

7. **LRB 489** – Notice of Review, Against Refusal of Full Planning Permission for Conversion and Extension of Domestic Garage to Form Dwellinghouse at Land to the South of Northseat of Auchedly, Tarves, AB41 7NB – Reference: APP/2019/2547.

(ii) Supporting Documents as submitted by the Planning Service (excluding the Decision Notice and Report of Handling, which was included with the Notice of Review).

**From:** [Peter Exon](#) on behalf of [Contaminated Land](#)  
**To:** [Rory Hume](#)  
**Cc:** [Planning Online](#)  
**Subject:** APP/2019/2547  
**Date:** 09 December 2019 09:01:03

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**APP/2019/2547 Full Planning Permission for Conversion and Extension of Domestic Garage to form Dwellinghouse; Land To The South Of Northseat Of Auchedly Tarves Aberdeenshire AB41 7NB  
Environmental Protection Act 1990: Part IIA Contaminated Land**

I have received further information on the former use of this site. There is no indication of any past use which might have caused contamination. I have no further comment on this application.

Regards,  
Peter.

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Peter Exon  
Assistant Scientific Officer  
Aberdeenshire Council, Infrastructure Services, Environmental Health, Gordon House,  
Blackhall Road, Inverurie, AB51 3WA  
Tel: 01467 538529  
Fax: 01467 628358

**From:** [Adam Sime](#)  
**To:** [Planning Online](#); [Rory Hume](#)  
**Subject:** APP/2019/2547  
**Date:** 11 November 2019 15:29:36

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**APP/2019/2547**

**Full Planning Permission for Conversion and Extension of Domestic Garage to form Dwellinghouse, Land to The South of Northseat of Auchedly Tarves**

Confirmation that Developer Obligations have been agreed for the following:

Secondary Education

Contributions towards an extension of Meldrum Academy

Regards

Adam Sime | Senior Developer Obligations Officer |  
Legal and Governance | Business Services | Aberdeenshire Council | Banchory Town Hall | 1  
Kinneskie Lane | Banchory | AB31 5NA

Tel: 01467 539495  
email: [adam.sime@aberdeenshire.gov.uk](mailto:adam.sime@aberdeenshire.gov.uk)

## PLANNING CONSULTATION

**RECOMMENDATION:** No Objection subject to conditions

**APPLICATION REF:** APP/2019/2547  
**CASE OFFICER:** Rory Hume  
**PROPOSAL:** Full Planning Permission for Conversion and Extension of Domestic Garage to form Dwellinghouse  
**LOCATION:** Northseat Of Auchedly, Tarves, Aberdeenshire, AB41 7NB  
**APPLICANT:** Mr Ian Cook  
**AGENT:** Annie Kenyon, Annie Kenyon Architects Ltd  
**DATE RECEIVED BY EH:** 8 November 2019

Please find the following observations:

This application has been considered in respect of water supply, noise and air quality.

### **Water Supply**

The proposed development shall be connected to the public water supply as indicated in the submitted application form and shall not be connected to a private water supply without the express grant of planning permission by the Planning Authority.

### **Noise from Air Source Heat Pumps**

Noise levels due to the operation of the air source heat pump when measured at 1m from any window, door or other ventilation opening serving any adjacent property shall not exceed 38 dB LAeq (1 hour).

**Reason:** To ensure that noise from the development does not result in undue loss of amenity for surrounding properties.

### **Air Quality**

It is noted from the plans that a wood burning stove is proposed. The termination of the flue outlet serving the said stove should be 1 metre above the highest ridge level of the house (as shown on proposed elevation drawings as part of this application) in order to assist with dispersal of smoke.

**Reason:** To ensure that smoke emissions will not cause undue loss of amenity for surrounding properties.

**Noise**

The noise level during the period of both demolition and construction must be carefully controlled. Excessive noise levels at the nearest noise sensitive point could result in action being taken by the Local Authority in terms of the Control of Pollution Act 1974 or Environmental Protection Act 1990.

**HMO**

The applicant should be reminded that prior to occupation of the property by 3 or more unrelated persons, then a house in multiple occupation licence must be in place to ensure the property is of the standard as required by The Housing (Scotland) Act 2006 as amended.

Failure to secure the appropriate licence and the house by occupied by multiple persons is an offence.

