members in the Ward in which the development is proposed have requested that the application be referred to the Area Committee.

Cllr. Marion Buchan – No response.

Cllr. Jim Ingram – Refer to Committee to give further consideration to its connectivity to the existing cluster.

Cllr. Anne Simpson – Refer to Committee to discuss further policies R2 and HE1.

Cllr. Norman Smith – Agree the application can be considered under delegated powers.

- 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 a site adjacent to The Laundry, Chapel Park, Mintlaw.
- 2.2 The site is located approximately 420 metres north of Pitfour Lake and lies North-West of the settlement of Mintlaw (Appendix 1 – Site Plan). It is situated 690 metres West of the public road leading North out of Mintlaw and is accessed via a smaller road that connects to this road from the West. The site sits immediately behind The Laundry, a Category C Listed Building, within an area of scrub and woodland and is accessed from an existing track that runs north to south from a further residential development of houses at the top of the hill (Appendix 2 – Block Plan).
- 2.3 The proposal is to erect a dwellinghouse that would sit on the south facing slope between The Laundry and Chapel Hill House and sits within a site of approximately 0.32ha located in the Rural Housing Market Area. The application site would form a boundary with Chapel Hill House to the North and has an open field to the West, The Laundry to the South and a track and residential property beyond to the East.
- 2.4 The proposed dwellinghouse would be south facing and have a ground floor area of approximately 105sqm, it would sit at approximately 4.5 metres high and would be single storey in height. The walls would be finished in reclaimed granite and large cladding, whilst the roof would be sedum to monopitch with

grey rubber to flat roof section. The windows and doors would be grey uPVC (Appendix 3 – Elevation and Floor Plans).

- 2.5 It is proposed to connect to the public water supply and to install a septic tank, whilst the surface water disposal will be via infiltration trenches to the ground. Both will accord with the Drainage Impact Assessment by Ferguson GeoTechnical dated 2nd December 2018.
- 2.6 The following was submitted by the agent in support of the application:
- Tree Survey Report by Astell Associates dated 18th January 2019
 - Environmental Impact Survey by Astell Associates dated 18th January 2019
 - Drainage Report by Ferguson Geotechnical dated 2nd December 2018
 - Design Statement by Baxter Design Company
 - Bat Roost Potential Survey by Astell Associates dated 9th January 2019
 - Badger Survey by Astell Associates dated 18th January 2019
- 2.7 Prior to the submission of the planning application, a pre-application enquiry was made (ENQ/2018/0806) which included the erection of a dwellinghouse on this site. In response it was advised that such an application was unlikely to be supported as it was considered that the proposal did not comply with Policy R2, in particular, addition to a cluster, as the dwellings in the area did not form part of a cohesive cluster particularly given the topography and physical separation, including the areas of woodland. Furthermore, that careful consideration would need to be given to the setting of The Laundry, which is a Category C listed building.

3. Representations

- 3.1 A total of 2 valid representations (2 objection) have been received as defined in the Scheme of Governance. This does not include multiple representations from the same household which equate to 2 letters in total. All issues raised have been considered. The letters raise the following material issues:
- *Access to and from property utilises an existing footpath.*
 - *Road safety*
 - *Impact on wildlife*
 - *There is an ancient buried ice house beneath the proposed site of the new build*

4. Consultations

Internal

- 4.1 **Business Services (Developer Obligations)** the proposed development does not engage the Developer Obligations and Affordable Housing policies or associated supplementary planning guidance of the Aberdeenshire Local Development Plan 2017. Therefore in this instance, no contributions are required.

