

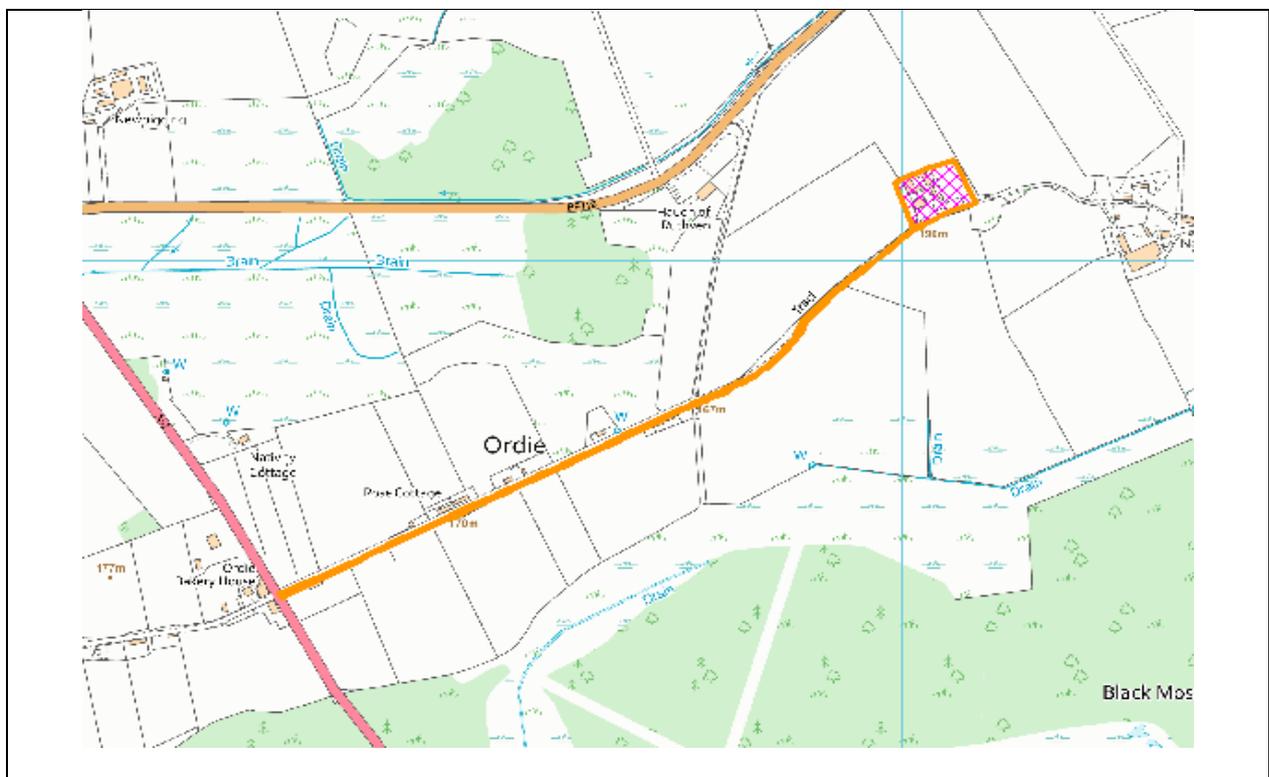
Marr Area Committee Report 31 March 2020

Reference No: APP/2020/0177

Full Planning Permission for Erection of Dwellinghouse at The Neuk, Ordie, Aboyne, Aberdeenshire, AB34 5LS

Applicant: Mr David Barron & Miss Ailsa Anderson, 4 Neil Burn Drive, Kincardine O'Neil, Aboyne, AB34 5AB
Agent: No Agent

Grid Ref: E:345666 N:801848
Ward No. and Name: W15 - Aboyne, Upper Deeside and Donside
Application Type: Full Planning Permission
Representations: 1
Consultations: 6
Relevant Proposals Map: Cairngorms National Park Local Development Plan
Designations: Rural 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.3.1 of Part 2C Planning Delegations of the Scheme of Governance as the application has been submitted by, or on behalf of, a member of staff in the Planning and Building Standards Service and there has been a valid objection.
- 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 a dwellinghouse at The Neuk, Ordie, Aboyne. The site is already subject to Full Planning Permission for the conversion and alterations to an existing steading and outbuildings to form a dwellinghouse (APP/2019/1815), which has yet to be implemented. The previous approval proposed the demolition of the disused farmhouse and the conversion of the existing steading into a dwellinghouse, and the conversion of the outbuilding into ancillary accommodation. This application proposes a new dwelling where the remains of the farmhouse are, and the applicant intends to utilise part of the steading for agricultural storage purposes.
- 2.2 The site is located within a rural setting in the Cairngorms National Park. The site is located approximately 0.5 miles east of the main junction at Ordie and 1.8 miles south west of the closest settlement of Tarland. The site is surrounded by agricultural land with a farm, Nether Ruthven, located 200 metres to the east of the site. The site is approximately 0.5 hectares and currently comprises a derelict steading, outbuildings and redundant farmhouse. All of the current structures are in different states of disrepair, with the farmhouse being in the worst condition. There are nineteen trees on the site, 7 of which are shown to be removed to facilitate development.
- 2.3 This proposal seeks to erect a one and a half storey dwellinghouse on the south west corner of the site, on the site of the previous farmhouse. The dwellinghouse is a simple, rectangular building and would have a total footprint of approximately 122m². The building would have a pitched roof with a maximum height of approximately 7.2 metres. Two dormer windows would be located on the south east elevation with a further dormer on the north west elevation. External finishes include a stone base course on the south east and south west elevations, rendered walls and timber cladding to the dormers. The roof would be finished in slate and the windows and doors would be uPVC.
- 2.4 The proposed access to the site is to be taken from an existing private access track to the west of the site which joins the A97 at Ordie.

