

Buchan Area Committee Report 27 August 2019

Reference No: APP/2019/1380

Full Planning Permission for Erection of Dwellinghouse at Land at 8B School Street, New Pitsligo, AB43 6NE

Applicant: Mr Martin Cheyne & Miss Nicole Cumming, 8B School Street, New Pitsligo, AB43 6NE
Agent: Taylor Design Services, The Studio, New Inn Courtyard, Market Street, Ellon, AB41 9JD

Grid Ref: E:388211 N:855787
Ward No. and Name: W04 - Central Buchan
Application Type: Full Planning Permission
Representations: None
Consultations: 3
Relevant Proposals Map: Aberdeenshire Local Development Plan 2017
Designations: New Pitsligo Settlement
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.3.1i of Part 2C Planning Delegations of the Scheme of Governance as the application is recommended for refusal but at least two Local Ward Members in the Ward in which the development is proposed, have requested that the application be referred to the Area Committee.

Cllr. Anne Simpson has requested that the application is referred to committee to discuss further Policies P1 and P3 with regard to this application.

Cllr. Jim Ingram has requested that the application is referred to committee to give further consideration to site and Policy P1.

Cllr. Marion Buchan has requested that the application is referred to committee to further discuss Policy P3.

Cllr. Norman Smith has requested that the application is referred to committee to further discuss Policy P3 and P1 and discuss layout, siting and design.

- 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 seeks Full Planning Permission for the erection of a dwellinghouse on land at 8B School Street, New Pitsligo (Appendix 1 – Location Plan).
- 2.2 The site is located within a residential area, along the Western boundary of the Southern half of New Pitsligo. The land is currently an area of garden ground which serves dwellings 8A and 8B School Street in New Pitsligo, which is a pair of semi-detached houses located to the South-East of the principal area of this site. The site is in an elevated position in relation to the dwellings at 8A and 8B, due to the uphill gradient towards the South-West. The site is enclosed to the North-East by a small timber fence, and on the other three sides by concrete blockwork retaining walls. The site features an area of grass, with some shrubs along the South-Eastern boundary. A small tractor, a number of small trailers, and a pile of logs were also present on the site along the same boundary. The site would be served by the existing access to the North-West, and is surrounded by residential gardens to the North-West, North-East and South-East, with open fields to the South-West.
- 2.3 The proposal seeks to erect a dwellinghouse on the site, which would be serviced by the existing access to the North-West, adjacent to 8B High Street (Appendix 2 – Layout). The proposed dwellinghouse would provide accommodation over two levels and measure approximately 11.2m x 13.3m with a ridge height of 6.8m. The levels of the site would be altered, with the house to be cut into the landscape by 1.5m, (at its deepest), on the edge of

the South-West elevation. The property would have a T-shaped footprint, and feature glazing on all elevations, with rooflights on the south-east and north-west elevations, and full windows on the first floor of the south-west and north-east elevations. The dwellinghouse would be finished with slate roof tiles, a GlenArm dry dash render and basecourse, with Marley Cedral weatherboards in a light oak colour on the walls, and anthracite grey uPVC windows and grey doors. Three parking spaces would be provided to the north-east of the Dwellinghouse (Appendix 3 and 4 – Elevation and Floor plans).

- 2.4 There is a planning history on this site, planning reference APP/2012/4066 – Alterations and Extensions and Division of Dwellinghouse to form 2 Dwellinghouses, Granted subject to conditions, 8 February 2013. This application has been implemented, forming dwellings 8A and 8B.
- 2.5 On a site adjacent, rear of 9 School Street, New Pitsligo, planning reference APP/2007/3025 – Erection of 1 and 1/2 Dwellinghouse was granted subject to conditions, 27 December 2007.
- 2.6 Supporting Information
- Design Statement – Taylor Design Services
 - Drainage Impact Assessment – Cameron + Ross (May 2019)

2.7 Variations & Amendments

None

3. Representations

- 3.1 No valid letters of representation have been received.

