

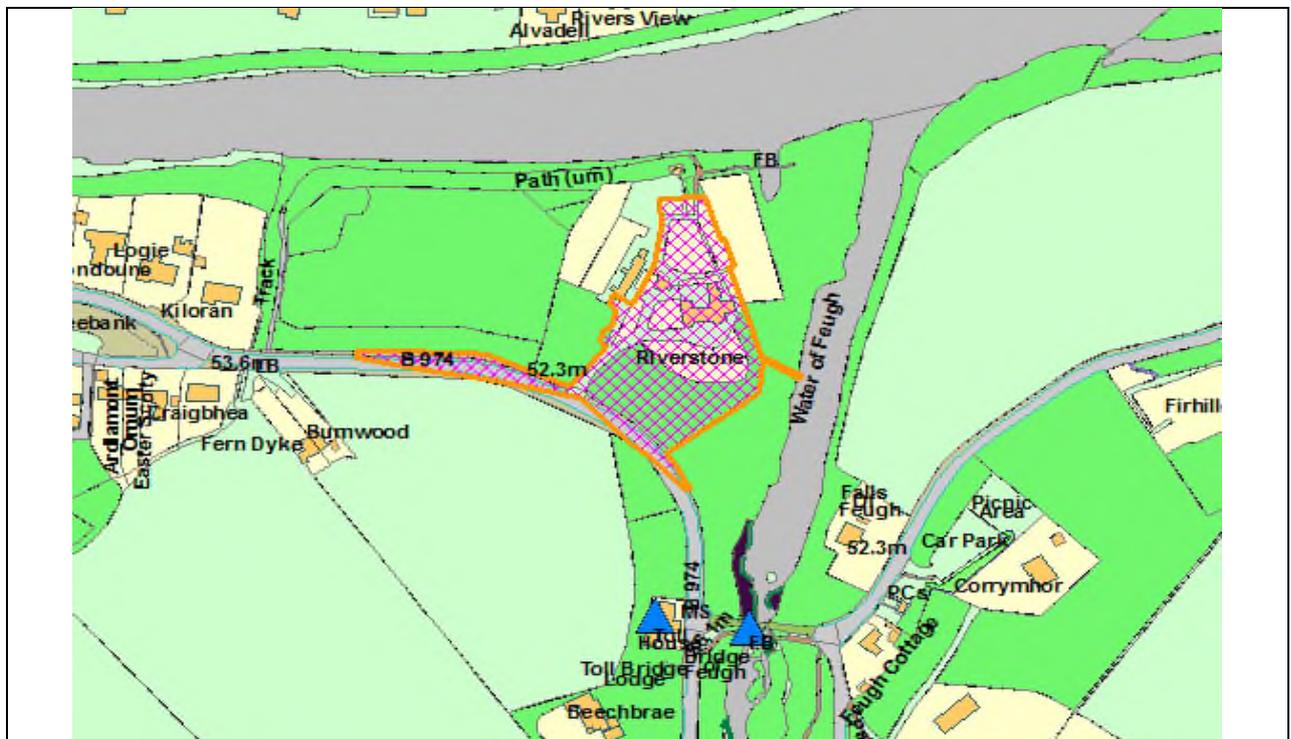
Marr Area Committee Report 31 March 2020

Reference No: APP/2019/2344

Full Planning Permission for Erection of 2 Dwellinghouses at Riverstone House, Banchory, Aberdeenshire, AB31 5HU

Applicant: Deedream Ltd
Agent: Lippe Architects + Planners, 4 St James Place, Inverurie, Aberdeenshire, AB51 3UB

Grid Ref: E:370092 N:795162
Ward No. and Name: W16 - Banchory and Mid-Deeside
Application Type: Full Planning Permission
Representations: 0
Consultations: 8
Relevant Proposals Map: Aberdeenshire Local Development Plan
Designations: Aberdeen Housing Market Area
Complies with Development Plans: Yes
Main Recommendation: Grant with Conditions



