

## Kincardine and Mearns Area Committee Report 29 June 2021

Reference No: APP/2021/0914

### Full Planning Permission for Erection of 3 Dwellinghouses at Land at Nether Cheyne, Fetteresso, Stonehaven, Aberdeenshire

**Applicant:** Mr Richard Bruce, 1 Westfield Lane, Stonehaven, AB39 2FN  
**Agent:** RJM Architectural Design, 8 North Street, Inverurie, AB51 4QR

Grid Ref: E:383973 N:786737  
 Ward No. and Name: W18 - Stonehaven And Lower Deeside  
 Application Type: Full Planning Permission  
 Representations: 7  
 Consultations: 6  
 Relevant Proposals: Aberdeenshire Local Development Plan 2017  
 Map  
 Designations: Aberdeen Housing Market Area  
 Complies with: Yes  
 Development Plans:  
 Main Recommendation: Delegated Grant



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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.3.1f of Part 2C Planning Delegations of the Scheme of Governance as there have been valid objections from six or more individuals or bodies with separate postal addresses or premises.
- 1.2 The Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

## **2. Background and Proposal**

- 2.1 The application site is located in the designated countryside approximately 1.5km west of the Stonehaven bypass. The site is accessed from the Auchenblae Road via an existing private road which serves a number of properties located to the north of the site entrance. The site slopes downward to the southwest with the land between the application site and the private road sloping more steeply than the site itself. The site encompasses a cluster of derelict vernacular agricultural building including a hayloft, a cattle court and a smaller outbuilding. A derelict farmhouse, piggery and bothy are located to the west of the site.
- 2.2 Full planning permission is sought for the erection of three, 4-bedroom dwelling houses. The houses would be grouped in a relatively tight cluster. Each of the houses have a footprint of 187sqm divided between two separate buildings connected by a submissive, 2.5m high flat roofed glazed link where the front door is located. In terms of scale, the two buildings would be 7m and 6.3m to the apex respectively. The plots sizes would be 0.1084ha, 0.1738ha and 0.1121ha. The design of the dwelling houses reflects the simple uncluttered character of vernacular farm buildings including clipped eaves and roof lights instead of dormers. The houses would be finished with natural slate and a mix of smooth render and natural stone (down takings from existing buildings) on the south and east elevations. A design statement explaining the design principles of the proposal has been submitted.
- 2.3 Access to the site would be taken from the existing private access via the existing farm track. Three passing places are proposed along the private road including one at the site entrance, one at the Cheyne farmhouse junction and one at the access to Farrochie farm buildings. Each plot would incorporate 3 parking spaces and turning area.
- 2.4 A drainage assessment has been carried out and the report recommends that foul water be dealt with by means of a septic tank discharging into a soakaway via a private wastewater treatment plant to protect the water environment. Surface drainage would be by means of a sustainable drainage system (SUDS) including permeable surfaces, silt traps and a large detention basin (SUDS pond) discharging into the ground. The level of pollution hazard

from roofs, parking and driveway has been estimated at very low to low. The proposal is to be connected to the public water supply.

2.5 A bat survey was carried out but found no evidence of bats using the building.

2.6 A planning application for the erection of 3 dwelling houses was submitted under planning reference APP/2020/10303 and was subsequently withdrawn to address the concerns raised by the Planning Service. The amended proposal is the result of extensive pre-application discussions.

### 3. Representations

3.1 A total of 7 valid representations (1 support/6 objection) have been received as defined in the Scheme of Governance. All issues raised have been considered.

3.2 The letters of objection raise the following material issues:

- The increase in traffic would increase road safety issues at the junction with the public road and along the private road.
- The increase in traffic along the public road will have a detrimental impact on existing residential amenity.
- The number of proposed passing places is insufficient and will result in existing driveways being used as passing places without authorisation. There is no signage marking the passing places and no right of way signage being proposed at the junction leading up to Cheyne farmhouse.
- No culvert design has been submitted to ensure drainage is not affected.
- There is no access to public transport.

3.3 The letter in support raises the following material issues:

- The proposal is in keeping with the character of the area.
- Any maintenance issues of the road are a private matter which could be addressed between all users including the applicants.

### 4. Consultations

#### Internal

4.1 **Infrastructure Services (Contaminated Land)** has commented that the risk of contamination associated with the former use of the site is considered low. However, because of the variety or potentially contaminative activities associated with farming a formal note advising the developer of steps to be taken in case contamination is discovered during the development and an asbestos removal advice note are appended to the planning decision.

