

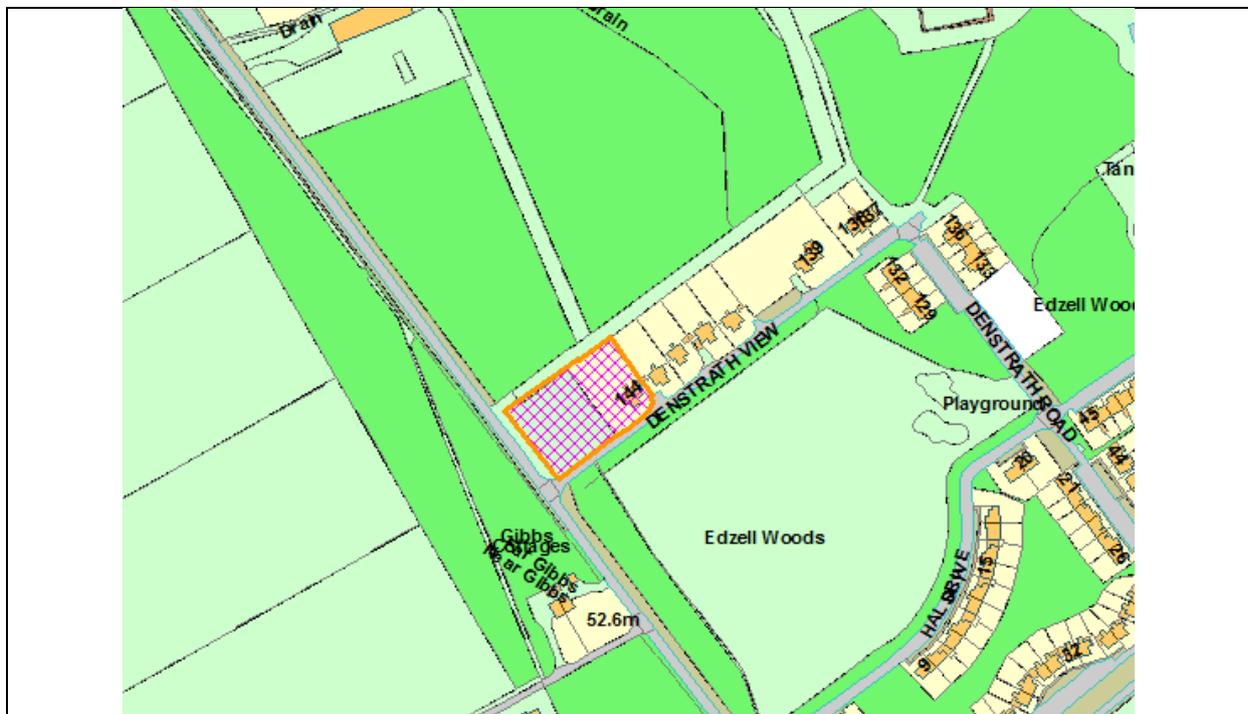
## Kincardine & Mearns Area Committee Report 18 May 2021

Reference No: APP/2021/0272

**Full Planning Permission for Erection of 3 Dwellinghouses at Land to West of 144 Denstrath View, Edzell Woods, DD9 7XQ**

**Applicant:** Mrs Dorothy Pert, 144 Denstrath View, Edzell Woods, DD9 7XQ  
**Agent:** G.McNab Contract Design, 8 Riverside Place, Dundee, DD2 1QE

Grid Ref: E:361849 N:769464  
 Ward No. and Name: W19 - Mearns  
 Application Type: Full Planning Permission  
 Representations: 1  
 Consultations: 7  
 Relevant Proposals Map: Aberdeenshire Local Development Plan 2017  
 Designations: Within Settlement  
 Complies with:  
 Development Plans: Yes  
 Main Recommendation: Grant



