

Kincardine and Mearns Area Committee Report 31 August 2021

Reference No: APP/2020/2291

Full Planning Permission for Erection of 5 Dwellings including Demolition of Buildings at Lairhillock Inn, Netherley, Stonehaven, Aberdeenshire, AB39 3QS

Applicant: S Law (FC) Limited, 18 Bon Accord Crescent,
Aberdeen, AB11 6XY
Agent: MAC Architects, 24 Oldmeldrum Road, Newmachar,
AB21 0PJ

Grid Ref: E:385435 N:795099
Ward No. and Name: W17 - North Kincardine
Application Type: Full Planning Permission
Representations: 1
Consultations: 14
Relevant Proposals Map: Aberdeenshire Local Development Plan 2017
Designations: Aberdeen Housing Market Area
Complies with:
Development Plans: No
Main Recommendation: Refer to ISC



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.3.1d of Part 2C Planning Delegations of the Scheme of Governance as the Head of Planning and Building Standards is of the professional opinion that the approval of this application would be a significant departure, from the Development Plan.
- 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 site is located approximately 8km north of Stonehaven, approximately 450m east of the Netherley Road (Lairhillock junction). The building on site is a former coaching in which has been present on site for over 200 years. The applicant has operated the building as a bar and restaurant for the past 14 years.
- 2.2 The business has ceased trading on the 29 March 2020. The supporting information states that this followed a period of decline as a result of difficult trading conditions in the hospitality sector across the North East in general, which was further exacerbated for the Lairhillock Inn by the opening of the AWPR, which resulted in a significant decline in passing trade. More latterly, the impacts experienced as a direct result of Covid-19 have led to the business winding up and closing indefinitely. The building is therefore currently vacant.
- 2.3 The site is surrounded by the public road to the north and development on two sides comprising of a dwelling house, Crynoch Lodge, to the east and the former Lairhillock Lodge B&B to the west, which has recently been subject to a change of use planning application (Planning Ref APP/2020/1111) to convert the modern building into 5 dwellinghouses. The building forms part of a wider cluster of buildings that includes the nearby Lairhillock Primary School to the northeast and Lairhillock House further to the west.
- 2.4 Full Planning Permission is sought to demolish the existing buildings and replace them with five detached dwellinghouses set around a central forecourt/green. The detached 1.5 storey dwellings proposed are to incorporate traditional design elements such as pitched roofs, dormer windows, eaves and verges and overall wall height to eaves proportions, but also include an overall modern layout which along with the proposed materials creates a modern rural aesthetic. The dwellings will be set on sizable plots and include an integral garage with private garden space to the rear of each property.
- 2.5 Each dwelling is proposed to be provided with separate off-street parking and

turning arrangements, 2 communal visitor parking spaces, refuse storage areas, connection to the existing public mains water supply, as well as new sustainable means of foul and surface water drainage.

- 2.6 In terms of landscaping, it is proposed that existing trees are retained where feasible and where any removal is proposed, it is to be compensated through additional planting. The area west of the site, would be formed into a dedicated communal area of public open space, incorporating an amenity area with a play park.
- 2.7 In addition to this Planning Statement and submitted drawings, the application is supported by the following additional information:
- Design Statement - MAC Architects;
 - Accountancy Statement - Bain Henry Reid;
 - Marketing Evidence - Christie & Co and Cornerstone Business Agents
 - Viability Assessment (Confidential) - Savills;
 - Drainage Assessment - Cameron & Ross;
 - Bat Survey - Countrywise;
 - Tree Survey - Backhills Ecology; and
 - Landscaping Design - Papillion Designs & Landscaping.
- 2.8 The proposals have been altered from the originally submitted plans in order to accommodate comments received by various Services through the consultation process. This includes alterations to the design/layout to provide one of the proposed dwellings as an on-site affordable unit and changes to the landscaping proposals.

3. Representations

- 3.1 One valid representation which highlights support for the development subject to a number of specific matters has been received as defined in the Scheme of Governance. All issues raised have been considered. The letter raises the following material issues:
- Retention of boundary trees and enhanced planting for privacy;
 - Drainage provision; and
 - Retention of bottle and waste recycling facility onsite.

4. Consultations

Internal

- 4.1 **Education and Children's Services (Learning Estates)** has confirmed that children generated from the development will fall within the catchment areas of Lairhillock Primary School and Mackie Academy. There is no objection to this development on the grounds of education provision.