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.3.1g of Part 2C Planning Delegations of the Scheme of Governance as there is an unresolved objection from Feughdee West Community Council.
- 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 Full planning permission is sought for the erection of 2 dwellinghouses at Riverstone House, Banchory.
- 2.2 Riverstone House, formally Deebank was constructed in the 18th Century and was located on the banks of the River Dee. Prior to its demolition in 2019, the house was unoccupied since 2007 and had fallen into a state of disrepair. Riverstone House was significantly altered and extended over the years, it consisted of a two storey dwelling with gable wings and a central section with formal entrance and it sat centrally within the curtilage with the principle elevation facing south. Within the large site, two coach houses were located to the west of the main house, a wall garden to the north east and an area of ancient woodland to the south east. The main structure of the walled garden and surrounding mature landscape is largely intact. The east and north sides of the estate are bound by the River Dee and the Waters of Feugh.
- 2.3 In 2017 (APP/2017/0127), full planning permission was granted for the erection of 3 replacement dwellinghouses and garages and alterations to the access. This proposal included the replacement of Riverstone House with a large mansion house and detached quadruple garage/store, and the replacement of the existing dwellings Coach House and The Lodge. The 2017 permission was implemented in 2019, with all structures on site demolished. As it stands, the site contains the rubble remains of the mansion, enclosed by heras fencing. The consented dwellings on site associated with the replacement of The Coach House and The Lodge remain extant, this proposal is simply looking at an alternative proposal for the replacement of Riverstone House.
- 2.4 Permission is sought to erect two dwellings on the site of Riverstone House. The previously approved house type design for the replacement Coach House and Lodge sites have been used as the basis for the design inspiration, proposing a holistic development when viewed in the context of the adjacent extant approved dwellings. The two proposed dwellings in this application would be 1 ½ stories, with the front doors of each property looking out onto the entrance driveway and circular entrance feature. The properties would be orientated with the glazing and garden ground to the rear. The dwellings would be rendered, with vertical timber linings, slate roof and timber doors and windows.

- 2.5 There has been ongoing discussions between the Planning Service and agent. Initially, three dwellings were proposed to replace Riverstone House, however, this was considered excessive for the scale of the brownfield opportunity on site, taking account of the extant two dwellings adjacent. In addition, three dwellings impacted on the root protection areas (RPA) of the trees on site. Therefore, the proposal was reduced from proposing three dwellings to two and removal of the detached garages. The dwellings were moved inwards to ensure both covered the footprint of the brownfield opportunity.
- 2.6 The site is served by an entrance gate to the south west corner onto the B974. It is proposed to utilise this existing access, with the existing access gate and pillars widened and re-built to meet safety requirements. The existing access track will also be widened to 5m to accommodate passing cars. This access arrangement is the same as what was consented in 2017. The existing access road through the site allows access to the fishing beat and fishing hut located on the south bank of the River Dee. The fishing hut is out with the ownership of the applicant and access to it will remain open and be unaffected by the development.
- 2.7 The following documents have been submitted in support of the proposal:
- Supporting Statement, Lippe Architects and Planners, dated November 2019 – outlines the history of planning applications on the site and reasoning for the alteration from one large replacement mansion to two detached dwellings. The supporting statement also provides a history of the site and surrounding area through analysis of historic maps. It provides an overview of the policies relevant and an assessment of the visual impact of the development.
 - Tree Survey Report and Arboricultural Impact Assessment, carried out by Treelogic dated September 2019. The report re-assess the existing tree cover on site and their condition following the tree survey in July 2016. The survey identified 112 trees within the site, with 11 different tree types identified. To the south east of the development site an area of ancient woodland is located, this is to be protected during development by heras fencing. The 2016 tree survey recommended trees to be removed for health and safety, these have now been removed and no further trees are required to be felled.
 - Construction Method Statement, carried out by Lippe Architects and Planners, dated September 2019 - It outlines working methods and practices to ensure the River Dee Special Area of Conservation and its species are not adversely impacted by elements of the construction process and appropriate mitigation in place.
 - The proposed drainage solutions have been prepared by Fairhurst, dated 2016. The foul drainage for the development will drain to a communal treatment plant and utilise the existing foul drainage outfall which previously served Riverstone House, which outfalls to the Water of Feugh.

The existing consent for outfall will require to be upgraded providing approval (CAR licence). Surface water will be dealt with by individual soakaways for each plot.

- 2.8 The sunken walled garden, sits approximately 3metres below the level of the main house. It is proposed to reinstate the walled garden which was damaged during the January 2016 flood event and has deteriorated due to a lack of maintenance. The reinstatement of the walled garden is permitted development under Class 7c of the Permitted Development Regulations (Scotland) 1992.

3. Representations

- 3.1 No valid letters of representation have been received.