- 4.2 **Infrastructure Services (Environment – Built Heritage)** requested that a photomontage facing the proposed new house from in front of the former laundry building be provided. This was duly submitted and it was considered that the setting of the former laundry has already been somewhat compromised by recent residential development sited north of the listed building, and therefore the proposed house would compound the negative situation especially given its close proximity to the early 19th Century structure. Indeed, the dwelling would potentially form the backdrop to the historic property and consequently have an adverse impact on its setting, contrary to Policy HE1. The Applicant should therefore revisit the location of the building or look at mitigating measures to visually separate the proposed development from the listed building. A minor amendment to the photomontage was made because that previously submitted was inaccurate, which was submitted on 22 March, showing the house slightly to the east, to match the submitted site plan, this revised image does not change the initial observations on the proposed development and its potential impact on the setting of the listed building.
- 4.3 **Infrastructure Services (Environment – Natural Heritage)** further information required. The Old Laundry building is outwith the application site and will not be affected by the proposed development, and none of the trees to be removed has bat roost potential, and therefore no further survey work is required in connection with Bats. The proposal will result in the disturbance of an active badger sett, which will require a licence in order to avoid an offence being committed. On this basis Scottish Natural Heritage (SNH) should be consulted. An area of scrub on site, where the house is proposed has a high potential for nesting of birds. Mitigation has been proposed and if this is followed will avoid an offence being committed with regards to nesting birds. No concerns with this proposal in terms of loss of important habitat, or impact on other protected species. Details of site specific driveway construction and construction method statement will be required.
- 4.4 **Infrastructure Services (Roads Development)** request that the drawing should be amended to show an 8 x 2.5 metres with 45 degree splays frontage lay-by to be formed at the new driveway access. Noting that it does not object to application subject to requested conditions and informatives.

External

- 4.5 **Scottish Natural Heritage** advised that with regard to badgers, that a licence from SNH will be required by the applicant before they could proceed with any development on the site. It is therefore likely that a licence would be granted, however, more information will be required in support of the licence application.

This proposal will affect badgers. If minded to approve the planning application, then the Council must satisfy itself that the requirements for a species licence under the Protection of Badgers Act 1992 are likely to be met. It advised that the compensation laid out in the Species Protection Plan is adequate and, provided the specifications of the artificial sett are suitable, it is likely that a licence would be granted.

4.6 **Scottish Water** has no objection, noting that there is currently sufficient capacity in the Turriff 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.

From the 29 March 2019, the Strategic Development Plan 2014 went beyond its five-year review period. In light of this, for proposals which are regionally or strategically significant, or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeenshire Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

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 HE1 Protecting historic buildings, site and monuments

Policy PR1 Protecting important resources

Policy C1 Using resources in buildings

Policy RD1 Providing suitable services

Policy RD2 Developers' obligations

5.4 Other Material Considerations

Historic Environment Policy for Scotland

Managing Change in the Environment: Setting.

6. Discussion

- 6.1 Full planning permission is sought for the erection of a new house in the countryside. The main issues to consider are the principles of the development, the acceptability of the design and layout, the impact of the proposal on the character and amenity of the area, including the setting of the listed building, and whether the site would be adequately serviced.

Principle of Development

- 6.2 The site is located outwith a defined settlement boundary, therefore it would equate to development in the countryside under Policy R2 Housing and employment development elsewhere in the countryside. The Planning Service supports new dwellinghouses in the countryside and the Rural Housing Market Area (RHMA) where it would:-

- be appropriate in the greenbelt; or
- involve the refurbishment or replacement, on the same site, of an existing house or disused building; or
- involve remediation of redundant brownfield land opportunities; or
- the addition of groups of no more than 3 houses within 200m of an identified settlement boundary; or
- the retirement succession of a viable farm holding; or
- small scale addition to an existing cluster or group of at least five houses.

- 6.3 In terms of the listed criteria, it is considered that the proposal does not meet any of them, as the proposal does not involve the remediation of redundant brownfield land opportunities and there is no retirement succession of a farm holding.