- 4.2 **Infrastructure Services (Archaeology)** has confirmed that a condition requiring a standing building survey will be required as the proposal affects the archaeology site N089NE0033, a former public house/coaching inn dating originally to the 19th Century (or earlier).
- 4.3 **Infrastructure Services (Housing Strategy Team)** Has confirmed that there is housing need in Stonehaven as supported by the Aberdeenshire Council waiting list 2021 and the Housing Need and Demand Assessment 2017. In order to address this need, the Housing Service would seek an onsite contribution of 25% of affordable housing in line with the Local Development Plan's affordable housing policy. This would be 1 unit and a cash commuted sum for 0.25 units based on the proposal of 5 residential units. The proposed dwelling with ground floor bedrooms and bathroom may help to assist in meeting the housing needs of households with particular needs and the Housing Strategy Team are happy with the integration on the site. This proposal meets Housing need as identified by Aberdeenshire Council waiting list 2021 and the Housing Need and Demand Assessment 2017.
- 4.4 **Infrastructure Services (Contaminated Land)** has commented that on receipt of further information on the former use of this site, there is no indication of any past use which might have caused contamination.
- 4.5 **Infrastructure Services (Environment – Natural Heritage)** has highlighted that the submitted Tree Survey Report details that 14 out of the 30 trees on site will need to be removed to facilitate this development. Some of these trees are ornamental trees and others possibly self-sown sycamore together with a semi-mature beech. Two of the trees to be removed have been identified as having high or moderate bat roost potential and further survey will be required prior to consent as this cannot be conditioned. Further details are also sought in relation to tree protection and planting species.
- 4.6 **Infrastructure Services (Flood Risk and Coast Protection)** has no objection to this proposal.
- 4.7 **Infrastructure Services (Roads Development)** has no objection to this proposal subject to a number of standard planning conditions related to matters including visibility splay provision, on-site parking and turning and refuse bin provision for residents.
- 4.8 **Infrastructure Services (Waste Management)** has highlighted that no consideration has been made for the future of the existing community glass recycling point at Lairhillock. The recycling point currently consists of 3 x 1280 litre bins, one for clear glass, one for brown glass and one for green and blue mixed glass.

The point is very well used by the community and its usage has increased due to growth of development in the area.

It was requested that the development considers retaining and increasing the recycling point to 6 x 1280 bins (2 for clear, 2 for brown and 2 for green and blue) and revises the proposed site plan to make provision for that.

Following further discussion, it was clarified that there is no formal agreement between the site owner and the Aberdeenshire Council to locate the recycling point in this location and it has been confirmed by Waste Services that there is no mechanism for insisting upon its retention.

- 4.9 **Legal and People (Developer Obligations)** has confirmed that the level of contributions applicable to the proposed development has been agreed. This includes the provision of an affordable housing unit within the development and contributions towards relevant facilities in Stonehaven.

External

- 4.10 **The Health and Safety Executive** does not advise, on safety grounds, against the granting of planning permission in this case.
- 4.11 **INEOS FPS** consider the safety and engineering integrity of the INEOS FPS NGL Pipeline will not be affected by this proposed development and has no comment to make on this application.
- 4.12 **North Kincardine Rural Community Council (NKRCC)** note that it is unfortunate that it has not been possible to maintain the viability of an iconic part of the area. It is highlighted that the recycling provision on site makes a valuable contribution to the local area and with a lack of suitable alternate locations due to the requirements for safe public access and emptying the recycle bins, it would be unfortunate to lose the facility. NKRCC would hope that by continuing to accommodate recycling facilities at the site in some form will retain its legacy as the site progresses into its next important role in the local community.
- 4.13 **Scottish Water** has no objection to this planning application.
- 4.14 **Shell UK Limited** has confirmed that from the information provided, there is no reason why the development and associated construction works would directly affect the pipeline servitude strip or the safety and integrity of the pipeline.

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: Housing and employment development elsewhere in the countryside

Policy B3: Tourist facilities

Policy P1: Layout, siting and design

Policy E1: Natural heritage

Policy E2: Landscape

Policy RD1: Providing suitable services

Policy RD2: Developers' obligations

Policy H2: Affordable housing

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

Not applicable.

6. Discussion

6.1 The key planning issues relating to this application are as follows:

- 1) Whether the principle of development can be supported
- 2) Whether the layout and siting are in keeping with the character of the area
- 3) Whether all technical issues can be addressed successfully
- 4) Whether there are any relevant material considerations

Development principle

6.2 When considering the principle of the development in this instance, there are three key planning matters to be considered. Firstly, the principle of the loss of the existing site as a long-established tourist facility which has also served the local community for a significant period, most recently as a bar and restaurant; secondly, the loss of the historic building itself to make way for the wholesale redevelopment of the site; and thirdly, the scale of development proposed which in this instance is for 5 dwellinghouses in the Aberdeenshire Countryside.