4. Consultations

Internal

- 4.1 **Business Services (Developer Obligations)** have confirmed that Banchory Primary School and Banchory Academy are currently operating within capacity. The proposed development does not trigger 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 – Natural Heritage)** initially raised concern regarding some construction works within the route protection area (RPA) of some trees, without any details regarding sensitive construction methods. A site specific, detailed construction method statement is requested, however this can be dealt with through condition. Following comments from SNH and SEPA, it was agreed that a freshwater pearl mussel survey was required. On submission of this survey, reduction in number of dwellings proposed, which were within the RPA, the Natural Heritage Officer has confirmed they have no further comments to make.
- 4.3 **Infrastructure Services (Flood Risk and Coast Protection)** have confirmed that through the 2017 application, it was satisfactorily demonstrated that the area of development is out with the 0.5% Annual Exceedance Probability (AEP functional) floodplain and surface water management for the site. They are satisfied with the proposal from a flood risk standpoint and therefore, have no further comments to make.
- 4.4 **Infrastructure Services (Roads Development)** has commented that they hold no objection to approval subject to conditions in relation to the access being formed in accordance with the drawings, a drop kerb footway, off-street parking, visibility splays and refuse bin uplift.

External

- 4.5 **Feughdee West Community Council (FWCC)** are concerned regarding the principle of development. Including the dwellings approved in 2017, the total of units on site would be five, with three under the pending application. Since those initial comments were provided, the proposal has been reduced to two units under this application. However, FWCC have not revised their response and therefore, their initial comments remain.
- 4.6 **Scottish Environment Protection Agency (SEPA)** hold no objection to approval, however outline within their response the requirements to obtain separate authorisation for the discharge into the water environment. They also provide comments in relation to flood risk, confirming they hold no objection.
- 4.7 **Scottish Natural Heritage (SNH)** initially objected to the proposal, they were concerned as the proposal lies close to the River Dee Special Area of Conservation (SAC) designated for Atlantic salmon, freshwater pearl mussels and otter. SNH were concerned that they could be impacted on by the discharge of the sewage effluent. Following the submission of an ecological survey and further discussions with SEPA, SNH confirmed that they were satisfied with the proposals and measures in place.
- 4.8 **Scottish Water** have confirmed that they hold no objection as there is sufficient capacity in the Invercarnie 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 PR1 Protecting important resources
Policy C4 Flooding
Policy RD1 Providing suitable services
Policy RD2 Developers' obligations

5.4 Other Material Considerations

Proposed Aberdeenshire Local Development Plan 2020

Aberdeenshire Council on 5 March 2020 resolved to agree the Proposed Aberdeenshire Local Development Plan (LDP) 2020 as the 'settled view of the Council' on what the final adopted content of the LDP 2021 should be.

The Proposed LDP 2020 is a material consideration in the determination of planning applications. The Planning Authority must therefore assess what weight it should have in the context of this particular application. As the Proposed LDP is yet to be subject to public scrutiny and subsequent Examination by an independent Reporter, it is considered that the level of weight that should be applied to the Proposed LDP 2020 is not significant. The Aberdeenshire LDP 2017 remains the up-to-date LDP for the area and

the primary document against which planning applications should be determined until such time as a new LDP for the area is adopted.

6. Discussion

- 6.1 The main planning considerations with this application relate to the principle of erecting two new dwelling houses on the site. In addition, the impact these proposed dwellings would have upon the character, amenity and overall context of the area. Technical matters such as drainage and access will also be considered.

Principle of development

- 6.2 The application sites are within the Aberdeen Housing Market Area and as such, the proposals will be assessed against Policy R2 Housing and employment development elsewhere in the countryside. Policy states we will approve new small scale development, of no more than 3 dwellinghouses, subject to other policies where it is for refurbishment or replacement of an existing or disused building, or it is on a site which has been previously developed and is now redundant. The Aberdeenshire Local Development Plan Glossary definition of brownfield land expands on the above stating brownfield land to be sites which have previously been developed and where a new use has not been established.
- 6.3 The proposal involves an unusual situation, where the original brownfield opportunity has been demolished and only rubble remains on site. During the determination of the 2017 application, a site visit was undertaken and all buildings remained. In November 2018, the prior commencement conditions of the consent were purified and an initiation of development was submitted. Subsequently, the buildings were demolished and the Planning Service confirmed that this constituted a lawful start of works on the site. Therefore, this permission is extant and remains in perpetuity.
- 6.4 Through physical inspection carried out by the Planning Service in 2017, it is evident that the site has previously been developed, and buildings remained on site until very recently. No new use is considered to have been established, with the permission implemented for a residential use. On this basis, the proposal remains to be considered to offer a brownfield re-development opportunity.
- 6.5 Turning to the principle of two units on the site, initially, three dwellings were proposed to replace Riverstone House. However, this was considered to be beyond the scale of the brownfield opportunity that Riverstone House itself presents. Notwithstanding that Riverstone House was a large mansion, it was not considered to be of a scale to accommodate three replacement dwellings that sprawled beyond its footprint. Policy R2 requires development to be on the 'site' of the original opportunity, a total of three detached dwellings failed to meet this. Banchory Community Council also raised concern that a total of three dwellings failed to meet policy criteria.