**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 a consultee.
- 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 3 dwellinghouses on land to the west of No 144 Denstrath View within the settlement area of Edzell Woods. Edzell Woods dwellings were the housing associated with the former Edzell Airbase and is a privately owned estate.
- 2.2 The application site contains 3 plots and extends to approximately 0.31ha. It is located on land previously approved for development, under applications APP/2009/1546 and 1547 and is at the end of a row of similar styled residential properties located along Denstrath View. Pre-application advice has been given for the site with regards to layout, siting and design and arrangements in respect of provision of a layby, parking spaces, distance from junction with public road and driveway positions and visibility splays.
- 2.3 The site is currently grassed and is level, between No 144 Denstrath View to the east and a grass verge and classified road (Northwaterbridge – Edzell Road) to the west. The plots are bounded to the north by mesh wire security fencing and a strip of land in the ownership of the applicant with woodland beyond and Denstrath View to the south.
- 2.4 The proposal is for 3 house plots with access taken from Denstrath View and the proposed dwellinghouses would sit centrally within each plot. Plot 1 has an approx. area of 740sqm, Plot 2 has an approx. area of 734sqm and Plot 3 has an approx. area of 757sqm.
- 2.5 The proposed dwellinghouses would be set back approximately 5.5m from the edge of the road on Denstrath View. The existing residential properties on Denstrath View are large, detached properties with hipped roofs, forming a row of five similar properties. The plans indicate that the dwellinghouses would comprise two storeys with hipped roofs and would reflect the existing properties along Denstrath View in scale, form and materials proposed. The dwellinghouses will have projecting bay gable frontages with large lounge areas to the front and entrance porch with kitchen, dining, study, shower room and a rear sun lounge. The upper floor would consist of 3 bedrooms (1 ensuite) and bathroom. The proposed materials will be a render finish (beige/white), upvc windows and doors and dark grey concrete roof tiles to match existing houses.

2.6 The development is proposed to connect to the public water supply. The proposals show that the foul water drainage is to connect to the existing manhole within the garden ground of No 144 Denstrath View, which is also in the ownership of the applicant. As the estate is privately owned the infrastructure (roads, wastewater and sewerage) is currently maintained by the community. The private Sewerage Treatment Works is operated by an independent organisation called Edzell Woods Community Trust Ltd (EWCT Ltd) and the agent has received confirmation that connection can be made to it. The surface water would be via surface water soakaways within each plot.

2.7 The application is supported by the following documents;

- **Drainage Assessment, (fbw Consulting, 3<sup>rd</sup> August 2020)**  
Surface water runoff will be discharged to soakaways in the rear gardens of each plot. Foul water gravity drains will run to the north of each plot to a domestic pumping station, then discharging to an existing manhole chamber within the garden ground of the applicant at No 144 Denstrath view.
- **Supporting Statement**  
Includes the sites previous planning history and as a secondary access route for the Former American Military Air Base and pre application dialogue with planners.
- **Site Photographs**
- **Letter from Mike Boyd Director and Trustee of Edzell Woods Community Trust Limited (EWCT)**  
Confirming that there is no issue with the development as long as the soil waste and surface water are connected to EWCT pipework infrastructure. Subject to Engineers Report.

### 3. Representations

3.1 A total of 1 valid representation (neither supporting or objection) has been received as defined in the Scheme of Governance. All issues raised have been considered. The letters raise the following material issues:

- Comments in regard to the private drainage arrangements with EWCT Ltd (discussed in section 6.8)

### 4. Consultations

#### *Internal*

4.1 **Infrastructure Services (Contaminated Land):** There is still uncertainty on the site to the possibility of leakage of an underground domestic heating oil tank, which was identified under an earlier application APP/2009/1460. As no

further information on the site has been found since and it is recommended that an informative is placed on any decision notice if contaminated materials are uncovered.

- 4.2 **Infrastructure Services (Roads Development)** has commented that there is adequate off street parking for each plot as well as 1 visitor space (10 in total). No objections subject to conditions on parking and refuse storage provision.
- 4.3 **Legal and People (Developer Obligations):** Contributions have been sought for Secondary Education, Healthcare and Waste and Recycling.