- 6.4 Proposals for additions to clusters and groups must demonstrate a reasonable degree of connectedness which could be achieved through for instance, the sharing of curtilage boundaries. The site for development must be directly related to the existing houses within the group of infill where appropriate, between properties. Generally a cluster/group will be no more than around 15 houses.
- 6.5 In this case, it is all about context, although it is recognised that the site has a boundary with Chapel Brae House to the North and there is a residential property to the East on the other side of the track, and The Laundry to the South, the site needs to be looked at from the ground and establish how it relates to the neighbouring properties in order to assess whether it can be considered to be part of a cohesive group. Although on paper the site may look to form part of an existing 'cohesive' group, the site is separated visually and physically from the cluster to which it shares a boundary as recognised on site. As mentioned above the policy states that the proposed dwellinghouse must demonstrate a reasonable degree of connectedness. The cluster of houses (Chapel Hill House, Reservoir Lodge, Copper Quarry, Beech House, Osprey View and Strachan) immediately to the North of the application site are all centred around the main existing access road. These all face onto, and are directly accessed off this road, and face the road. Visually, when accessing these existing houses they very clearly show that they form cohesiveness with one another, specifically in relation to access, topography and connectedness. The proposed site, however, sits away from the main access road, down an existing small path, would not be addressing or be adjacent to the existing access road and nor would it be clearly visible from the existing access road due to it being behind Chapel Hill House, due to foliage and also topography. The foliage and topography provides this degree of separation, which means it is not cohesive. Clusters and groups that are subdivided by substantial boundary features such as these are unlikely to be considered as being connected.
- 6.6 The application is proposing to distance itself from the existing dwellings to the North, effectively creating 'backland' development as opposed to looking at sites located within existing recognised clusters. The proposal is therefore in conflict with Policy R2.

Impact on the Listed Building

- 6.7 The Laundry at Pitfour is a Category C listed building. Therefore, in line with Scottish Planning Policy and Historic Environment Policy for Scotland, careful consideration must be given the impact that the proposed development may have on the setting of the listed building. Historic Environment Policy for Scotland and associated Guidance highlights the importance of ensuring that proposed development does not have an adverse impact on the setting of Listed Buildings. The guidance states that it is important to identify the historic asset that might be affected by development and define its setting. The impact of any new development upon the setting must then be assessed. The guidance defines setting as 'the way in which the surroundings of a historic asset contribute to how it is understood, appreciated and experienced.'

- 6.8 A photomontage (Appendix 4 – Photomontage) was subsequently submitted in support of the application, to assist in determining the impact that the proposed dwellinghouse would have upon the setting of the adjacent 'The Laundry', which sits directly in front of, South of, the application site. The general premise is that a Listed Building should always remain the focus of its setting and must never be distracted by the presence of any new development whether it be within or outwith its curtilage. In this instance the proposed dwelling is within the curtilage of the listed building. Given that the proposed development would be intervisible with the listed building, and is by virtue within close proximity, the proposed dwelling would have an adverse impact on the setting of The Laundry. Pitfour was originally a large estate, which over time has lost the principal house (circa. 1925-1930), nevertheless, a number of the buildings remain within the Policies and the estate. The Laundry is one of the buildings within Pitfour Estate, and it is understood to date from Circa.-1820, and it is listed in its own right (not just curtilage listed). Given the negative impact on the setting of the listed building owing to its close proximity, it is considered that the proposed development is in conflict with Policy HE1 Protecting historic buildings, site and monuments and Historic Environment Policy for Scotland. The comments from the Environmental Team- Built Heritage are also noted, which raise similar concerns.

Layout, siting and design

- 6.9 In terms of layout and siting, the proposed dwellinghouse would have a footprint which is proportionate to the plot size and the layout of the site would afford adequate private amenity space, as well as the required off-street parking spaces. The proposed house would be orientated to maximise solar gain and views to the south and west towards Pitfour Lake.
- 6.10 It is considered that the design of the proposal is acceptable, notwithstanding the issues raised in Paragraphs 6.9-6.10 above, noting that it would take advantage of the south and west aspect to maximise solar gain as well as views. There is a small wood through which the proposed dwellinghouse would be accessed to the east of the proposed dwellinghouse which would screen the house from the main eastern access. In terms of layout, consideration should be given to the fact that due to the topography of the application site that the proposed house is set lower than the neighbouring property to the north (Chapel Hill House).
- 6.11 The design of the proposed dwellinghouse would be of a simple palette of materials such as reclaimed granite and larch cladding for the walls, whilst the roof would be sedum. The overall design would be single storey in height. Due to the positioning of the proposed house there would be no conflict in terms of privacy or loss of light with any of the surrounding properties due to its topographical and visual detachment from them. Overall, it is considered that the proposed house would not look out of place given the design and choice of external materials proposed, but this does not overcome the concerns relating to principle or impact on the setting of the Listed Building.
- 6.12 Looking at the internal layout and windows within the property and the neighbouring properties, there are no concerns in relation to overlooking due

to the topography and separation of the site from other residential properties. It is therefore considered that there is compliance with Policy P1 and Policy E2 Landscape of the Aberdeenshire Local Development Plan with regards to these specific matters. Overall, the proposed design of the house is considered acceptable.

