

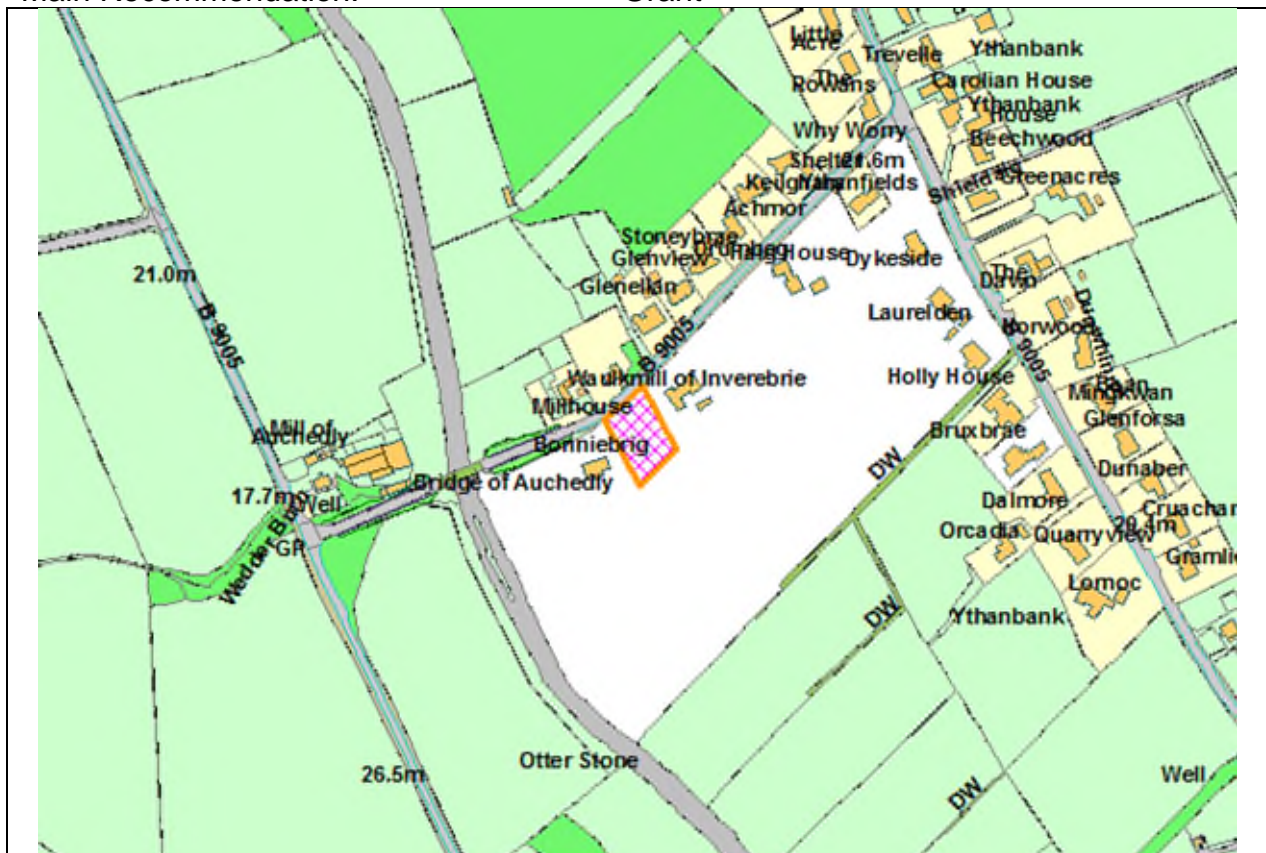
## Formartine Area Committee Report - 21 September 2021