- 6.6 Therefore, the development was reduced in scale to proposing two detached dwellings which overlap to the site of Riverstone House. The agent states that the original Riverstone House covered a footprint of 389 square metres, and the proposed two replacement houses cover a total of 356 square metres, therefore to a comparable scale. On this basis, it is considered that two detached dwellings are more appropriate in scale to footprint of the original brownfield opportunity. This amendment is considered to address the concern of the Community Council.
- 6.7 Overall, a suitable compromise is considered to have been reached, reducing the proposal from 3 dwellings to 2 dwellings. The site was evidently previously developed, and no new use has been established. By virtue of the planning history, nature of the site and extant permission, the Planning Service are content to remain to consider the principle of development compliant with Policy R2 Housing and employment development elsewhere in the countryside. It is worth noting, the 2 dwellings approved under APP/2017/0127 that would sit adjacent to Riverstone House were approved as standalone replacements of The Coach House and The Lodge and did not utilise any element of redevelopment opportunity presented by Riverstone House.

Layout, siting and design

- 6.8 The design of both properties is the same, following a 'T' shaped floorplan, orientated southwards with an access gate into the development, off the shared fisheries road. This would lead to a feature turning circle with individual house accesses taken off this. The proposed house designs are traditional while encompassing some modern elements, using a variety of materials; render on the main section of the house with timber clad gables and porches. Each site is considered to be a substantial size which can accommodate the scale of the proposed dwellings. A considerable amount of open space and woodland remains, retaining the rural feel of the development. The layout, siting and design ties in with that approved on the adjacent Coach House and Lodge sites, ensure the development as a whole will not cause a detrimental impact on the character of the area, compliant with Policy P1 Layout, siting and design.
- 6.9 The proposal is located within an enclosed site, surrounded by woodland or natural landscape features such as the River Dee/Water of Feugh. Natural boundaries, such as hedging is proposed between the plots, however further boundary details will be requested through condition of the permission. Design/landscaping have ensured that any potential amenity impacts are reduced, as such, the proposal is not considered to cause a detrimental impact on overshadowing, overbearing or overlooking.

Technical considerations

- 6.10 Turning to Policy RD1 Providing suitable services, the foul drainage for the development will drain to a communal treatment plant and utilise the existing foul drainage outfall, which served Riverstone House, which outfalls to the Water of Feugh. Surface water will be dealt with by individual soakaways for

each plot. There has been ongoing discussions with SEPA and SNH regarding the outfall to the Waters of Feugh. SEPA have confirmed that they hold no objection to approval and that the discharge to the water will require authorisation from SEPA under the Controlled Activities Regulations (CAR). However, SEPA did mention within their response the need for an ecological survey to be carried out prior to the CAR application being submitted. As the discharge options were dependant on the results of the ecological survey, this was required to be carried out during the determination of the application . SNH objected to the proposal on the basis of the potential for freshwater pearl mussels to be impacted on by the development. On receipt of an appropriate survey, and clarification on the area of the Waters of Feugh that was surveyed, SNH confirmed that they removed their objection to the proposal. The Planning Service are content that the appropriate measures will be put in place to ensure appropriate treatment of the discharge, with the details required under SEPA licence. A condition will be attached to the consent requesting a more detailed site specific construction method statement to allow SNH to gain further comfort, to assess whether the proposed development will have an impact on the qualifying interests of this site either during construction or in the longer-term. The proposal is subsequently considered compliant with Policy RD1 Providing suitable services and Policy E1 Natural heritage.

