

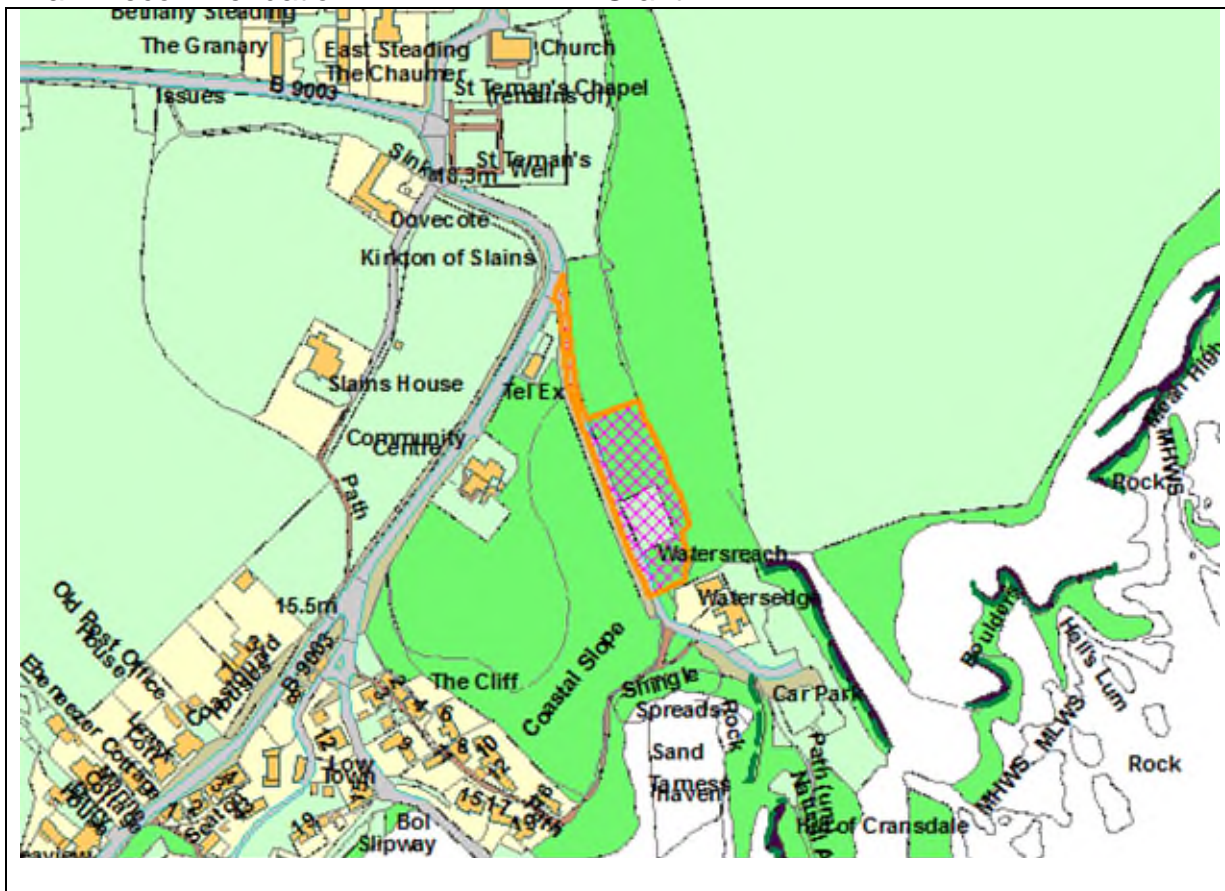
Formartine Area Committee Report – 21 September 2021

Reference No: APP/2020/1936

Full Planning Permission for Erection of 3 Dwellinghouses at Site to the North West of Watersreach, Collieston, Ellon, Aberdeenshire