Loss of Trees

- 6.13 Eighty-five trees on site were surveyed and of these 3 trees are identified as being required for removal as a direct result of the development, with a further 4 requiring removal on woodland management or health and safety grounds. This is considered a low proportion of the trees on site, which is welcomed, but is reliant on a no-dig method of construction being used for the proposed access. Site specific details of the proposed construction of the driveway and method construction statement are required in order to ensure there is not significant damage to the trees. In terms of tree loss the proposal is considered to not be in conflict, subject to condition, with Policy E1 Natural Heritage, Policy PR1 Protecting Important Resources, and E2 Landscape.

Impact on Protected Species

- 6.14 No issues of concern have been raised by the Environment Team (Natural) or Scottish Natural Heritage with regards to impact on wildlife that cannot be addressed by the addition of conditions. Detailed reports and assessments have been provided and reviewed by the Planning Service and consultees. The proposal is therefore considered to not be in conflict with Policy E1 Natural Heritage in regards to the impact on wildlife, including protected species.

Energy Efficiency

- 6.15 The energy efficiency of the property is not yet known, however compliance with Policy C1 could be secured by way of condition.

Access and Servicing

- 6.16 The Roads Development team have not raised any objections to the proposals subject to conditions and informatives are attached. A revised drawing has been submitted addressing the initial comments regarding the lay-by.
- 6.17 It is proposed to connect to the public water supply and to install a septic tank, whilst the surface water disposal will be via infiltration trenches to the ground in accordance with the Drainage Impact Assessment by Ferguson GeoTechnical dated 2 December 2018.
- 6.18 It has been demonstrated that servicing can be adequately provided within the site, and subject to conditions the proposal is therefore considered to comply with Policy RD1 Providing suitable services.

Developer Contributions

- 6.19 The proposed development does not engage the Developer Obligations and Affordable Housing policies or associated supplementary planning guidance of the Aberdeenshire Local Development Plan 2017. The proposal is therefore not in conflict with Policy RD2 Developers' obligations

Letters of Representation

- 6.20 Two letters of representation have been received. Roads have no concerns in the relation to the proposal subject to conditions, and therefore it is considered that the proposal will not cause road safety and/or pedestrian safety concerns. Any closure of public footpaths is not anticipated during construction, but in any case would have to comply with the rights of way legislation if relevant. It is noted that the Environmental Team have raised no concern in regard to access.
- 6.21 Impact on wildlife has been addressed within this report.
- 6.22 Whilst it may be noted that there may be an ancient buried ice house beneath the proposed site of the new build, it is noted that no comments have been received from the Archaeology Team. Nevertheless, any 'finds' would have to be reported.

Concluding Remarks

- 6.23 In conclusion, the principle of development on this site is not acceptable and is contrary to Policy R2 Housing and employment development elsewhere in the countryside, as the proposal is not within an existing recognised cluster of 5 or more houses, due to its orientation, separation, woodland barrier, and topography as there is no cohesive relationship. The proposal is considered to be 'detached' from the existing cluster of houses due to the physical and visual barrier of the existing mature trees and the topography of the site.
- 6.24 The proposal is in conflict with Scottish Planning Policy, Historic Environment Policy for Scotland and Policy HE1 Protecting historic buildings, site and monuments, due to its close proximity to The Laundry which is a Category C Listed Building. The proposed dwellinghouse by virtue of its proximity to The Laundry would form the backdrop to the historic property and consequently have an adverse impact on its setting, contrary to National and Local Planning Policies.