4. Consultations

- 4.1 **Business Services (Developer Obligations)** have identified that New Pitsligo Primary and Mintlaw Academy are currently operating within capacity. The proposed development does not engage the Developer Obligations or Affordable Housing policies of the Aberdeenshire Local Development Plan 2017. In this instance, no contributions are required.
- 4.2 **Infrastructure Services (Roads Development)** have identified that the provision of 3 parking spaces is acceptable and that it has no objection to the proposal subject to the addition of conditions and informatives on any approval issued.
- 4.3 **Scottish Water** have no objections to the proposal, however this should not be interpreted as confirmation that the development can currently be serviced. It identifies that there is currently sufficient capacity in the Turriff Water Treatment Works, however it is unable to confirm the capacity of the New Pitsligo Waste Water Treatment Works at this time. It advises that the applicant submit a Pre-Development Enquiry (PDE) Form to Scottish Water, in order for this to be fully appraised.

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 P1 Layout, siting and design
Policy P3 Infill and householder developments within settlements (including home and work proposals)
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 main issues for consideration with regard to this application are whether the principle of development can be established for a dwellinghouse in this location, and whether it can be adequately accommodated within the site without detriment to the residential amenity of neighbouring properties.
- 6.2 Policy P3 identifies that "sites within settlements that have no specific land use designation may provide development opportunities that can usefully contribute towards housing". Such infill development will be considered where the development "respects the scale, density and character of its surroundings, and will not erode the character or amenity of the surrounding area".
- 6.3 The proposed site is located within the settlement boundary for New Pitsligo, and the land does not hold a specific designation or allocation. The location of the plot within the rear garden ground of another property, (known as back-land development) is a pattern of development not generally encouraged by the Planning Service as it can often result in a loss of amenity to the surrounding area, sometimes also compromising the amenity of the house proposed due to design restrictions. This is due to the generally more confined configuration of a plot in order to accommodate the house, the issue of outlook for the proposed house, and the potential impact on the amenity of neighbours, as well as the impact on the character of the area.
- 6.4 In this case the Western side of School Street lacks the proliferation of back-land development which has occurred in other areas. Backhame, located to the North-West at the northern end of School Street is the only exception on this side of the road. This property takes a new access onto the road to the North, rather than via an existing access road between two houses and their gardens as is the case with this application.
- 6.5 Although not a reason to refuse this particular application there is an additional concern in that if the principle of back-land development is established on the Western side of School Street, there is a risk that further similar development could potentially place constraints on the allocated OP2 site which is identified as an opportunity for 10 dwellinghouses.

Siting and Design

- 6.6 The proposed property would be located in an elevated position in relation to the other surrounding houses, as a result of the gradient of the site. This is in spite of the finished floor levels of the property being cut into the site. The elevated position of the proposed house would generate an overlooking impact onto the private garden ground of 8A and 8B School Street from the first-floor bedroom windows. The bathroom windows are less of a concern in this regard as they could be obscured for mutual privacy.
- 6.7 It is acknowledged that there is a separation distance of approximately 13 metres from the North-East elevation of the proposed dwellinghouse and the garden grounds as proposed of properties 8A and 8B, however the elevated position on the hill in relation to these properties would exacerbate the effect. Overlooking issues on other properties are likely to be mitigated at ground level, by the lower floor level of the property and the presence of the retaining walls. The roof lights on these elevations would likely be placed too high and be too small to generate any overlooking impact on the garden ground of the properties to the North-West and South-East.
- 6.8 Overshadowing is unlikely to impact on any neighbouring properties due to the proposed property being partially recessed into the landscape, and due to its position in relation to its neighbours.
- 6.9 The proposal would result in the loss of garden ground for Flat 8B, based on the approved site plans for APP/2012/4066 for the subdivision of the original dwellinghouse. Flat 8A would not lose garden ground due to the smaller share it was apportioned as part of that application. The garden ground for Flat 8B would therefore be reduced to a scale that broadly matches that of Flat 8A, which was considered to be acceptable at the time of that consent.
- 6.10 The design of the proposed dwellinghouse is largely conventional in form, and the incorporation of the Cedral cladding as well as dry-dash render would provide a variety of textures to the overall appearance of the house. The exception to the above is the position of the first floor Velux and dormer windows on the East elevation, which give a slightly unusual appearance.
- 6.11 In being recessed into the landscape by 1.5m, it is likely that the ground floor will be impacted by a lack of natural light in some windows due to the height of the retaining walls. This would be further compounded on the southern and south western elevations by the neighbouring garage building and mature vegetation. The proposed area of usable garden ground is quite small in relation to the dwellinghouse and the patio area would be largely overshadowed by the house. Despite this the outdoor area would meet the standards in terms of size expected by the Council.
- 6.12 In terms of impact on the street and townscape, the property is unlikely to be visible from School Street, therefore the frontage of the street would be retained, however it would be apparent when looking north-west from School Brae.