Applicant: RSM Restructuring Advisory
Agent: RJM Architectural Design

Grid Ref:	E:404164 N:828790
Ward No. and Name:	W09 - Ellon And District
Application Type:	Full Planning Permission
Representations:	0
Consultations:	7
Relevant Proposals Map:	Aberdeenshire Local Development Plan
Designations:	AHMA
Complies with Development Plans:	No
Main Recommendation:	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.3.1c of Part 2C Planning Delegations of the Scheme of Governance as the application for development is a departure from the Development Plan and is recommended for approval.
- 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 This application seeks Full Planning Permission for the erection of three dwellinghouses on land to the north west of Watersreach, Collieston. The site is located to the east of a single track which turns off from the main road into the village to the north and finishes downhill from the site at a coastal car park to the south which is located by rugged coastline and a small beach. There is a steep sided slope to the west of this road to which the village is on the other side and the land also rises to the east behind the proposed site. When looking northward from the site a small community centre and the distant Kirk can be seen. There is another dwellinghouse to the immediate south of Watersreach. **The location plan and site plan are contained in Appendices 1 and 2.**
- 2.2 The site measures approximately 90m along the roadway. It also slopes down from the road towards a small burn which runs along the eastern boundary. Part of the site is relatively level with approximately 1m of retaining wall to the rear intact and proposed plots two and three overlap with this. This section is covered with rubble and roof sheeting from the previous house and outbuildings which were demolished. A former curtilage boundary wall adjacent to the road is all that remains otherwise.
- 2.3 Proposed plot 1 is 680m², plot 2 is 880m² and plot 3 is 655m². It is proposed to site three identical house types close to the road. The house for plot 1 would face south east with its gable side towards the road. The houses for plots 2 and 3 would sit at relative right angles to this with principal elevations facing south west directly towards the road. These houses would be set back slightly from the road.
- 2.4 The proposed house type includes 2 narrow dormer windows with pitches above and a timber storm door to the front slightly off centre. It would measure 8m across the side (with storm porch an additional 1.5m out from the house), 11.6m across the front, and 6.8m in height to the ridgeline (2.8m to the eaves). **Elevations are contained in Appendix 3.**

2.5 The proposed materials are as follows:

- Roof: Slate
- Walls: Cream render, painted timber cladding for porch and window features (red – Plot 1/blue – Plot 2 /green Plot 3)
- Windows and doors: Aluclad (dark grey)
- Rainwater goods: Powder coated aluminium (dark grey)

2.6 It is proposed to connect to the public water main. It is proposed to dispose of treated foul water and rainwater onsite within each plot with a filter drain prior to discharge to the watercourse for the disposal of surface water.

2.7 Relevant planning history includes:

- APP/2008/3601 – Erection of 3 Dwellinghouses – Granted 27 May, 2013.
- APP/2019/1987 - Erection of 3 Dwellinghouses – Withdrawn 16 October, 2019.

2.8 Information submitted in support of the application includes:

- Design Statement – Received 2 October 2020
- Flood Risk Assessment – Dated 29 January 2020
- Revised Flood Risk Assessment – Dated 12 May 2021
- Ground Assessment & Drainage Report – Dated 7 July 2021

2.9 Amendments to the proposal include:

- Introduction of additional coloured timber cladding elements
- Slight movement of Plot 3 to move further away from the watercourse
- Amendments to house design of Plot 3 to remove any land raising

3. Representations

3.1 No valid letters of representation have been received.

4. Consultations

4.1 **Business Services (Developer Obligations)** note that contributions have previously been secured for this application via a S69 Legal Agreement (Upfront Payment) under APP/2008/3601 which will be offset to the current application.

4.2 **Infrastructure Services (Archaeology)** note that the application covers an area in proximity to multiple sites dating from prehistoric and medieval periods which indicates potential for unrecorded finds. A written scheme of investigation is required as a planning condition.

- 4.3 **Infrastructure Services (Contaminated Land)** requested that a site investigation be carried out as there are concerns that the demolition which took place may have caused contamination from asbestos.

Following the receipt and review of the report, Phase 1 Site and Intrusive Site Investigation Quote (version 1), it finds the contents, conclusions, and recommendations largely satisfactory. There is a large quantity of asbestos containing material (ACM) at the site, but no sampling was undertaken beneath this pile. No asbestos fibre was found in sampling taken from areas which were accessible. The Service did not agree to one of the recommendations of the report and as such, have recommended a condition for the safe removal of ACM at the site.