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

9. Sustainability Implications

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

10. Departures, Notifications and Referrals

10.1 Strategic Development Plan Departures

None

10.2 Local Development Plan Departures

Policy R2 Housing and employment development elsewhere in the countryside.

Policy HE1 Protecting historic buildings, site and monuments.

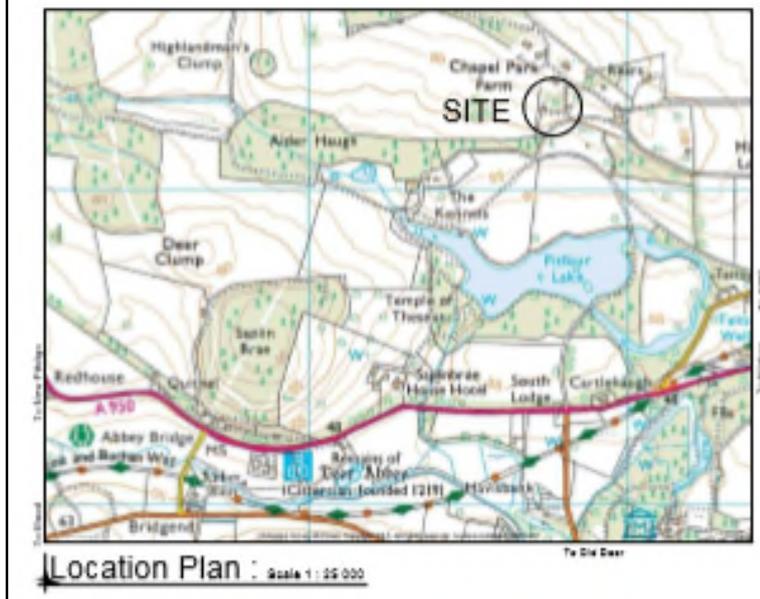
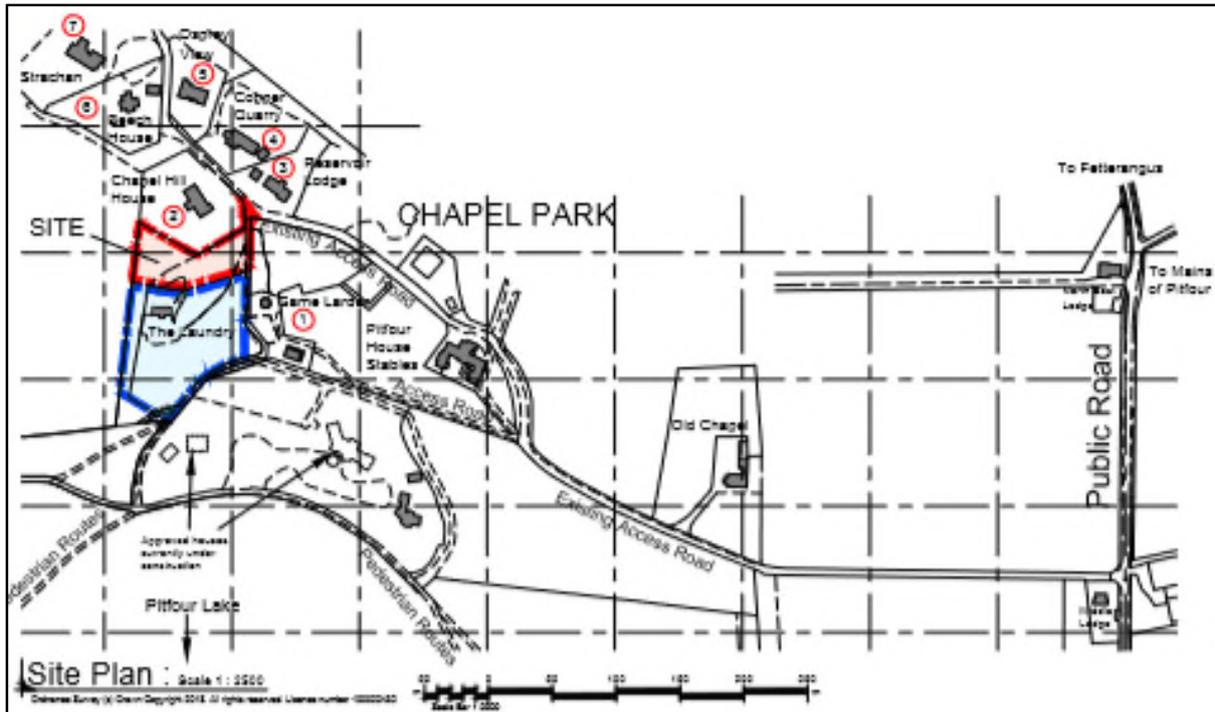
- 10.3 The application is a Departure from the valid Local Development Plan and has been advertised as such. Any representations received have been circulated as part of the agenda and taken into account in recommending a decision. The period for receiving representations has expired.
- 10.4 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.
- 10.5 The application would not have to be referred to Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