6.3 Policy B3 Tourist facilities presumes against the redevelopment of existing tourist facilities to other uses unless satisfactory evidence is provided showing 'that the business has been marketed for at least 12 months, including in the local area, and is no longer viable.' The applicant has submitted suitable marketing information that demonstrates that the premises has been marketed for a period of over two years. Furthermore, the submission is accompanied by an Accountancy Statement that adequately demonstrate that

the business has been progressively declining for a period of at least 5 years with footfall reducing from 38,000 in 2008 to 18,500 in 2019.

- 6.4 It is highlighted that throughout the period showing significant reduction in turnover, the directors have sought to continue the business through savings achieved in running costs in part but largely through their investment of personal finance. This coupled with salary sacrifice by the directors has helped on a cash flow basis until recently. The company accounts demonstrate accumulated losses over the 5 years to March 2018. The Planning Service is therefore satisfied that it has been adequately demonstrated that the business has become unviable and despite marketing for an extended period, no alternative purchaser has been found to continue the business in its current form. It is therefore considered that this aspect of policy B3 Tourist facilities has been satisfied.
- 6.5 Policy R2: Housing and employment development elsewhere in the Countryside stipulates that, the retention and refurbishment of vernacular buildings will always be 'preferred' and the character of these buildings should be retained in any redevelopment proposals. Additionally, where development relates to a building with vernacular architectural merit, physical replacement will only be supported in exceptional circumstances.
- 6.6 The submitted Planning Statement asserts that;
- “the building is neither listed, nor does it exhibit a particular standout element or significant portion of its structure that would be worthy of retention or indeed readily adaptable. Instead, what limited vernacular aspects remain, have been bastardised through later additions, which dilute any sense of unique character or architectural merit when viewed within the context of the site and surrounding area.”*
- 6.7 The Planning Service would broadly agree with this assessment of the intrinsic architectural value of the buildings on site. Whilst historic elements of the original coach house exist, the later adaptations to the premises have resulted in a loss of any historic substance and as a result there is little opportunity to reinstate the buildings in a way that would preserve any historic integrity of the buildings. The historic value of the site is now limited to the long-established association of the site use which, as discussed above, has come to a natural end as a result of changes in circumstances including the diminishing prominence of the site in relation to major transport routes.
- 6.8 In addition, the applicant has provided further justification in the form of an independent Viability Assessment which looks at the options for developing the site. In summary, the assessment highlights that retaining elements of the existing building will impact the marketability and viability of Lairhillock Inn site as a development opportunity. While the covid-19 pandemic continues, and uncertainty within the market increases, sites with existing buildings, additional costs and a lack of flexibility will be considered to have too many restrictions and small/niche developers will opt for cleaner opportunities where they can meet their clients' requirements and be flexible to suit the market.

- 6.9 It is clear that the proposed development would exceed the maximum number of three units supported by Policy R2: Housing and employment development elsewhere in the countryside, for the small-scale development of brownfield sites which identifies a maximum number of three dwellings on such sites. The submitted Planning Statement outlines that the scale of the site area that forms the brownfield opportunity is significant and to only develop the site for three dwellings would be at odds with the development pattern of the area and result in three large houses that would be difficult to market. In addition to this, it has been asserted that any proposed developer would look to maximise the potential of the site to make any redevelopment financially viable. It is argued that limiting development to three dwellings would make the site unattractive for re-development and therefore unviable.
- 6.10 The Planning Service acknowledges the specific circumstances of this site and agree that the site offers an opportunity to consider a development of a scale that is greater than the small scale limitations identified through Policy R2 if all other layout siting and design considerations can be adequately addressed and the impact on the character of the area is not greater than the existing development on site. The proposal would however be considered as a departure from Policy R2 in this regard as a result of the scale of development proposed.