- 4.4 **Infrastructure Services (Environment – Natural Heritage)** stated that it had no concerns with the proposal as it is not affecting any designated nature conservation sites and no habitats of importance on the site.

- 4.5 **Infrastructure Services (Flood Risk and Coast Protection)** noted that the Flood Risk Assessment did not offer sufficient information to outline flood risk from the adjacent watercourse. It requested an update to the assessment which included a cross section of the burn with the most up to date design, finished floor levels as well as the modelled flood extents.

Following the receipt of additional information it has requested conditions for minimum finished floor levels, 3m minimum buffer strip and no land raising, or construction of decking or similar to be permitted for plots 2 and 3 and that permitted development rights be removed for the same area. Provided these can be conditioned it has no other comments on this application.

- 4.6 **Infrastructure Services (Roads Development)** has no objection to the proposals. It stated that the development takes access via a private road which will require maintenance of those responsible for its upkeep. It recommends that the first 5m of driveways have gradient of no more than 1 in 20 but cannot condition this as the access road is unadopted.

- 4.7 **Scottish Water** has no objection to the proposals. It noted that there is currently sufficient capacity in the Forehill Water Treatment Works. The development would be served by Collieston STW Waste Water Treatment Works.

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 (SDP) 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 R1 Special rural areas
Policy P1 Layout, siting and design
Policy P4 Hazardous and potentially polluting developments and contaminated land
Policy E1 Natural heritage
Policy E2 Landscape
Policy C4 Flooding
Policy C1 Using resources in buildings
Policy RD1 Providing suitable services
Policy RD2 Developer's 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 The main issues to consider are the principle of development and the likely impact upon the character and amenity of the surrounding area.

Principle of development

- 6.2 The current Aberdeenshire Local Development Plan 2017 includes a specific policy for sites near the coast. This site is located within the area designated as the Coastal Zone. Policy R1 Special rural areas allows for development within the coastal zone which requires a coastal location and the social and economic benefits outweigh any adverse environmental impacts, or development which is the redevelopment of an existing building or development within the curtilage of an existing building. In any case there must be no coalescence of coastal development, or adverse impact upon coastal processes or habitats.
- 6.3 The road upon which the site would take access from currently serves only 2 dwellinghouses and a car park. The development of a further 3 dwellings would not be considered coalescence of development for this area which lies approximately 94 metres to the east over the coast slope from Collieston which is a relatively densely packed settlement. The Flood Risk and Coast Protection Service are satisfied with the proposal and have not raised any specific concerns relating to potential impacts upon coastal processes. The Natural Environment Team have confirmed that there would be no significant adverse effects upon sensitive habitats and the application accords with Policy E1 Natural heritage. There is no existing building on site which it is

proposed to replace. The site is also not within the curtilage of an existing building although it is evident from the site visit that there was development on the land with partial walls and remains left on site. The dwellinghouses cannot be said to require a coastal location other than the fact that it is a site that was previously developed. There has been no specific personal justification submitted. There is no specific social and/or economic justification for the proposal either. It is therefore clear that the proposal does not comply with Policy R1 Special rural areas as there is no scope for remediation of redundant brownfield land opportunities.

