

6. **LRB 463** – Notice of Review Against Refusal of Full Planning Permission for Erection of 15 Dwellinghouses at Site Adjacent to Waterton House, Castle Road, Ellon – Reference: APP/2018/2830.

- (iv) Applicant's Response to Representations Received.

NOTICE OF REVIEW UNDER THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013

FULL PLANNING PERMISSION FOR ERECTION OF 15 DWELLINGHOUSES AT SITE ADJACENT TO WATERTON HOUSE, CASTLE ROAD, ELLON – REF: APP/2018/2830

Dear Ms A Anderson,

Thank you for your response to the Notice of Review regarding APP/2018/2830.

As per original discussions between the Housing Strategy Team and Claymore Homes, the request of 25% affordable housing in accordance with the Local Development Plan's Affordable Housing Policy and a commuted some of 0.75 units would be acceptable.

Yours Sincerely



Tiffany S. Kelly
Claymore Homes

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FULL PLANNING PERMISSION FOR ERECTION OF 15 DWELLINGHOUSES AT SITE ADJACENT TO WATERTON HOUSE, CASTLE ROAD, ELLON – REF: APP/2018/2830

Dear Local Review Body,

Further to your letter of the 18th July 2019, affording Claymore Homes the opportunity to make comment on the Planning Service's submission, we would like to respond as follows.

Claymore Homes appreciate the time taken by the Planning Service to meet for a pre-application discussion on the 24th April 2018. The application was not a major application and therefore a pre-application was not required as part of the submission however as pre-application meetings are encouraged by the Planning Service, Claymore Homes viewed it as beneficial to both parties to engage prior to submission.

The two options presented at the pre-application meeting were conceptual, the proposed design evolved from these two conceptual designs incorporating many factors to result in the final scheme; the planners guidance influenced the proposed layout greatly, in particular the following items:

- Integration of open space within the proposed development - The Planning Service felt the conceptual layout that integrated the open space well within the development was preferable, therefore the open space on the proposed layout has been allocated to the front and middle of the site, with an underground cellular storage system allowing for the space on top to be utilised. With regards to the SUDS basin discussed during the meeting the Planning Service advised consideration being given to providing attractive fencing, by amending the SUD's Basin to an underground cellular storage system the need for fencing is removed.
- House orientation in relation to Castle Road - The Planning Service advised that we consider the orientation of the houses to the front of the development. In the proposed scheme Plots 01 – 07 were located to create an attractive frontage to the site, thus forming a street which links onto the existing pavement through the proposed footpaths. As requested in the pre-application meeting, the development would seek to retain the stone dyke to the front of the site but form openings to allow fluid movement between the proposed development and Castle Road; where required the wall would be repaired using existing materials.
- Protection of existing trees - The Planning Service raised concern about the impact of over shading on the proposed dwellings by the mature trees. The houses in the submitted design were orientated and relocated further from the tree line to mitigate this issue. As advised, Claymore Homes sought consult from Astell Associates on the best management recommendations with regards to the trees existing on the site and a tree survey was submitted to the Planning Service alongside the application APP/2018/2830.
- Road layout particularly regarding refuse collection - During the pre-application meeting there was comment made about potential issue for the turning of refuse vehicles. The roads in the submitted application have been designed to adoptable RCC standard and as per the swept analysis drawing WH01 905 B, a bin lorry can turn adequately.
- Design / Palette of Materials - Careful consideration was given to the scale and mass of the houses proposed to ensure that the designs complemented the adjacent development; the palette as requested would be coherent

through the scheme. The dwellings were designed to be reflective of the location and not an urban residential development, during the meeting it was advised that the appearance of the properties be simple, without feature bands of masonry, and neither sash and case windows nor large modern windows. Claymore Homes would have been happy to discuss the specific material colours and products during the course of the application.

During the pre-application meeting no issues were raised about the application being circa 10 units. Indeed, the option that was favoured by the Planning Service proposed 9 units with 2 affordable housing units.

The letter from the Planning Service to the Local Review Body states that *'No negotiation on the design was undertaken because the scale of changes required to resolve the outstanding issues was so substantial, that a new application would have been required for them.'* If the design submitted was **so** flawed that it was obvious to the Planning Service that there was no other option but the submission of a new application, why then was the application allowed to run considerably past its statutory determination date with no correspondence from the Planning Service to highlight their substantial issues regarding the proposal?

However, we refute the statement from the Planning Service that the outstanding issues were so substantial that they could not have been rectified during the application process or conditioned by the Planning Service.