*External*

- 4.4 **Health and Safety Executive:** has commented that they do not advise against, on safety grounds, against the granting of planning permission.
- 4.5 **Mearns Community Council:** Has objected as it is considered that the application would be overdevelopment of the site and that two dwellinghouses in line with the original planning approval would be more appropriate. Design of the dwelling houses should be sensitive to the surrounding area.
- 4.6 **National Grid:** Has no objection to this proposal.
- 4.7 **Scottish Water:** Has no objection. It is confirmed that their current capacity at Whitehillocks Water Treatment Works however, there is no public Scottish Water Wastewater Infrastructure.

## 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 2020

The Strategic Development Plan was approved on 12 August 2020.

The purpose of this Plan is to set a clear direction for the future development of the City Region. It sets the strategic framework for investment in jobs, homes and infrastructure over the next 20 years. 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.

The Aberdeenshire Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Aberdeen City & Shire SDP 2020 as approved forms part of the Development Plan.

## 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: Developer Obligations

## 5.4 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. A period during which representations on the Proposed LDP 2020 could be made took place between 25 May and 31 July 2020.

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. The Proposed LDP has been subject to public scrutiny and has now been submitted for Examination by an independent Reporter. Nevertheless, it is considered that the level of weight that should be applied to the Proposed LDP 2020 remains as not significant at this time. 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.

5.5 Other Material Considerations

None

**6. Discussion**

- 6.1 In this instance, the main issues to consider in the assessment of this application are, the acceptability of residential development on this site in terms of policy relating to housing development within the settlement of Edzell Woods, whether the layout, siting and design are likely to be appropriate and the impact on the character and amenity of the area as a whole.

Principle of development

- 6.2 As confirmed above the proposed housing plots lie within the Edzell Woods settlement boundary accordingly Policy P3 is relevant. Policy P3 advises that sites within settlements that have no specific land use designation may provide development opportunities that can usefully contribute towards housing and employment land requirements. Development will be supported on vacant sites within a settlement boundary that have no specific land use allocation (infill), as long as the development respects the scale, density and character of its surroundings and will not erode the character or amenity of the surrounding area. As the three plots proposed are located on an “infill” site, the Planning Service is satisfied that the principle of developing the site for housing development meets the criteria of Policy P3. The land has also benefitted from previous consent for two dwellinghouses on part of the site as listed under Section 3 of this report.

Layout, siting and design

- 6.3 In terms of the layout of the site, the existing pattern of development on Denstrath View is characterised by detached two storey dwellinghouses in large gardens located centrally within each plot. The existing dwellinghouses have driveways set back from the road to create double driveways with single garages placed further back in the plot. Previous advice has been given under ENQ/2018/0516 and ENQ/2020/1391 and these comments have been taken on board and a layby has been created between Plots 1 and 2 and a double driveway has been shown between Plots 2 & 3. Specific advice in relation to the position of the driveways and their distance from the junction with the public road has been adhered to. Roads Development has no objection to the proposal and is satisfied subject to provision of, off street parking spaces and bin storage areas.
- 6.4 With regards to the objection from Mearns Community Council, it is stated that the application for three dwellings would represent overdevelopment of the site. The site is an “infill” site and the Planning Service is content that the design, scale and finish of the proposed dwellinghouses would be sympathetic to the established development pattern in the surrounding area. Each plot would be in the region of 744 square metres. This would see the

provision of a generous feu and associated garden ground, which is not dissimilar to surrounding feus and development density. There would be no detriment to the neighbouring amenity as there are no upper floor side windows proposed. The boundary treatments proposed to the front gardens are 1.2m picket fencing extending 9m into the plots, then raising to 2m timber fencing (behind the front elevations of the properties) around the rear gardens. Therefore, the proposed plots would respect the scale, density and character of their surroundings and will not erode the character or amenity of the surrounding area and would be compliant with the criteria of Policy P3.

- 6.5 In respect of design, it is important for new design to integrate well with surrounding development, and the landscape within which it is located. In this instance, the proposed dwellings mimic the style of the existing dwellinghouses and follow the same pattern, scale and form of development and will retain a similar building line to 144 Denstrath View. As such, the proposal is considered to accord with Policies P1 and P3 of the Aberdeenshire Local Development Plan 2017.
- 6.6 A condition is proposed to be attached to any decision notice to obtain information relating to the energy efficiency of the proposed dwellinghouse to ensure that the development is compliant with Policy C1: Using resources in Buildings.