- 6.4 The previous permission granted at the site for 3 houses under application reference APP/2008/3601 was assessed against the Aberdeenshire Local Development Plan 2012 and lapsed on the 26 May 2016. It is noted from the Report of Handling and site visit photographs for this application that there were originally buildings on the site, which it was agreed to replace. These buildings were demolished in late 2010/early 2011 prior to determination of this application and consequently the demolition is not in any way related to any discussion about whether this permission was lawfully started within 3 years of approval. There is insufficient information to prove that works had otherwise been started at the site within the required timescales and so this permission is considered as being lapsed. Site history is a material consideration and the historic use of the site for housing is noted.
- 6.5 The submitted Design Statement outlines the following points (which have so far not been addressed within the discussion) as to why the application should be supported as a departure from Policy R1 Special rural areas:
- *The site has historically been occupied by 3 No. houses and the proposed redevelopment of the site to form 3 No. new houses would not be inappropriate given it would be restoring the site to its former use.*
 - *While it is accepted that Planning Policy has moved on since the previous approval with more stringent controls now being in place over the coastal zone it is clear that the intention of the policy would not be to prevent the restoration of a site to its former use through the implementation of high quality and appropriate development.*
 - *The site is currently an eyesore with the footprint and foundations of the previous building being visible along with assorted debris and other construction materials. These proposals are an opportunity to restore the character of the area and remove what is effectively a scar on the landscape within a sensitive rural area.*
 - *Proposed upgrades to the existing passing place provide a wider benefit in line with the objectives of Policy R1 improving access for residents within the existing properties to the South as well as access to the Council-owned car park.*
- 6.6 It is noted that there is no category with Policy R1 which allows for the redevelopment of a brownfield site however there is some merit in the argument of the fact that the proposal will involve the clearing of the unsightly remains of and intact foundations of those structures. If the site were within the countryside outwith the Coastal Zone the remediation of redundant

brownfield land would generally be supported provided it met the other relevant policies. It is agreed that given the history of the site the proposed redevelopment would not be inappropriate as it would be restoring the site to its former use. The fact that the buildings were taken down within the last 10 years is also given due consideration as is the relative proximity to the settlement, albeit one which does not include a great deal of services.

- 6.7 With consideration of the above listed facts it is determined that the principle of development can be supported on balance as a departure from Policy R1. Although there is no category within Policy R1 under which the proposal falls and no category specifically allowing for the redevelopment of a brownfield site, the betterment of the site from its present unkept condition, the proximity to the adjacent settlement for reasons of sustainability, and the fact that there were houses on the site and a valid permission as recently as May 2016 all lend the proposal enough material weight in this instance. Furthermore, the proposal does not involve localised coalescence of coastal development or adverse impact upon coastal processes or habitats.

Layout, siting, and design

- 6.8 There are no significant concerns in terms of overlooking from any of the proposed houses to one another or towards any existing properties and the Planning Service is satisfied that there would be no significant amenity impacts.
- 6.9 It is noted that the nearby adjacent houses are not of particular architectural merit however the site is within a location that is notable in terms of natural beauty and is also a key gateway to the coast. The design quality of the proposals is therefore more important in this instance with respect to the unique setting.
- 6.10 The proposal is for a replication of a single house type, with one property facing perpendicular to the other two. This offers some visual variety and good interaction between the properties. The proposed house type is of a scale and proportion appropriate to the rural location. The simple design includes traditional elements such as front timber storm porches, small dormer windows, and slate roof tiles. All other materials are acceptable. The use of different colours on the front elevations will add some interest to the development. The gradient of the site means that the properties would gently step down in height. Overall, the proposed development has been well designed to be in keeping with the rural and coastal character.
- 6.11 The site is sheltered between the gradients to the east and west and would not be seen from outwith the area. The proposed curtilages are significant in size but fit within the context of the narrow valley between the roadside and the burn. There are no details with regards proposed boundary treatments. These details alongside a landscaping and maintenance schedule could be conditioned. Only a low boundary between properties would be acceptable in this instance in order to account for the local context which is more sociable and less focused on the new suburban tradition of securing absolute privacy

behind high timber fences. The application accords with Policy P1 Layout, siting and design and Policy E2 Landscape.

Servicing and access

- 6.12 Roads Development raised no specific objection to the application and noted the private nature of the access track and the additional burden upon those responsible for its maintenance. The proposal also includes a layby for plot 3 which would allow for improved vehicular passing.
- 6.13 It is proposed to connect to the public water mains which is the preferred method of the Planning Service. It is proposed to dispose of treated foul water and surface water onsite and the required certification has been submitted. Although the site is reasonably close to Collieston, the situation and topography make a public sewer connection more complicated and private arrangements are a suitable solution. The application is deemed to accord with Policy RD1 Providing suitable services.