- 6.11 SEPA have also provided a response in regard to flood risk on the site. A Flood Risk Assessment (FRA) was undertaken in 2017, and SEPA have confirmed that there does not appear to be any information which would suggest that the previous FRA is no longer suitable. The Council's Flood Risk and Coast Protection Team have provided similar comment, there was extensive consultation undertaken in 2017 with the agent, this satisfactorily demonstrated the area of flood risk was out with the 0.5 AEP functional floodplain and the principle for surface water management on the site. Therefore, both consultees are satisfied with the proposal from a flood risk standpoint, thus, compliant with Policy C4 Flooding.
- 6.12 A buffer strip is proposed adjacent to the watercourse to ensure no development is within approximately 25 metres of the River Dee. The buffer strip is proportionate to the width of the watercourse and influenced by the Flood Risk Assessment and Ecological Assessment which was submitted in 2017 and was attached as a condition of that consent. This condition will be re-attached, the buffer is identified on site plan 5264/063 A.
- 6.13 Roads Development request that the site access with the B947 is carried out in accordance with plans submitted and that conditions are attached in relation to visibility splays, off street parking, refuse bin uplift areas and a drop kerb formed, compliant with Policy RD1 Providing suitable services.
- 6.14 A revised Developer Obligations assessment was carried out following a reduction in number of units proposed. This confirms that, in this instance, no contributions are required, compliant with Policy RD2 Developer obligations.

Potential Impact on trees

- 6.15 The revised layout, reducing the proposal from three units to two, reduces the impact on trees and the need for specialist construction methods. A number of trees have already been felled which was agreed previously, this proposal does not involve the felling of any additional trees to that which have already been removed. The agent has outlined that these will be replaced and a condition will be attached requiring details of all replacement planting. In addition, measures to protect all existing woodland and ancient woodland in the south east corner. This ensures development is compliant with Policy PR1 Protecting important resources.

Conclusion

- 6.16 Overall, through ongoing consultation and appropriate amendments, a suitable compromise has been reached, reducing the density of the proposal. Feughdee West Community Council consider the proposal to fail to comply with policy due to the number of dwellings proposed, however this has been reduced to a level acceptable to the Planning Service. It is acknowledged that this is an unusual situation, however, the history evidences that until very recently, Riverstone House remained on site. The existing permission has been implemented, and sufficient justification has been submitted stating that the proposed two dwellings, is comparable to the scale of the former Riverstone House. On this basis, the proposal is considered acceptable without causing a detrimental impact on neighbouring amenity, character of the area or River Dee SAC. The proposal is considered to comply with Policy R2: Housing and Employment Development Elsewhere in the Countryside and Policy P1 Layout, siting and design within the Aberdeenshire Local Development Plan 2017, as such, is recommended for approval.

7. Area Implications

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

8. Implications and Risk

- 8.1 An equality impact assessment is not required because the granting or refusing of the application will 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

None

- 10.3 The application is not a Departure from the Local Development Plan or Strategic Development Plan and no departure procedures apply.
- 10.4 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.
- 10.5 The application would not have to be referred to Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

11. Recommendation

11.1 **GRANT Full Planning Permission subject to the following conditions:-**

01. 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.

02. The vehicular access, driveway and parking area hereby approved shall not be brought into use unless both have been provided and surfaced in accordance with the details shown on the approved plans and the drop kerb footway crossing has been formed to the full width of revised site access. The access shall be formed in accordance with drawing 5264/061 REV A and off-street parking for 6 cars, surfaced in hard standing materials must be provided within the site. The access/driveway/parking area 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, the access, driveway and parking area shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the access, driveway and parking area to an adequate standard; to prevent the carriage of loose driveway material on to the public road and to ensure the retention of adequate off-street parking facilities, all in the interests of road safety.

03. No works in connection with the development hereby approved shall commence unless details of the refuse bin uplift store areas have been submitted to and approved in writing by the planning authority. The areas 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 areas have been provided and surfaced in accordance with the approved details. Once provided, the refuse bin uplift store areas shall thereafter be permanently retained as such.

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

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 120 metres in both directions 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 access in accordance with the Council's Standards for Road Construction Consent and Adoption. 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. Prior to commencement of development a buffer strip is required adjacent to the River Dee and Waters of Feugh. The buffer strip should be proportionate

to the width of the watercourse and is influenced by the Flood Risk Assessment and trees/foliage on site. No development should take place within this buffer as identified on the approved site plan 5264/063 A. Measures must be taken to avoid any disturbance on the land within the buffer strip during the development phase and details of protective fencing to be put in place shall be provided to the Planning Service for formal agreement in writing.

Reason: To protect and preserve the River Dee conservation site.