#### Technical Matters

- 6.7 In respect of technical considerations, no objections have been received from statutory consultees, Planning conditions can adequately control the implementation of the submitted scheme for surface water drainage, together with the connection to the public water supply.
- 6.8 As already mentioned, the applicants intention is to use the Edzell Woods resident's private sewerage treatment plant. With this in mind, comment has been received from Edzell Woods Community Trust Limited (EWCT) to advise the developer that they will require to enter into a 'Tie-In Agreement' to join the existing sewage infrastructure managed by them. This is a civil matter between the applicant and EWCT however, the agent/applicant has been in discussions with EWCT and has supplied a letter from the group giving consent to join to the existing network.
- 6.9 The proposal therefore accords with Policy RD1: Providing Suitable Services of the Aberdeenshire Local Development Plan 2017.
- 6.10 In terms of developer obligations, contributions have been sought for Education, Healthcare and Waste and Recycling. These will be secured through a Section 75 Legal Agreement. The proposal is therefore considered to accord with Policy RD2 Developers Obligations.

## Conclusion

- 6.11 To conclude, the proposed erection of three dwellings is considered to be acceptable. The proposed dwellings are of an appropriate scale, design and finish and will assimilate well with the site without posing any impact on the wider landscape setting and deliver a development compatible with its surroundings and can be suitably serviced and accessed. The proposal fully complies with all relevant policies of the Aberdeenshire Local Development Plan 2017 as discussed above and the planning issues raised through representations have been taken account of. There are no material planning considerations that would warrant refusal in this instance.

## **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

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 That authority to GRANT be delegated to the Head of Planning and Environment Service subject to:-

**(i) The completion of a suitable Section 75 legal agreement, or alternative method of payment, to secure the required developer obligations;**

**(ii) The following planning conditions:-**

01. The dwellinghouse's hereby approved shall not be harled unless a sample panel of the proposed harling has been made available to and approved in writing by the planning authority. The dwellinghouse's shall not be brought into use unless the harling has been applied in its entirety in accordance with the approved details.

Reason: In the interests of the appearance of the building and the visual amenities of the area.

02. The vehicular access, driveways and parking areas 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 (Drawing No DYP/03) and the drop kerb footway crossing has been formed at the new access. The first five metres of the driveway's measured from the back of the carriageway shall be fully paved and shall have a maximum gradient not exceeding 1:20. The driveway and 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 areas shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the access, driveway and parking areas 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. The development hereby approved shall not be occupied unless the refuse bin uplift store area[s] have been provided and surfaced in accordance with the details shown on the approved plan. 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 dwellinghouses hereby approved shall not be brought into use unless the proposed foul and surface water drainage system for each dwellinghouse have been provided in accordance with "The Drainage Assessment, fbw Consulting, 3rd August 2020" the approved plans Drawing 2073 SK-D-01 & Drawing 2073 SK-D-02. The foul and surface water drainage system[s] 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.

05. 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.

06. 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.

## 11.2 Reason for Decision

The Planning Authority considers that the application is for a development that is in accordance with the Aberdeenshire Local Development Plan 2017. The application is acceptable in principle under Policy P3 Infill and householder developments within settlements (including home and work proposals) in that

the site has no specific land use designation and it lies within a settlement. In addition, the proposed dwellings would not adversely affect the character of the area and would not significantly reduce the amenity of neighbouring residents. All other details of the application are compliant with other relevant policies of the Aberdeenshire Local Development Plan 2017.

**For noting:-**

Part 2C (Planning Delegations) states at Section C.3.2b for Local Development, that following consultation with the Chair and Vice-Chair of the determining Committee, the Head of Planning and Environment Service can refuse planning applications for which Section 75 Agreements are not completed or Developer Obligations are not paid within four months from the date of the Committee at which the application is determined. Local Ward Members shall be notified of any such refusal.

Please note that this power may be exercised in respect of the application which is the subject of this report if the application is approved by the Committee.

**Alan Wood**

**Interim Director of Infrastructure Services**

Author of Report: Ann Grant

Report Date: 28 April 2021