Other issues

- 6.14 The energy efficiency of the proposed dwellinghouses are not yet known however, there is no reason to suspect that new build dwellinghouses would be unable to meet the energy efficiency and sustainability requirements of the Council. In order to secure this, it is reasonable to apply a condition to any approval issued. This condition would require the applicant to submit detailed SAP calculations to the Planning Service and any measures, for its approval in writing, prior to the construction of the dwellinghouse. Subject to the addition of this condition, the application would comply with Policy C1 of the Local Development Plan.
- 6.15 Following the submission of a revised Flood Risk Assessment, an amended site plan and elevations of Plot 3, Flood Risk and Coast Protection have requested conditions to ensure minimum finished floor levels, that there is a 3m minimum buffer strip provided from the edge of the watercourse and that there is no land raising, or construction of decking or similar to be permitted below the 7.60m AOD for plot 2 and 7.15m for Plot 3. It has also requested that permitted development rights are removed for these plots. These are to prevent flood risk to the site and elsewhere. The applicant has amended the layout of the site to ensure that Plot 3 is over 3m from the watercourse and amended the elevations of Plot 3 to remove any landraising. With the submission of amended plans and the use of conditions, the Planning Service is satisfied that the proposal complies with Policy C4 Flooding.
- 6.16 The Archaeology team note that the application covers an area in proximity to multiple sites dating from prehistoric and medieval periods which indicates potential for unrecorded finds. A written scheme of investigation is requested as a planning condition.

- 6.17 The Developer Obligations team note that contributions have previously been secured for this application via a S69 Legal Agreement (Upfront Payment) under APP/2008/3601 which will be offset to the current application.
- 6.18 The Contaminated Land Unit commented that the site should be cleared of all asbestos containing materials and it be appropriately disposed of, and as such have recommended that a condition be applied if permission is granted. Should this condition be applied, the proposal would comply with Policy P4 Hazardous and potentially polluting developments and contaminated land and a site that is currently known to be contaminated could be remediated and suitable for its new use.

Conclusion

- 6.19 It is determined that the principle of development can be supported on balance as a departure from Policy R1 Special rural areas. Though there is no category within Policy R1 to which the proposal falls under and there is no category specifically allowing for the redevelopment of a brownfield site, the betterment of the site from its present unkept conditions, the proximity to the adjacent settlement for reasons of sustainability, and the fact that there were houses on the site and a valid permission as recently as May 2016 all lend the proposal sufficient enough material weight in this instance. Furthermore, the proposal does not involve localised coalescence of coastal development or adverse impact upon coastal processes or habitats. The proposals are acceptable in design terms, are of suitable scale and proportions, and give rise to no concerns in terms of impacts upon neighbouring residential amenity and the site can be accessed and serviced appropriately. There are no significant concerns in terms of flooding or of ground contamination and if approved a known contaminated site could be remediated and reused. There are no anticipated impacts upon any sensitive habitats of importance of nature conservation sites. The application accords with all relevant policies from the Aberdeenshire Local Development Plan 2017 with the exception of Policy R1, to which the Planning Service recommends an approval as a departure for the above stated reasons.

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 integrated impact assessment is not required because the granting or refusing of the application will not have a differential impact on the protected characteristics of the applicant or any third parties.
- 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.
- 8.4 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.

9. Departures, Notifications and Referrals

9.1 Strategic Development Plan Departures

None

9.2 Local Development Plan Departures

Policy R1 Special rural areas

- 9.3 The application is a Departure from the valid Local Development Plan. It has also been advertised. 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.
- 9.4 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.
- 9.5 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.

10. Recommendation

10.1 GRANT subject to the following conditions:-

01. No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation has been submitted to and approved in writing by the Planning Authority and a programme of archaeological works has been carried out in accordance with the approved written scheme of investigation. The written scheme of investigation shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied unless a post-excavation research design (PERD) for the analysis, publication and

dissemination of results and archive deposition has been submitted to and approved in writing by the Planning Authority. The PERD shall be carried out in complete accordance with the approved details.

Reason: To safeguard and record the archaeological potential of the area.

02. 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.