Layout, Siting and Design

- 6.11 Policy P1: Layout, siting and design seeks to ensure that new development optimises its response to the site's context notably in terms of its setting including its relationship to the existing landscape, townscape and neighbouring features. In addition, Policy E2: Landscape seeks to ensure that new development is designed to respect the landscape character of the area.
- 6.12 The siting of the existing building and its relatively compact layout is an intrinsic part of the local landscape character of the area. However, the site is well screened from public views by mature trees on the site and as discussed above, the overall appearance of the building is of little architectural merit.
- 6.13 The proposed layout and design of the development would retain the rural character of the site in accordance with Policy P1: Layout, siting and design. In addition, the proposed materials are considered to be sympathetic to the surrounding development and will assist in integrating the proposed dwellings into the site. Overall, it is considered that the development would retain the rural character of the site and its contribution to the surrounding landscape and will not be adversely affected by the proposed development in accordance with Policy P1: Layout, siting and design. In addition, the scale of development proposed is considered to relate well to the surrounding landscape in accordance with Policy E2: Landscape.

- 6.14 In terms of open space provision Policy P2: Open space and access to new development seeks to ensure that all new development is accompanied by adequate public open space. The proposal incorporates areas of communal open space in addition to the large private garden space allocated to each property. The level of open space proposed is considered satisfactory and will reflect the open nature of the wider landscape.
- 6.15 When considering the impacts of the scale of development proposed, it is clear that the site can accommodate five dwellinghouse as proposed without having any significant impacts in terms of amenity or on the character of the surrounding area.
- 6.16 In terms of carbon neutrality, Policy C1: Using resources in buildings seeks to ensure that new development is designed to reduce carbon-dioxide emissions. Although no information has been submitted to demonstrate that the proposal accords with the policy, the matter could be controlled through appropriate conditions.

Technical Matters

- 6.17 Policy RD1: Providing suitable services seeks to ensure that new development can be accessed safely. Infrastructure Services (Roads Development) are satisfied that the required standards can be met. It has been confirmed that adequate visibility splays can be achieved to allow for continued safe access to the site. In addition, adequate space is provided within the site to allow for manoeuvring and onsite parking without creating any safety concerns. Likewise, given the close proximity to Lairhillock Primary School, adequate provision can be made for a safe walking route to the school.
- 6.18 Policy RD1: Providing suitable services seeks to ensure that new development can be drained in ways that avoid flooding and pollution to the environment. It is proposed to drain foul water from the dwellings via new private treatment tanks and private sub-surface partial foul water soakaways. Surface water from the dwellings will drain via new private partial surface water soakaways. Surface water will discharge via below ground drainage and connect into existing drainage outfall pipe. Planning Service is of the opinion that a technical solution has been adequately demonstrated and can be achieved within the application site boundary to address drainage.
- 6.19 The development intends to connect to the public water supply. Scottish Water has confirmed that there is no objection to the proposals however the applicant requires the separate consent of Scottish Water to connect to their infrastructure in any case.
- 6.20 Overall, the site can be adequately accessed and serviced in accordance with Policy RD1 of the ALDP 2017.

Trees and Protected Species

- 6.21 It is apparent the site is characterised to a large extent by the existing mature trees and planting/hedging located along much of the north and west boundaries and within the site itself. The trees are not currently protected in any way. The submitted Tree Survey identifies that five trees will require to be removed along the site frontage and a further nine towards the rear/south within the site to facilitate the development. Compensatory planting has been proposed along the east and west boundaries of the site to assist with screening the development and enhancing the wooded character of the site in the landscape.
- 6.22 Whilst it is unfortunate that a number of trees require to be removed, it is unpragmatic to request the retention of many of the trees as even if the layout was to be amended to better accommodate these trees, the close proximity to any dwellings would likely result in future pressure for the removal of the trees. Following engagement, further details have been provided in relation to the species of trees and location within the site. The Planning Service is satisfied that the proposed compensatory planting is adequate and will compensate for the existing trees to be removed to facilitate the development and will hopefully ensure the long-term retention of trees on site given the important role trees have in terms of the character of the site. As such the proposal is considered to accord with Policy E1: Natural Heritage of the ALDP 2017 in this regard.
- 6.23 A bat survey has been carried out in relation to the existing buildings on site and it has been clarified that there is no evidence of bat roosting within the buildings. It is however apparent from the submitted tree survey that two of the trees identified for removal have been identified as having bat roost potential. As a result, a further bat survey has been requested in order to assess whether bats are actively roosting in these trees. At this time, the information has not been submitted but a bat survey is intended to be carried out as soon as possible.
- 6.24 As a result of this outstanding information related to bats, it is not possible to confirm compliance with Policy E1: Natural Heritage of the ALDP 2017 in this regard at this time. As bats are a European Protected Species, this matter would require to be resolved prior to the granting of any planning consent.