**Recommendation:**

**The Environmental Health Service has no objection to the approval of this application, subject to the above comments.**

Environmental Health Officer

Date: 21.11.2019

**Please note that the above observations do not include consideration of contaminated land issues. The Scientific Officer, (Infrastructure Services) Environmental Health will report separately to the Planning Officer on such matters.**

**Technical Consultation No 1 for Planning Application Ref: APP/2019/2547**

Application type: **FPP (Full Planning Permission)**

Proposal: **Conversion And Extension Of Domestic Garage To Form Dwellinghouse**

Location: **Northseat Of Auchedly, Tarves, Aberdeenshire, Ab41 7nb**

Date consultation request received: **08/11/2019**

Planning Officer: **Rory Hume**

Roads Officer: **Esther Mcdonald**

**1. Visibility Requirements (See Section 4)**

Speed Limit at site: **mph**

Design speed: **mph (                      for                      )**

Based on the minimum visibility requirements within Aberdeenshire Council's current standards and on the design speed a visibility of metres by metres will be required

Does current application provide this?    Yes     No

**2. Parking Requirements:**

From Aberdeenshire Council's Parking Standards the required parking provision is **3** Spaces made up of:                      Operational and                      Non-Operational.

Is shown provision of **3** spaces acceptable                      Yes                       No

**Note:**

**3. Road Layout:**

- Is a Traffic Assessment required? Yes  No
- Access onto Public Road Network? Direct  Indirect
- Will the Shown Layout Require RCC? Yes  No
- Does the Shown Layout Appear to Comply with RCC? Yes  No

***If No, What are Main Items of Non-Compliance?***

**4. Other Comments:**

The existing access with the public road is adequate to accommodate this additional dwelling.

It should be noted that this development takes access via a private road, not maintained by the Roads Authority. Granting this development will result in an increase in usage. Accordingly there may be an increased liability on those responsible for the maintenance of the private road.

**5. Recommendations:**

- This Service objects to this application for the following reasons:-**
- Insufficient Visibility**       **Insufficient Parking Provision**
  - Road Safety (see comments in Section 4)**
  - Insufficient information has been submitted to comment on this application. Please treat this response as a holding objection until the required information has been submitted. (See Section 4)**
- This Service has the above comments to make on this application .**
- This Service does not object to this application subject to the following conditions and advisories being applied should planning permission be granted:-**

Initialed by: *em*  
Date: 11/11/2019

Checked: *GS*  
Date: 12/11/2019



13<sup>th</sup> November 2019

Aberdeenshire Council  
Buchan House St Peter Street  
Peterhead  
AB42 1QF

Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Stepps  
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G33 6FB

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Dear Local Planner

**AB41 Tarves Northseat Of Auchedly Site At  
PLANNING APPLICATION NUMBER: APP/2019/2547  
OUR REFERENCE: 784982  
PROPOSAL: Conversion and Extension of Domestic Garage to form Dwellinghouse**

**Please quote our reference in all future correspondence**

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

#### **Water**

- Unfortunately, according to our records there is no public Scottish Water, Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private options.

#### **Foul**

- Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

#### **Surface Water**

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will **not** accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.



In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

#### **General notes:**

- **Scottish Water asset plans can be obtained from our appointed asset plan providers:**

**Site Investigation Services (UK) Ltd**

**Tel: 0333 123 1223**

**Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)**

**[www.sisplan.co.uk](http://www.sisplan.co.uk)**

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>**

#### **Next Steps:**

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are

deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

- **Trade Effluent Discharge from Non Dom Property:**

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely

**Pamela Strachan**  
Planning Consultations Administrator

# Tarves Community Council

Community Council Postbox  
Tarves Post Office  
The Square  
Tarves  
AB41 7GX  
10<sup>th</sup> December 2019

Aberdeenshire Council  
Formartine Area Committee  
By email

Dear Sir/Madam

**APP/2019/2547 FPP for Conversion and Extension of Domestic Garage to form Dwellinghouse at Northseat Of Auchedly Tarves.**

Members resolved to object to these proposals for a number of reasons; -

A very similar previous application was rejected due to a failure to; -  
“demonstrate compliance with Policy R2 on the basis that the existing garage cannot be considered to be redundant for its purpose, and is therefore unsuitable for conversion for the purposes of accommodation. Consequently the principle of development cannot be established”.

We are unaware of this policy having changed.

Other considerations are the layout of the proposed dwellinghouse in that it appears not to have sufficient facilities for what is in essence an HMO. Whilst the licensing of these is a different matter, the physical standards and layout should be fully considered as part of the planning process.

There may be an option for the demolition of the garage and erection of a new building on the site which may sit better with the current LDP Policies.

Yours on behalf of the Community Council

Robert P. Davidson

Chairman.

Your planning consultation entitled [Land To The South Of Northseat Of Auchedly Tarves AB41 7NB](#) for Planning Application Reference APP/2019/2547 on Ward Pages has closed, your proposal for this application to be determined by officers using delegated powers has been Accepted. Full results are shown below:

<b>Councillor</b>	<b>Response</b>	<b>Comments</b>	<b>Interest Declared</b>
Cllr. Andrew Hassan	Agree Officer Delegation		● No Interest Declared
Cllr. Karen Adam	No Response		● No Response
Cllr. Jim Gifford	Agree Officer Delegation		● No Interest Declared
Cllr. Paul Johnston	No Response		● No Response