03. The dwellinghouses hereby approved shall not be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plans and the drainage proposal detailed in the Porosity Test Report and calculations by S.A McGregor dated 7th July 2019. The 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. 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) A tree survey in accordance with BS 5837:2012;
- b) Existing landscape features and vegetation to be retained;
- c) Protection measures for the landscape features to be retained;
- d) Existing and proposed finished levels;
- e) The location of new trees, shrubs, hedges, grassed areas and water features;
- f) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- g) The location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment;
- h) An indication of existing trees, shrubs and hedges to be removed; and
- i) A programme for the implementation, completion and subsequent management of the proposed landscaping.

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.

05. No works in connection with the development hereby approved shall commence unless asbestos containing materials found at the site are removed by a licensed contractor and evidence of appropriate disposal provided to the Planning Authority. Subsequent to which an investigation of the area beneath the asbestos containing materials shall be undertaken in accordance with BS 10175:2011+A2:2017-'Investigation of Potentially Contaminated Sites - Code of Practice' and a report of that investigation has been submitted to and approved in writing by the Planning Authority.

Where it is determined by the site investigation report that remediation of the site is required no works in connection with the development hereby approved (other than the demolition of the remaining structures) shall commence unless a remedial scheme has been submitted to and approved in writing by the Planning Authority. The development hereby approved shall not be brought into use unless the approved scheme of remediation has been carried out in its entirety and a validation report has been submitted to, and approved in writing by, the Planning Authority.

Any areas of hardstanding, clean cover or other such barriers within the application site boundary that are included within the approved scheme of remediation and are required to break one or more pollutant linkages shall be permanently retained as such and shall not be disturbed without the prior written approval of the Planning Authority.

Reason: In order to ensure any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

06. The dwellinghouses hereby approved shall not be occupied unless they have been erected in accordance with the stipulated finished floor levels (or lowest point of water entry, whichever is lower). These being 8.73 AOD for Plot 1, 8.2 AOD for Plot 2, and 7.75 AOD for Plot 3 and its associated garden ground has been formed in accordance with the approved ground levels. Once formed these floor levels shall be retained in perpetuity.

Reason: To ensure that there is no increased risk of flooding as a result of the development.

07. No works to the dwellinghouses hereby approved shall commence unless full details including a management plan, of the buffer strip adjacent to the water course has been submitted to, and approved in writing by, the Planning Authority. The buffer strip shall be a minimum of 3 metres wide unless otherwise agreed in writing by the Planning Authority and designed to protect the water course and wildlife habitat, while promoting biodiversity and as such

will not form part of the domestic garden for the dwellinghouses hereby approved. The details submitted should include an appropriate boundary treatment between the domestic garden and the buffer strip. Once approved, the buffer strip, boundary and management plans shall be implemented in full accordance with the approved details prior to commencement of development and thereafter be retained in perpetuity.

Reason: In the interest of protecting local wildlife habitats and enhancing biodiversity.

08. There shall be no land raising, or construction of decking or similar, below the following level for plots 2 and 3. These being 7.60m AOD of Plot 2 and 7.15m AOD for Plot 3.

Reason: To ensure that there is no increased risk of flooding as a result of the development.

09. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order amending, revoking or re-enacting that Order no development or other development within the curtilages of Plots 2 and 3, other than that shown on the approved plans shall be erected on the site under the terms of Class 1A to D and 3A to E of Schedule 1 to that Order without an express grant of planning permission from the Planning Authority.

Reason: To ensure that there is no increased risk of flooding as a result of the development.

10. The dwellinghouses hereby approved shall not 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.

10.2 That the Committee agree the reason for departing from the Aberdeenshire Local Development Plan.

01. The Planning Authority considers that the application is for a development that is not in accordance with the Aberdeenshire Local Development Plan 2017 but is a justifiable departure.