Developers' Obligations/Affordable Housing

- 6.25 As a development of five dwellings, the proposed development is required by Policy RD2: Developers' obligations and Policy H2: Affordable housing to make an on-site provision for affordable housing in addition to any other developer obligations required towards the provision of necessary infrastructure. Following discussions with the Agent, the proposals have been amended to include the provision of an affordable three-bedroom bungalow on-site which has been confirmed to be acceptable in terms of the requirements identified for affordable housing need in the Stonehaven area.

The provision of this unit will be secured through a suitable legal agreement and will require to be delivered prior to the sale or completion of the fourth dwelling on site.

Material Considerations

- 6.26 It is apparent from the comments received from the Community Council and through the letter of representation received that there is an existing glass recycling point on site that is proposed to be removed as part of the development proposals. Whilst the applicant has considered the potential of retaining this facility, a suitable solution has not been found and it has been confirmed by the applicant that they no longer wish for the recycling point to be located on site. Infrastructure Services (Waste Management) has confirmed that the existing recycling infrastructure on site is located there based on an informal agreement and that there is no scope to insist on the retention of this facility. Whilst alternative sites have been considered, at this time, no suitable location has been identified in vicinity to relocate the recycling point. To clarify, whether the development proposal is to be accepted in principle or not, the applicant could request for the recycling point to be removed from his site at any time.
- 6.27 It is considered that all other matters raised through the letter of representation received have been addressed within the body of this report.

Conclusion

- 6.28 To conclude, it is considered that the proposed development would significantly enhance the contribution of the site to the character of the area and surrounding landscape. The business on site has clearly been in decline for a number of years and has subsequently ceased to operate and following attempts to market the former business, it is clear that there is no scope to re-invigorate the former use in this location at this time.
- 6.29 Whilst the scale of the development proposed exceeds the extent of small-scale development identified by the Aberdeenshire Local Development Plan 2017, it is apparent the proposed site is of a scale that can easily accommodate a development of 5 houses. Combined with the justification surrounding viability and the high-quality design and layout proposed, it is considered that the re-development of this now brownfield site can be supported as a departure from Policy R2: Housing and employment development elsewhere in the Countryside 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

Policy R2: Housing and employment development elsewhere in the Countryside

- 10.3 The application is a Departure from the valid Local Development Plan and has been advertised as such. Any representations received have been circulated as part of the agenda and taken into account in recommending a decision. The period for receiving representations has expired.
- 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 proposed development is in the opinion of the Head of Planning and Environment Service in conflict with the Aberdeenshire Local Development Plan 2017 and if the Committee is minded to approve then the application will have to be referred to Infrastructure Services Committee.

11. Recommendation

11.1 That Members agree that the application be referred to the Infrastructure Services Committee for determination and confirm their support for the application by agreeing that Authority to GRANT be delegated to the Head of Planning and Environment Service subject to:

- (i) The satisfactory conclusion of a Section 75 Legal Agreement to address the required Developer Obligations;
- (ii) Provision of a satisfactory bat survey in relation to trees to be removed;
- (iii) The following conditions:

01. No development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility of 160 metres in both directions along the channel line of the public road has been provided from a point 2.4 metres measured at right angles from the existing edge of the carriageway surface along the centre line of each approved access in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

Reason: To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road safety.

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 dwellinghouse hereby approved shall be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the approved details. 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.

04. 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.

05. 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.

06. 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.

07. Prior to occupancy of development, first 5m of access (measured from edge of road or back of footway) shall be fully paved. The maximum gradient of any new access shall not exceed 1:20 gradient and each access shall be internally drained and formed in such a way to prevent any flow of surface water either onto or from the public road.

Reason: To ensure the timely completion of each 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. No Dwelling hereby approved shall be occupied unless a suitable vehicle turning area, measuring not less than 7.6m x 7.6m, is formed within the site to enable all vehicle movements onto or from the public road to be carried out in a forward gear and off-Street parking for 17 cars, surfaced in hard standing materials has been provided within the site. Once provided 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.

09. 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.

11.2 **That the Committee agree the reason for departing from the Local Development Plan.**

In respect of Policy R2: Housing and employment development elsewhere in the countryside, the proposed brownfield site is a relatively large development opportunity and restricting development to no more than 3 houses would result in units that would be more difficult to market in the current economic climate due to their size. As proposed the development would provide family sized homes of a reasonable scale within close proximity of Lairhillock primary school.

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: Gregor Spence
Report Date: 18 August 2021