- 2.5 The applicant proposes to make private drainage arrangements and connect to the public water supply.

Relevant history

- 2.6 APP/2019/1815 - Conversion and Alterations to Steading and Outbuildings to form Dwellinghouse and Ancillary Accommodation, Demolition of Farmhouse and Formation of Access Road – FPP Approved

Supporting information

- 2.7 **Bat Survey Reports (Tay Ecology, September 2018)** three bat surveys have been submitted covering each of the derelict buildings on site. Roosts have been found in all three structures and therefore, a bat licence would be required from Scottish Natural Heritage.
- 2.8 **Design Statement (Submitted by the applicant, January 2020)** provides an overview of the site details and history and assessment of the key policies. The applicant also states that the existing consent does not meet the needs of the applicant. It is proposed to retain the grain store element of the steading for the purposes of storing agricultural equipment in the future. Provision is made within the plans for the siting of a temporary residential caravan during the construction phase. It is proposed to retain as many of the trees on site as possible. Only trees required to accommodate development are proposed to be felled.
- 2.9 **Foul Water and Surface Water Soakaway Certificates (John Wink Design, December 2019)** provides details of the tests carried out to demonstrate the suitability of the proposed drainage scheme, with separate soakaways for foul and surface water.

3. Representations

- 3.1 A total of 1 valid representation (1 objection) has been received as defined in the Scheme of Governance. All issues raised have been considered. The letters raise the following material issues:
- Increase traffic
 - Road safety at the junction with the A97
 - Safety of pedestrians

4. Consultations

Internal

- 4.1 **Business Services (Developer Obligations)** noted that contributions have been previously secured for this application via S69 Legal Agreement (Upfront Payment) under APP/2019/1815 which will be applied to the current application.

- 4.2 **Infrastructure Services (Archaeology)** has commented that as the proposal relates to a farm complex dating back to the 19th century, a condition requesting a Level 1 Standing Buildings Survey should be uploaded to any future consent.
- 4.3 **Infrastructure Services (Environment Team)** has confirmed that the bat surveys are accepted and due to the presence of bat roosts, a licence is required from SNH. The bat survey findings meet SNH standing advice on species and numbers not requiring predetermination consultation with SNH Licensing on whether a derogation licence is likely to be issued, thus the Planning Authority does not need to contact SNH. If the application is approved then it must include an informative on the consent notice highlighting that a bat licence is required from the SNH Licencing Team.
- 4.4 **Infrastructure Services (Roads Development)** has commented that the development take access via a private road not maintained by the Roads Authority. Granting this development may result in an increase in usage and therefore, there may be an increased liability of those responsible for maintenance of the private road. They also recommend that the developer considers passing places within the extended section of access road to permit vehicles to pass. Roads Development have no objection subject to conditions on the access junction, parking, refuse bin uplift area and vehicle turning area.

External

- 4.5 **Cairngorms National Park Authority** does not wish to 'call-in' the application as it does not raise any planning issues of significance to the park's aims.
- 4.6 **Scottish Water** has commented that there is sufficient capacity in the Ballater Water Treatment Works. However, there is no public Scottish Water, wastewater infrastructure within the vicinity of the development and private treatment needs to be investigated.

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 Cairngorms National Park Local Development Plan 2015

Policy 1: New Housing Development, Part 3 Other housing in the countryside

Policy 3: Sustainable Design, Part 1 Design Statement

Policy 4: Natural Heritage, Part 4 Protected species

Policy 5: Landscape

Policy 9: Cultural heritage, Part 3 Other Local cultural heritage

Policy 10: Resources

Policy 11: Developer Contributions

6. Discussion

- 6.1 The main issues to consider in determination of this application are the acceptability in principle of the erection of a dwellinghouse at this location in terms of scale and design and whether the proposal would have an impact on the surrounding area. The policies contained in the Cairngorms National Park Local Development Plan 2015 are the main consideration in the determination of this application, together with an assessment of the material considerations.