The following items have been given by the Planning Service as reasons for refusal:

1. *'The design of the development would not allow good permeability for pedestrian access through to the west, and the extensive presence of 1.8m high fencing would not create a welcoming or distinctive sense of place.'*
 - Land ownership constraints mean it is not feasible to allow for pedestrian access through the western boundary of the site, however Claymore Homes could have worked with the Planning Service to achieve a satisfactory solution.
 - In previous experience the specification of the fencing would have been conditioned as part of a planning approval; again, we would have been happy to enter discussions with the Planning Service to find a choice of boundary enclosure that they deemed suitable.
2. *'...the open space provided is not of sufficient quality. The open space provision is comprised entirely of the SUDS basin to the south, which would be largely enclosed by the boundary fences of various properties, and the access road. The only other provision is the strip of land to the north of the development which is a narrow ribbon of grassland of little practical value, and unsuited to any civic function.'*
 - One of the main items raised at the pre-application meeting was the need for suitable open space. With this in mind alternative ways to increase the usable open space was investigated. As per the engineer's drawings submitted as part of the application the surface water from the development would be treated in an underground cellular storage system, thus negating the need for a SUDS basin and allowing the space above to be utilised as open space. Please note this was also detailed in the drainage assessment which was submitted to the Planning Service during the course of the application.
 - As to the strip of land to the north of the development, it was noted at the pre-application meeting that there was a positive amenity value in having the houses set back from Castle Road; however now it appears that the Planning Service has changed its mind in this regard.

3. *'The proposal is contrary to Policy P3 Infill development within settlements (including home and work proposals), of the Aberdeenshire Local Development Plan 2017 on the basis that the proposal would represent the overdevelopment of the site with 15 houses, and would not provide a satisfactory level of public open space.'*
- The Planning Service advised at the pre-application meeting that should the level of open space not meet requirements; a supporting statement may be all that would be required as justification. However, the site is of sufficient size to accommodate 15 units. It has been demonstrated that the open space provision in fact exceeds the 120m² per dwelling requirement (Policy P2), therefore the site would not be overdeveloped and would provide a satisfactory level of public open space, thus it would not be contrary to Policy P3.
4. *'boundary treatments to the east of the site would create a substantial visual barrier when entering Ellon along Castle Road from east to west that would fundamentally detract from the natural setting.'*
- Due to the lack of correspondence from the Planning Service we were unaware that the proposed 1.8m high timber fence was an unsatisfactory proposal for the eastern boundary treatment. The proposed boundary treatment was chosen due to the fact that the site (CC1) to the east is allocated as per the Local Development Plan 2017 for 10000m² of retail and leisure. Claymore Homes would be happy to suggest alternative options to the Planning Service to alleviate this concern.
5. *'The proposal would be contrary to Policy C4 Flooding, in the Aberdeenshire Local Development Plan 2017 on the basis that the Council does not have sufficient information with which to allay concerns over flooding as a result of the developed footprint of the site. A Drainage Impact Assessment is required in order to assess this impact.'*
- As previously noted, the Drainage Impact Assessment **was** submitted to the Planning Service, therefore the proposed development is not contrary to Policy C4 Flooding.
6. *'The proposed development is contrary to Policy RD1 Providing suitable services, included within the Aberdeenshire Local Development Plan 2017. This is on the basis that there is an outstanding objection from Roads relating to the lack of information demonstrating that the roads requirements for the development can be satisfied. A Stage 2 Quality Audit and Street Engineering Review is required, as well as a Swept Path Analysis for the purpose of assessing whether large vehicles (such as refuse vehicles) can safely navigate and turn in the street of the proposed development. Consequently, it has not been established that the site can be safely navigated by vehicles, or that the surface water run-off from the development would impact upon the proposed road network''*
- Claymore Homes were in discussions with the Roads department regarding the Street Engineering Review and Stage 2 Quality Audit when the Planning Refusal was received, if a processing agreement had been put in place then these documents could have been provided within the agreed timescale.

As mentioned above the scale of changes required to satisfy the reasons of refusal are not so substantial that they could not have been resolved, either through conditions on the planning approval or through discussions between Claymore Homes and the Planning Service, if they had been brought to our attention. There is no justification as to why the application, which was validated on the 11th December 2018, exceeded the original determination date with no processing agreement in place between the Planning Service and Claymore Homes.

We accept that there is an increase in numbers between the previous and current application. In the intervening period between the issue of the Planning in Principle and the preparation of application APP/2018/2830 the demands of the housing market changed due to economic pressures. Following market analysis and keeping in line with Planning Policy,

we sub-divided a percentage of the larger proposed dwellings into smaller units, increasing the number of properties to 12 and consequentially the number of required affordable units to 3; providing a greater mix of house types on offer as well as improving customer choice and variety. Advice was sought from the Planning Service as to the most suitable format for submitting the application since the number of dwellings would differ from the approved Planning in Principle; hence the application for full planning was submitted. The Planning in Principle represents part of the planning history of the site however application APP/2018/2830 should not be constrained by the conditions of the previous approval when Claymore Homes can demonstrate, given the opportunity, that all concerns regarding this site can be addressed.

Yours Sincerely



Tiffany S. Kelly
Claymore Homes