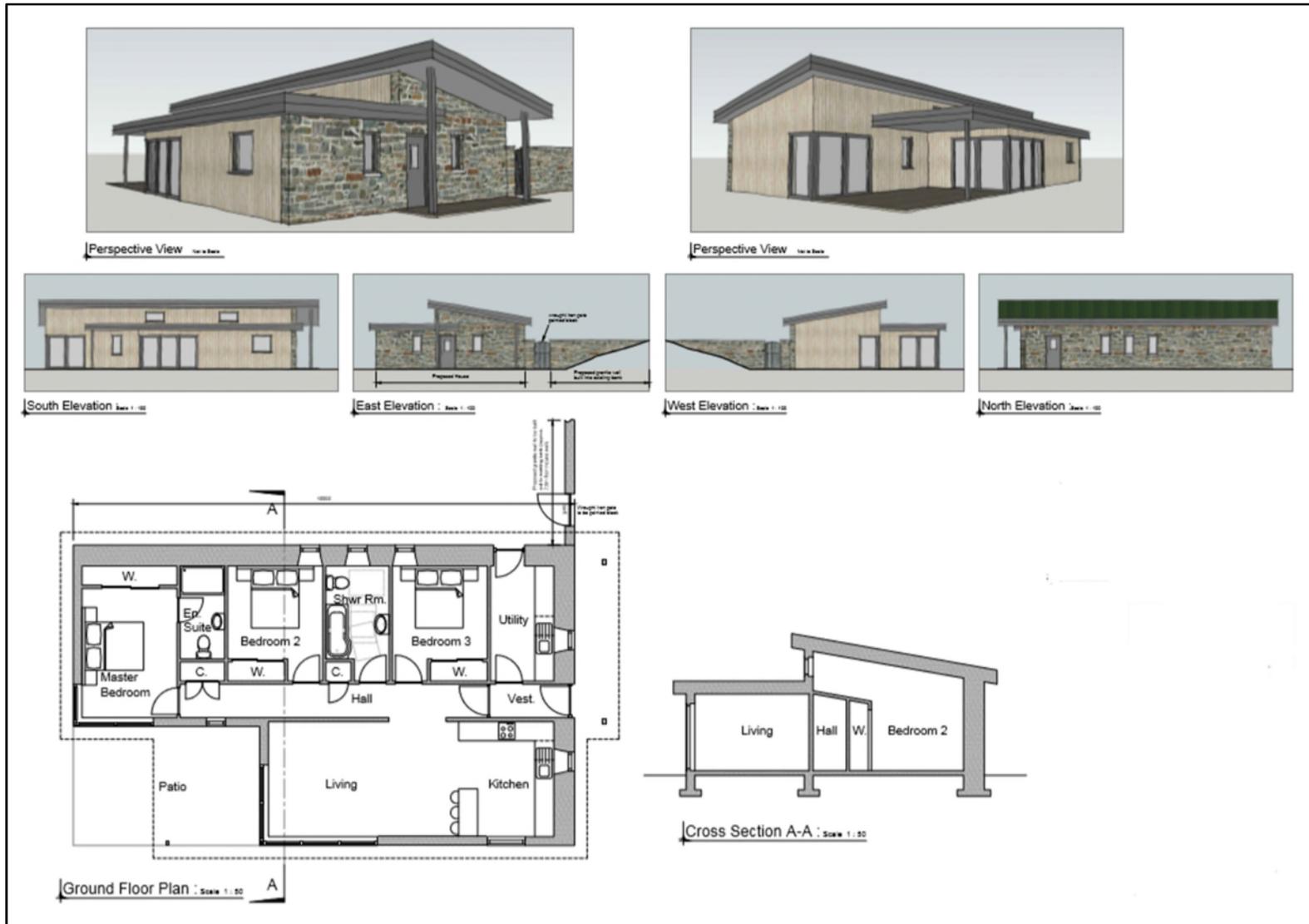
11. Recommendation

- 11.1 **REFUSE Full Planning Permission for the following reasons:-**

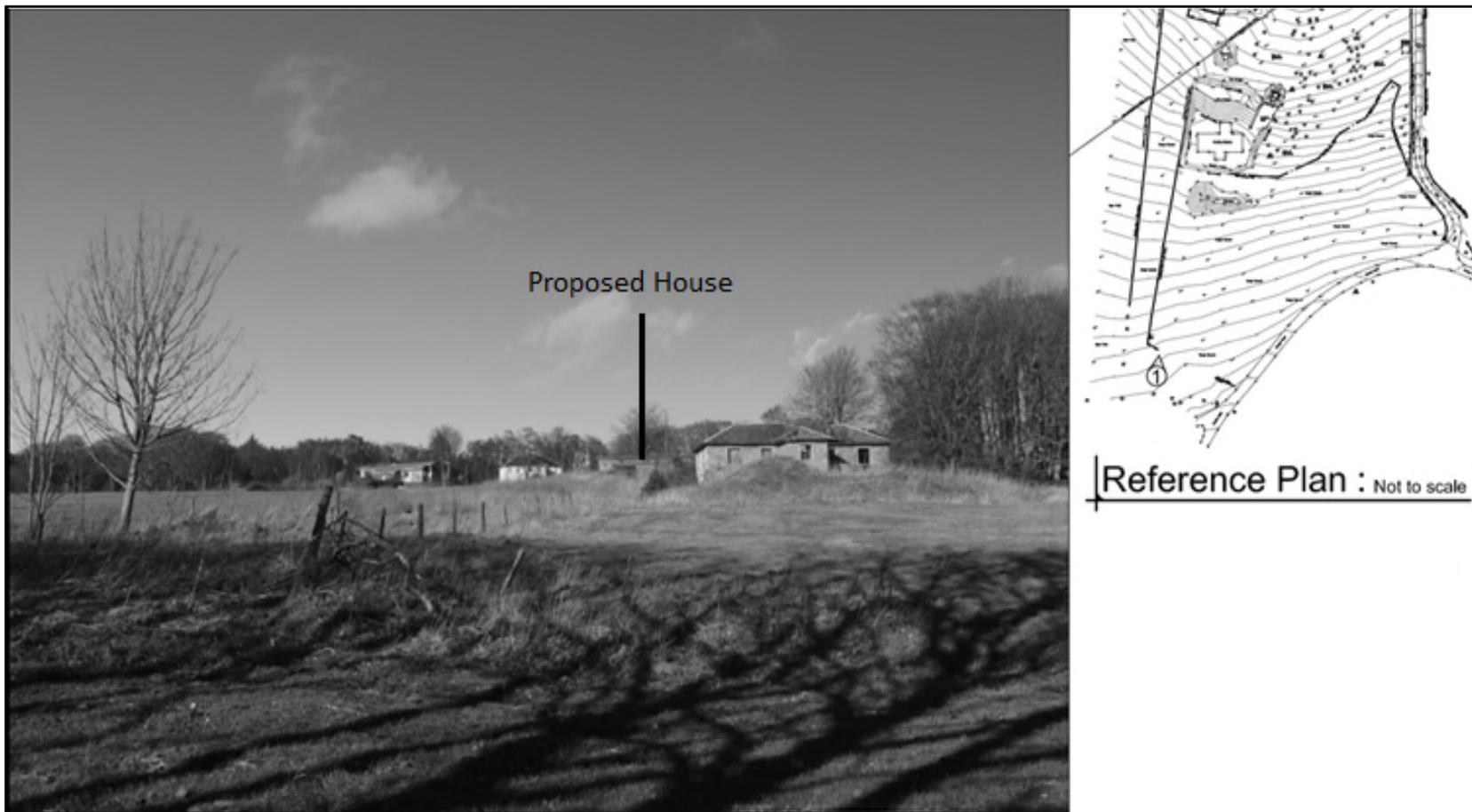
01. The principle of development on this site is not acceptable and is in conflict with the Aberdeenshire Local Development Plan 2017, in particular Policy R2 Housing and employment development elsewhere in the countryside as the proposal is not within an existing recognised cluster of 5 or more houses, due to its orientation, separation and physical relationship with other dwellings, and the topography, as such there is no cohesive relationship. Furthermore, the proposal is considered to be 'detached' from the existing cluster of houses due to the physical and visual barrier of the existing mature trees and the topography of the site.
02. The proposal is in conflict with Scottish Planning Policy, Historic Environment Policy for Scotland and the Aberdeenshire Local Development Plan 2017, in particular Policy HE1 Protecting historic buildings, site and monuments, due to its close proximity to The Laundry which is a Category C Listed Building. The proposed dwellinghouse by virtue of its proximity to The Laundry would form the backdrop to the historic property and consequently have an adverse impact on its setting, contrary to both National and Local Planning Policies which seek to preserve the setting of listed buildings.