Principle

- 6.2 Policy 1 New housing development, Part 3 Other housing in the countryside supports proposals where they are on a rural brownfield site. In this instance, the development would be located on the site of a disused and vacant farmhouse, and therefore meets with the definition of 'brownfield' as the proposal is on land that has previously been developed with a clear redundant structure present on site. As such, this development is considered to meet the requirements of Part 3 Other housing in the countryside of Policy 1 New Housing Development and therefore can be considered acceptable in principle.

Layout, siting and design

- 6.3 The layout, siting and design of this proposal is assessed against Policy 3 Sustainable design. This seeks to ensure that all new developments are appropriately designed and scaled and are of a high quality.
- 6.4 The proposed layout, siting and design of this development differs significantly to that previously proposed under APP/2019/1815. Rather than converting the existing steading to form a dwellinghouse, the dwellinghouse would be a new build located on the site of the previous farmhouse. A simple rectangular shaped dwellinghouse with a pitched roof is proposed. The proposed dwelling

would be orientated to the south to benefit from solar gain. At 0.5 hectares the site is of a considerable size and can easily accommodate the modest size dwelling whilst ensuring ample garden ground.

- 6.5 In the applicant's design statement, they detail that they will salvage and reuse materials from the original dwellinghouse and adjacent derelict buildings. Other external finishes include rendered walls and a slate roof all of which are considered to be appropriate materials for the area.
- 6.6 The nearest neighbour is located some 200 metres east of the site and as such, the development is not considered to give rise to any amenity impacts in terms of loss of privacy or loss of sunlight/daylight.
- 6.7 The applicant has suggested they are proposing to locate a temporary residential caravan on the site during construction. Providing this is free standing and removable, this would be permitted development (Class 14) providing the consent had been lawfully implemented prior to it being brought onto the site.
- 6.8 Overall, the proposal layout, siting and design is considered acceptable with finishes sympathetic to the surrounding area. The proposal complies with Policy 3 Sustainable design.

Landscape

- 6.9 Policy 5 Landscape states a presumption against development that does not conserve and enhance the landscape character and special qualities on the Cairngorms National Park. Due to the location of the site on a flat area of land on a hillside, the dwellinghouse would be visible from the B9119 to the north. However, it is replacing a redundant farmhouse and as the steading that will remain can be seen from the B9119, therefore the effect of the dwellinghouse on the landscape would be negligible. The proposal complies with Policy 5 Landscape

Access and servicing

- 6.10 The letter of representation raised concerns with the increased traffic along the Ordie track, and road safety at the junction with the A97, and safety of pedestrians on the private road. However, as a private road, the Roads Authority or Planning Service have no jurisdiction. In terms of access, Roads Development have no objection to the proposals subject to the conditions set out in paragraph 4.4.
- 6.11 In terms of drainage, the applicant proposes to make private drainage arrangements in the form of a septic tank and associated soakaway, both of which would be located to the rear (north west of the dwellinghouse). A surface water soakaway would be located to the west of the dwellinghouse. The applicant proposes to connect to the public water supply network. The proposed drainage arrangements have been certified and meet the requirements of Policy 10 Resource, Part 1 water resources.

Natural heritage

- 6.12 The bat survey submitted along with the application identified a number of bat roosts. SNH will need to be contacted by the applicant to acquire a license in order to work in the areas, however it is not expected that the works would have a long term effect on the overall habitat of the bats. This proposal would not be detrimental to the maintenance of the population of bats and complies with Policy 4, Part 4 Protected species.
- 6.13 Nineteen trees are located within the site boundary, the applicant proposes to retain twelve of these trees. Only trees required to accommodate development are proposed to be felled, this totals seven trees. A condition requesting a tree protection plan would be added as a condition to any subsequent consent.

Archaeology

- 6.14 As the proposal relates to a farm complex dating back to the 19th century, a condition requesting a Level 1 Standing Buildings Survey should be added to any subsequent consent.

Developer Obligations

- 6.15 Policy 11 Developer Obligations requires development which gives rise to a need to increase or improve public services, facilities or infrastructure or mitigate adverse effects, will normally require the developer to make a fair and reasonable contribution towards the addition costs or requirements. Developer Obligations were consulted and were satisfied contributions have been previously secured for this application. The proposal complies with Policy 11 Developer Obligations.