06. No works in connection with the development hereby approved shall commence unless a detailed site-specific construction method statement and related site plan has been submitted to and approved in writing by the planning authority. The construction method statement shall include details of measures that will be in place to prevent pollution entering the River Dee SAC during construction. All construction works on the site shall be carried out in strict accordance with the approved construction method statement.

Reason: In the interests of protecting the biodiversity of the environment and River Dee SAC.

07. No dwellinghouse hereby approved shall not be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with drawing 101576/2000 G and information provided by Fairhurst dated December 2016. The foul and surface water drainage systems shall be permanently retained thereafter in accordance with the approved maintenance scheme.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

08. 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.

09. No works in connection with the development hereby approved shall commence unless details of the proposed means of enclosure between plots and bounding the garden grounds, site have been submitted to and approved in writing by the planning authority. The dwellings hereby approved shall not be brought into use unless the means of enclosure have been erected in accordance with the approved details. Once erected, the means of enclosure shall thereafter be permanently retained in accordance with the approved details.

Reason: In the interests of the residential amenities of the occupants of the approved development and the visual amenities of the area.

10. No works in connection with the development hereby approved shall commence unless a tree protection plan has been submitted to and approved in writing by the planning authority. Tree protection measures shall be shown on a layout plan accompanied by descriptive text and shall include:
- a) The location of the trees to be retained and their root protection areas and canopy spreads (as defined in BS 5837: 2012 Trees in relation to design, demolition and construction);
 - b) The position and construction of protective fencing around the retained trees (to be in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction);
 - c) The extent and type of ground protection, and any additional measures required to safeguard vulnerable trees and their root protection areas;
 - d) An arboricultural method statement to demonstrate that operations can be carried out with minimal risk of adverse impact on trees to be retained;
 - e) A method statement for any works proposed within the root protection areas of the trees shown to be retained.

No works in connection with the development hereby approved shall commence unless the tree protection measures have been implemented in full in accordance with the approved tree protection plan. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the planning authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks. The approved tree protection measures shall be retained in situ until the development has been completed.

Reason: In order to ensure adequate protection for the trees and hedges on the site during the construction of development, and in the interests of the visual amenity of the area.

11.2 Reason for Decision

01. The site has previously been developed, with the principle of development on the site established under the previous 2017 approval. The proposal is considered appropriate in terms of layout, siting and design and is not considered to impact on the character of the area. Therefore, compliant with Policy R2 Housing and employment development elsewhere in the countryside and Policy P1 Layout, siting and design of the Aberdeenshire Local Development Plan 2017.

Stephen Archer
Director of Infrastructure Services
Author of Report: Louise Smith
Report Date: 13 March 2020

From: [Louise Smith](#)
To: [Planning Online](#)
Subject: FW: APP/2019/2344 - FWCC consultee comment
Date: 27 November 2019 08:48:54

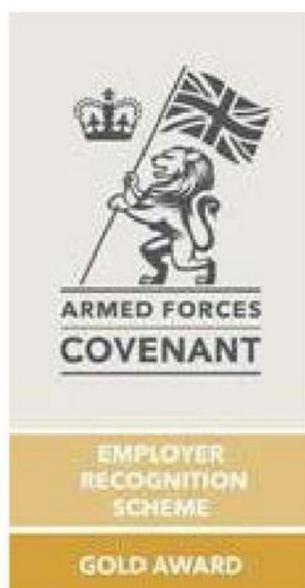
Hi there,

Please can the objection below from Feughdee West Community Council be logged against APP/2019/2344.

Thanks
Louise

Louise Smith
Planner (Development Management)
Kincardine and Mearns/Marr
Planning and Environment Services
Viewmount
Arduthie Road
Stonehaven
AB39 2DQ

Tel. 01467 534799



From: Iain Adams [REDACTED]
Sent: 26 November 2019 16:30
To: 'Louise.Smith@aberdeenshire.gov.uk'
Subject: APP/2019/2344 - FWCC consultee comment

Louise,

FWCC wish to lodge an objection to planning application APP/2019/2344 Erection of 3 Dwelling houses and Detached Garages | Riverstone House Banchory Aberdeenshire AB31 5HU.

The objection is based on the fact that the impact of approving the application would be to change the previously approved application APP/2017/0127 for 3 houses to an approval for 5 houses on the site which contravenes policy and is not in the current LDP.

Thanks,

Iain

Iain Adams