Stephen Archer
Director of Infrastructure Services
Author of Report: Sally Wood
Report Date: 5 August 2019





APP/2019/0155



Appendix 4

Comments for Planning Application APP/2019/0155

Application Summary

Application Number: APP/2019/0155

Address: Site Adjacent To The Laundry Chapel Park Pitfour Lake Mintlaw

Proposal: Erection of Dwellinghouse

Case Officer: Jennifer Chalmers

Customer Details

Name: Mr Edwin Houghton

Address: Chapel Hill House Chapel Park Mintlaw

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Point 1

The access to and from the property utilises an existing footpath which is used by many walkers who daily use this access road to get to the lake and from the lake to walk in Drinnies wood. My family use this access to go for walks around the lake and surrounding areas and recently another access route to the lake was closed when another property was built

Point 2

Visibility when accessing but mainly leaving the proposed road is non-existent due to the height of the hedging on the side of the road where the old larder is .

The existing layby is not big enough to allow safe traffic management to and from the property and there is very little room to develop this as both potential extensions to the layby are owned by different land owners.

My property sits directly opposite the proposed access and I have serious concerns on the safety of my family and all other residents at the top of this hill as it will mean that people leaving this would be blind to traffic coming up the hill.

Point 3

The laundry lying adjacent is only a few meters away and there are a resident family of the protected barn owls who have lived there for many years

Point 4

There is an ancient buried ice house beneath the proposed site of the new build.

Point 5

Concerns as per above comment on access to and from the proposed site with public safety

Point 6

To access this site will require crossing a shared access at Chapel Hill house (this had been in use since Chapel Hill house was built)

Point 7

This is a footpath that I use daily for access to and from the Pitfour Lake this is a public thorough fare which is in use daily by country walkers withdrawing this access would be of detriment to the residents and the overall local community.

Comments for Planning Application APP/2019/0155

Application Summary

Application Number: APP/2019/0155

Address: Site Adjacent To The Laundry Chapel Park Pitfour Lake Mintlaw

Proposal: Erection of Dwellinghouse

Case Officer: Jennifer Chalmers

Customer Details

Name: Mr Scott Grady

Address: Reservoir Lodge, Chapel Park Mintlaw Peterhead

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Point 1

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Point 2

Visibility when accessing but mainly leaving the proposed road is non-existent due to the height of the hedging on the side of the road where the old larder is .

The existing layby is not big enough to allow safe traffic management to and from the property and there is nowhere to develop this as both potential extensions to the layby are owned by different land owners.

My property sits directly opposite the proposed access and I have serious concerns on the safety of my family and all other residents at the top of this hill as it will mean that people leaving this would be blind to traffic coming up the hill.