Conclusion

- 6.16 In conclusion, this application is recommended for approval as the proposed erection of a dwellinghouse on the brownfield site is considered acceptable in line with Policy 1 New housing development, Part 3 Other housing in the countryside. The proposed design and layout is considered acceptable and complies with Policy 3 Sustainable Design. The proposed development complies with all other relevant policies contained within the Cairngorms National Park Local Development Plan 2015.

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

9. Sustainability Implications

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

10. Departures, Notifications and Referrals

10.1 Strategic Development Plan Departures

None

10.2 Local Development Plan Departures

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. The dwellinghouse hereby approved shall not be occupied unless a turning area measuring at least 7.6m by 7.6m has been formed and 3 off-street parking spaces have been provided in accordance with the Council's Car Parking Standards. Furthermore, prior to occupancy of development, first 5m of access (measured from edge of road or back of footway) to be fully paved. Once provided, the access, turning and parking areas shall thereafter be permanently retained as such.

Reason: To ensure the timely completion and retention of the on-site facilities to an adequate standard in the interests of road safety.

02. The dwellinghouse hereby approved shall not be occupied unless the refuse bin uplift store area has been provided and surfaced in accordance with the details shown on the approved plan. Once provided, the refuse bin uplift store area shall thereafter be permanently retained as such.

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

03. No works in connection with the development hereby approved shall commence unless a Level 1 archaeological standing building survey of the extant buildings and structures on the application site has been undertaken and has been submitted to and approved in writing by the planning authority. The standing building survey shall not be undertaken unless its scope has been approved in writing by the planning authority. The survey must be in a digital format and must be clearly marked with the planning reference number.

Reason: To ensure that a historic record of the building is made for inclusion in the National Record of the Historic Environment and in the local Sites and Monuments Record.

04. The dwellinghouse hereby approved shall not be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plans and the John Wink Design, December 2019 report. 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.

11.2 Reason for Decision

The planning authority considers that the application is for a development that is in accordance with the Cairngorms National Park Local Development Plan 2015. As a brownfield site, the proposal satisfies Policy 1: New Housing Development, Part 3 Other housing in the countryside. The proposed design and layout respects the setting and existing property to the west of the site and therefore complies with Policy 3: Sustainable Design.

Stephen Archer
Director of Infrastructure Services
Author of Report: Stephanie McMillan
Report Date: 13 March 2020

Comments for Planning Application APP/2020/0177

Application Summary

Application Number: APP/2020/0177

Address: The Neuk Ordie Aboyne Aberdeenshire AB34 5LS

Proposal: Erection of Dwellinghouse

Case Officer: Stephanie McMillan

Customer Details

Name: Mrs Rebecca Forrester

Address: Rose Cottage Ordie Aboyne

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I have no objection to the development of the 'The Neuk' in fact welcome that .

However, I do object to the proposed access to the Neuk as this is a change to the current access.

-The proposed access would create increased traffic along the Ordie track which is already struggling significantly with the current traffic that it accommodates. There is significant wear and tear and pot hole damage.

- The Neuk has lay derelict for 40-50 yrs and has housed animals so I don't agree with the term 'existing farmhouse' . The existing buildings have not been occupied for 40/50 yrs therefore have had no occupants that have used vehicles along the new proposed access.

-The closest access to the Nuek is the current access from the B9119 via Nether Ruthven or from the B9119 via Newbigging at the Coal yard. Both of these provide closer access and better visibility when turning on to the main road.

- It is not clear from the plans why a need for a change of access to increase traffic along the Ordie track is necessary.

- The access to the main road as proposed at the Ordie Post office on to the A97 will create even more traffic at a very dangerous junction at the brow of a blind summit on a road where cars can easily reach 60 mph between Logie and Dinnet , not to mention the many large HGVs that carry felled logs along that road . Concerns regarding this junction have already been raised locally with the Community Council.

- I have concerns regarding the plan to 'adopt' a farm track from the East Croft cottage up to the Neuk. This track is of poor quality, floods regularly in the winter at the foot and is covered in sheet ice. Half way up the track there is a blind bend with a 15ft bank at either side. Any pedestrian/cyclist walking up this track would be faced without warning by a vehicle and their only escape would be to climb the bank. I know because I have had to do this on occasion when faced

with a tractor . There is no space at the side of the track to step aside and let a vehicle pass. This proposed regular use of access for the Neuk could have real safety implications for pedestrians who also have a right of way on this track and I don't think this has been considered.

- Currently the cottages along the Ordie track have joint responsibility to 'upkeep' the track. There is no evidence that new dwellings erected at the Neuk would have equal responsibility.

- I am concerned when looking at the plans that space has been reserved for further dwellings at the Neuk and this would create even more traffic along the Ordie track.

As I have said I do not object to the Neuk being developed however would appeal that the traffic and road situation is carefully considered and that the existing access via Nether Ruthven should be continued. Alternatively access the B9119 at Newbigging where it is safer.

Thank you for considering.