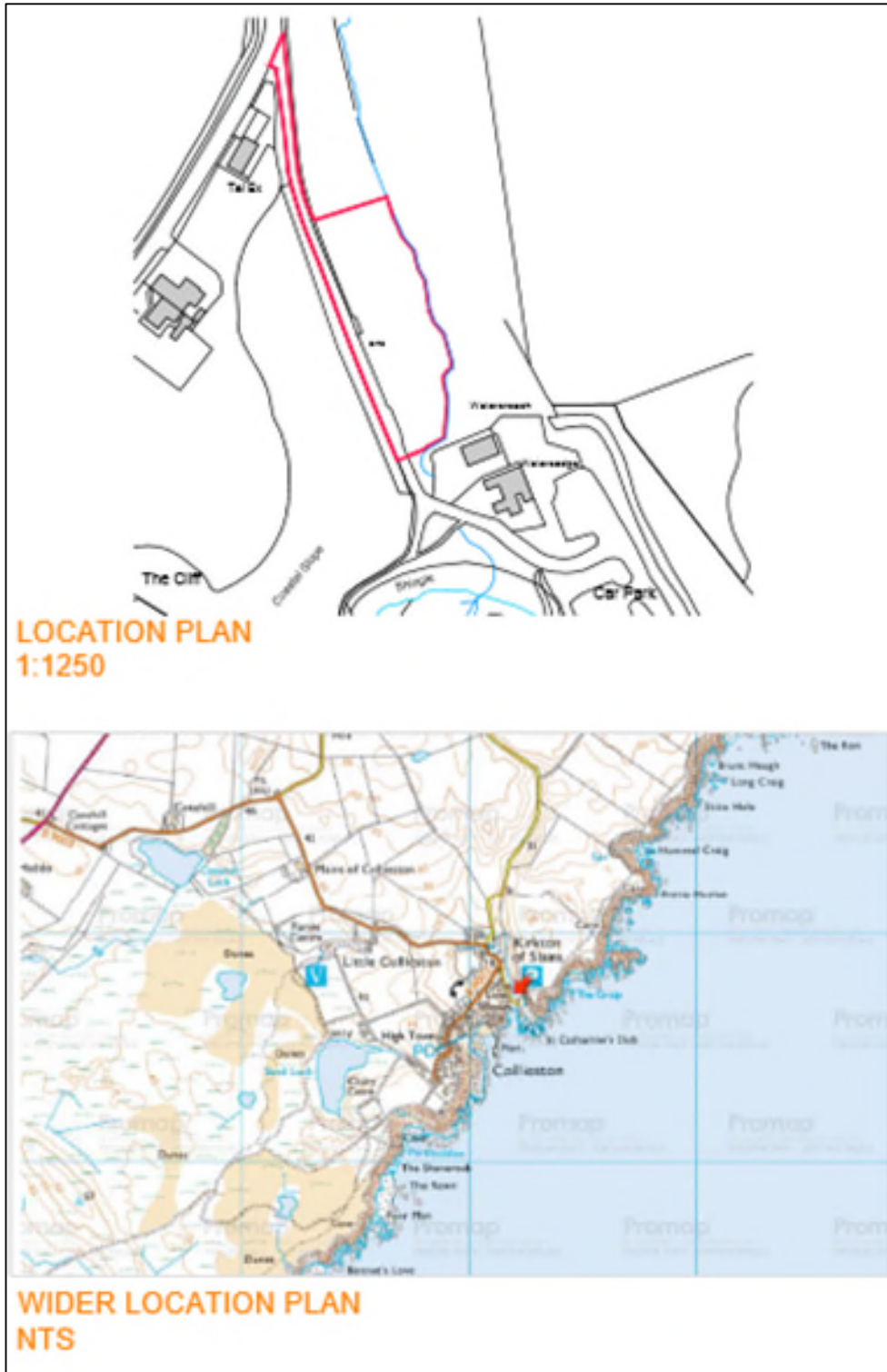
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The application accords with all relevant policies in that the proposals are acceptable in design terms, are of suitable scale and proportions and give rise to no concerns in terms of impacts upon neighbouring residential amenity. There are no significant concerns in terms of flooding or ground contamination. The proposal can be accessed and serviced appropriately. There are no anticipated impacts upon any sensitive habitats of importance of nature conservation sites.