- 4.2 **Infrastructure Services (Roads Development)** has commented that access to the development from the public road is via a private road not maintained by the Roads Authority. Granting this development will result in an increase in usage and there may therefore be an increased liability on those responsible for the maintenance of the private road. Passing places have been provided with the private road access between that of the public road and the access for the development, as well as passing places within the access road of the proposed dwellings. As such, it does not object to the proposed development subject to planning conditions dealing with the provision of passing places along the private road, 3 car parking spaces and turning areas for each dwelling house and a refuse bin uplift store.
- 4.3 **Legal and People (Developers' Obligations)** has commented contributions towards an extension to Stonehaven Leisure Centre and Stonehaven Medical Group has been agreed with the applicant.

#### External

- 4.4 **Health and Safety Executive** does not advise against granting planning permission on safety grounds in this instance.
- 4.5 **National Grid** have not provided comments of this application but had no objection to the previous application submitted under planning reference APP/2020/1303.
- 4.6 **Scottish Water** has commented that although a public water supply is available, there is no public sewerage infrastructure available to serve the proposed development.

### **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 R2: House building and employment development elsewhere in the countryside

Policy P1: Layout, siting and design

Policy RD1: Providing suitable Services

Policy RD2: Developers' Obligations

Policy C1: Using resources in buildings

Policy E1: Nature conservation

Policy E2: Landscape

## 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 The key planning issues relating to this proposal are:

- Development principle
- Layout, siting and design
- Technical matters

#### Development Principle

6.2 The proposal relates to the redevelopment of a brownfield site comprising a cluster of vernacular farm buildings to accommodate 3 new detached dwelling houses. Although some of these buildings do have some architectural merit, it is not considered to be so significant to insist on their retention and conversion. As such it is considered that on balance the proposal complies with Policy R2: Housing and employment development elsewhere is the countryside.

#### Layout, siting and design

6.3 The proposed dwelling houses have been designed in keeping with the character of the site and surrounding countryside. Indeed, as stated in section 1, the design displays proportions that reflect the simple lines typical of vernacular agricultural buildings with plain roof lines and clipped eaves. In terms of layout, the dwelling houses would be grouped in a tight cluster nestled against a backdrop of rising ground in keeping with the character of the site. The use of recessive finishes including stone doughtings, grey render, natural slate and dark grey windows and doors would help integrate the development into the wider landscape. The Planning Service is therefore satisfied that the proposal accords with Policy P1: Layout, siting and design and Policy E2: Landscape.

6.4 The site currently has very little ecological value and the development provides a great opportunity to enhance local biodiversity in accordance with Policy P1: Layout, siting design. A condition requiring the submission of a landscaping scheme is therefore recommended.

#### Technical issues

6.5 In terms of access and car parking, Infrastructure Services (Roads Development) has confirmed that the junction visibility and the location of the proposed passing places are appropriate for the scale of development

proposed. Furthermore, the layout and access are considered to be adequate and the proposal is considered to accord with Policy RD1: Providing suitable services in this regard.

- 6.6 In relation to concerns raised through letters of representation, it is apparent that the access road is private and the development of 3 dwelling houses would not trigger a requirement to upgrade the road to an adoptable standard. Although it is acknowledged that the amount of traffic along the road would be increased because of the development, this is not expected to be to the extent that the safety of pedestrians and cyclists would be compromised. The road is relatively straight with good visibility and it would be expected that anyone driving along the road would adapt their driving to the conditions. Passing places have been agreed with Infrastructure Services (Roads Development) and it is commonplace for driveways and residential accesses to be used as informal passing places on these types of roads. It is unlikely that the stopping of vehicles in a passing place will pose a major restriction on field access as vehicles will only be there momentarily. As the road is private and not required to be upgraded to adoptable standard there is no requirement to apply the construction standards specified in the Council's Standards for Road Construction Consent and Adoption document referenced in letters of objection.
- 6.7 Although concerns relating to the maintenance issues are noted, this is ultimately a private civil matter and not a material planning consideration. It is understood that the road is not owned by the applicant and that maintenance is shared by existing properties. The road is used to access 10 properties and it is unlikely that the amount of additional traffic triggered by an additional 3 dwelling houses would have a significant bearing on the rate at which the road is deteriorating. It is understood that the road is not within the applicants' ownership but that they have a right of servitude over it as is the case for existing properties.
- 6.8 In terms of drainage, the drainage impact assessment submitted with the application demonstrates that the site could be drained without causing any adverse impacts on the water environment or amenity of adjacent residential properties in accordance with Policy RD1: Providing suitable services.
- 6.9 Developer obligations contributions have been agreed by the applicant in accordance with Policy RD2: Developers' obligations.