Other Matters

- 6.13 The energy efficiency of the property is not yet known, however there is no reason to suspect that a new built property would be unable to meet the energy efficiency and sustainability requirements of the Council. In order to ensure compliance in this regard, it is considered reasonable to apply a condition to any approval granted. This condition would require the applicant to submit detailed SAP calculations to the Planning Service, for confirmation of their acceptability in writing, prior to the construction of the dwellinghouse. Subject to the addition of this condition on any approval issued, the proposal would meet the requirements of Policy C1.
- 6.14 The development can be serviced with a surface water soakaway, and a drainage investigation has been provided to demonstrate this. Foul water drainage would be discharged to the public sewer, which is the preferred solution within, or adjacent to settlements where feasible. Parking has been provided to the satisfaction of Roads, who have no objection to the development. The proposal is therefore considered to meet the requirements of Policy RD1.
- 6.15 Developer Obligations have identified that the local primary and secondary schools are currently operating within capacity. The proposed development does not otherwise engage the Affordable Housing or Developer Obligations policies identified within the Aberdeenshire Local Development Plan 2017. Consequently, no contributions are required in this instance. The proposal therefore accords with Policy RD2.

Conclusion

- 6.16 Weighing up the relative merits of this development the proposed house could be adequately serviced and provided in line with Policies RD1 and RD2 and meet the minimum requirements for certain requirements such as garden ground. Despite this it is likely to have an impact on the amenity of the dwellings 8A and 8B through overlooking. The specific location and design of the dwelling will limit natural light to the ground floor and as such the design solution is somewhat contrived by the tight plot and levels on the site. The resultant development does not fully accord with the criteria of successful places as set out in Policy P1 Layout, siting and design or the requirement that infill development should have no significant impact on amenity and be in keeping with the character of the area as required by Policy P3 Infill and householder development within settlements.
- 6.17 In summary, while a number of elements of the proposal accord with the policies of the Aberdeenshire Local Development Plan 2017, it is considered that, on balance, the principle of development cannot be established under Policy P3 in that the development would have an adverse impact on the amenity of adjacent properties and the amenity of the house proposed would be reduced due to the limitations of the site. There are currently 3 housing allocations in New Pitsligo for a combined 32 houses, and as the settlement is an Appendix 4 settlement, there is scope for further growth through the Organic Growth policy. It is considered short-sighted and inappropriate for the Council to endorse back-land development where there would be a loss of

amenity when other opportunities on better sites are available. It is therefore considered, on balance, that the application should be refused.

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

Policy P1 Layout, siting and design
Policy P3 Infill and householder developments within settlements (including home and work proposals)

- 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 reason:-

01. By virtue of the site topography and relationship with the existing built environment the proposed dwellinghouse would have a detrimental impact on the amenity of properties 8A and 8B School Street through overlooking of their rear elevations and garden ground. The amenity of the proposed house would be significantly reduced by the need to provide retaining walls to a height of around 1.5 metres around the ground floor. On balance, the proposal is considered to not be in keeping with the existing pattern of development or character of the area by promoting inappropriate development of an infill site. The proposal is therefore considered contrary to Policy P3 Infill and householder development within settlements (including home and work proposals) and Policy P1 Layout siting and design, as identified in the Aberdeenshire Local Development Plan 2017.

Stephen Archer
Director of Infrastructure Services
Author of Report: Rory Hume
Report Date: 12 August 2019