Alan Wood
Director of Infrastructure Services
Author of Report: Ann Ramsay
Report Date: 8 September 2021

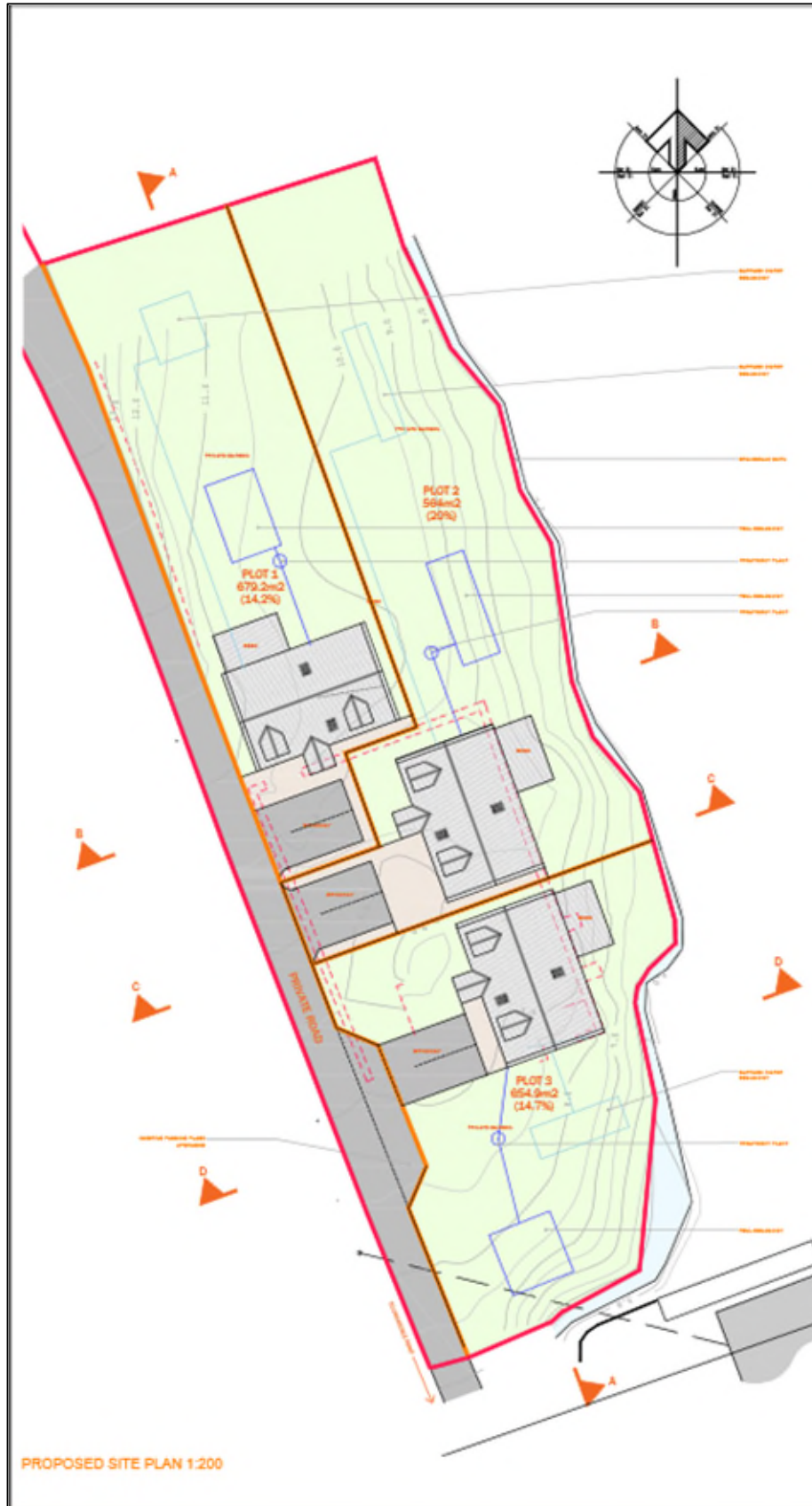
Appendix 1

APP/2020/1936



Appendix 2

APP/2020/1936



Appendix 3

APP/2020/1936