### Conclusion

- 6.10 Although objection has been raised through letters of representation received, primarily in relation to concerns about the impact of the development on road safety, it is not expected that the additional 3 properties would increase the amount of traffic along the private road to the extent that the safety of pedestrians and cyclists would be significantly lessened. In addition, the road is straight with good visibility and the applicant is proposing to provide 3 passing places which would help improve the flow of traffic along its length. The road is private and as such, any maintenance issues raised in letters of

representation are a civil matter and not a material planning consideration. The road is not required to be upgraded to adoptable standards and therefore there is no burden on the applicant to comply with the road construction standards specified in the Standards for Road Construction Consent and Adoption document referenced in letters of objection.

- 6.11 The proposal relates to the redevelopment of an existing brownfield site with three detached dwelling houses. The proposed layout and design are reflective of the character of the site and in keeping with a countryside location. All technical matters have been satisfactorily addressed. As such, it is considered that the proposal is fully compliant with Policy R2: Housing and employment development elsewhere in the countryside, Policy P1: Layout, siting and design, Policy RD1: Providing suitable services and Policy E2: Landscape.

## **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 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) Satisfactory conclusion of developer obligations whether upfront or through a Section 75 legal agreement;
- (ii) 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. No works in connection with the development hereby approved shall commence unless details of the refuse bin uplift store area has been submitted to and approved in writing by the planning authority. The area 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 area has been provided and surfaced in accordance with the approved details. 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 scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority.

Details of the scheme shall include:

- a) Existing landscape features and vegetation to be retained;
- b) Protection measures for the landscape features to be retained;
- c) The location of new trees, shrubs, hedges, grassed areas and water features;
- d) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- e) The location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment;
- f) An indication of existing trees, shrubs and hedges to be removed;
- g) A programme for the implementation, completion and subsequent management of the proposed landscaping.

The Landscaping Scheme MUST include timescales for the implementation of the works.

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

04. No works in connection with the development hereby approved shall commence unless details of the proposed means of enclosure to be plots have been submitted to and approved in writing by the planning authority. No dwelling house 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.

05. No demolition or any other works in connection with the development hereby approved shall commence unless a photographic survey of the existing

buildings and structures on the application site has been submitted to and approved in writing by the planning authority. All external and internal elevations of the buildings and structures together with the setting of the buildings and structures and any unusual features of the existing buildings and structures shall be photographed. The photographic viewpoints must be clearly annotated on a plan to accompany the survey. The photographs and plan 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 Monuments Record for Scotland and in the local Sites and Monuments Record.

06. No dwelling house hereby approved shall be occupied until passing places measuring 10m x 2.5m with 5m splays have been provided in the location shown on the approved drawings. Construction shall be to a standard appropriate to the location and shall be agreed in advance with Roads Development.

Reason: To assist the free flow of traffic along the private road in the interests of road and public safety.

07. No dwellinghouse hereby approved shall be occupied unless its driveway, turning area (measuring no less than 7.6m x 7.6m) and parking area (3 spaces) has been provided and surfaced in hard standing materials. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the driveway to an adequate standard to prevent the carriage of loose driveway material on to the public road in the interests of road safety.

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 dwellinghouse hereby approved shall be occupied unless the propose foul and surface water drainage systems have been provided in accordance with the approved plans and the ground assessment and drainage recommendations report by S.A. McGregor dated 20th April 2021. 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

01. The planning authority considers that the application is for a development that is in accordance with the Aberdeenshire Local Development Plan 2017. The proposal relates to the redevelopment of an existing brownfield site with three detached dwelling houses. The proposed layout and design of this reflects the character of the site and is in keeping with a countryside location in accordance with Policy R2: Housing and employment development elsewhere in the countryside, Policy P1: Layout, siting and design, Policy RD1: Providing suitable services and Policy E2: Landscape.

### **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**  
**Director of Infrastructure Services**  
**Author of Report: Aude Chaiban**  
**Report Date: 11 June 2021**