Reference No: APP/2021/1153

**Full Planning Permission for Erection of Dwellinghouse and Garage at Site 16  
Waulkmill, Ythanbank, Aberdeenshire**

**Applicant:** Mr Jonathan Mitchell  
**Agent:** HAUS Architectural & Timber Frame Ltd

Grid Ref:	E:390290 N:833954
Ward No. and Name:	W09 - Ellon And District
Application Type:	Full Planning Permission
Representations:	0
Consultations:	5
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 Full planning permission is sought for the erection of a dwellinghouse at Plot 16, Ythanbank. The site originally gained planning permission in principle (APP/2014/4254) on 13 February 2015 for the erection of a dwellinghouse. A matters specified in condition application was subsequently granted under APP/2017/3136.
- 2.2 The application site is located outwith the defined settlement boundary of Ythanbank, sited on the south side of the B9005 Ellon to Methlick Road. To the north of the site are existing houses which lie within the settlement. The application site is situated between two recently completed houses known as “Bonniebrig” and “Abhainn A Bhric”. A location and site plan are attached to the report as **Appendices 1 and 2**.
- 2.3 The proposed house is of a two storey design with a detached double garage. The proposed design includes a pitched roof, large feature windows and dormer windows. The building would measure 17.8 metres in length and 10.3 metres wide, at its greatest points with a maximum ridge height of approximately 8.1 metres. The finished materials proposed are off-white dry dash to the external walls, grey upvc linings to the gable feature, grey upvc windows and doors, and slate effect grey roof tiles. Elevation plans are attached to this report as **Appendix 3**.
- 2.4 Internally, the house would accommodate an open plan kitchen/family area/dining room, lounge, utility room, bedroom with en-suite on the ground floor. The upper floor would accommodate a master bedroom with en-suite, bathroom, gallery, gym, and additional bedroom.
- 2.5 The proposed vehicular access would be formed from the B9005 public road that leads to car parking for 4 cars and double garage.
- 2.6 A private drainage arrangement is proposed for the disposal of surface and foul water. A treatment plant discharging to a soakaway is proposed for the disposal of foul water. Surface water is to be treated via a separate soakaway. The foul drainage would be located in what would be the rear

garden of the proposed house, while the surface water soakaway is located within the proposed driveway. The details of the proposed drainage arrangements were assessed at planning permission in principle stage, with similar arrangement agreed at neighbouring plots. The site will connect to the public water supply.

- 2.7 A Drainage Impact Assessment and Contaminated Land Report accompanies this application.

### 3. Representations

- 3.1 No valid letters of representation have been received.

### 4. Consultations

- 4.1 **Business Services (Developer Obligations)** have confirmed that contributions were secured via upfront payment under APP/2014/4251. No further contributions are required.
- 4.2 **Infrastructure Services (Contaminated Land)** have confirmed that there is no indication of any past use which might have caused contamination.
- 4.3 **Infrastructure Services (Environmental Health)** have no objection to this application subject to a condition ensuring that the noise emission from the operation of the air source heat pump shall not exceed 42dB LAeq, 5 mins.
- 4.4 **Infrastructure Services (Roads Development)** do not object to this application subject to conditions regarding visibility splays and on-site car parking.
- 4.5 **Scottish Water** do not object to this application. The development would be served by Invercarnie Water Treatment Works, however Scottish Water are unable to confirm capacity at this time. However, there are no public Scottish Water Waste Water Infrastructure within the vicinity of this 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 (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 R2 Housing and employment development elsewhere in the countryside

Policy P1 Layout siting and design

Policy E2 Landscape

Policy C1 Using resources in buildings

Policy RD1 Providing suitable services

Policy RD2 Developers' 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.

## 6. Discussion

- 6.1 Full planning permission is sought for the erection of a house at Plot 16, Ythanbank. The site gained planning permission in principle in February 2015 for the erection of a single house (APP/2014/4254) and the details were approved February 2018 under a matters specified in condition application. These applications have now expired. Therefore, the main issues to consider are the principle of development and, if the principle is accepted, the layout and design of the proposed house as well as the access and drainage provision.

### Principle of development

- 6.2 The site originally gained planning permission under policies within the Aberdeenshire Local Development Plan 2012. Policy 3 and SG Rural Development 1: Housing and business development in the countryside of that plan supported development in the countryside if it was for development that contributes to the organic growth of a settlement that was identified in Appendix 1. Ythanbank was listed as an Appendix 1 settlement within the 2012 development plan and as such the principle of development was previously acceptable.
- 6.3 However, in April 2017 the Aberdeenshire Local Development Plan 2017 was adopted as the statutory local development plan for Aberdeenshire replacing the 2012 development plan. The application site continues to be located outwith the settlement boundary of Ythanbank. As such, the principle of development is assessed against Policy R2 Housing and employment development elsewhere in the countryside. Policy R2 supports small scale residential development in the countryside if:
- *The development would be appropriate in the greenbelt; or*
  - *It involves the refurbishment or replacement, on the same site, of an existing or disused building; or*
  - *It involves the remediation of redundant brownfield land; or*
  - *It is small scale growth within 200 metres of settlement listed in Appendix 4 of the development plan.*
- 6.4 The application site is a greenfield site outwith the settlement and Ythanbank is not an appendix 4 settlement listed in the plan and therefore the principle of development is not supported by Policy R2.

- 6.5 However, the site has achieved planning permission in the past, along with the neighbouring houses immediately to the west and east which have been completed. The Planning Authority considers that developing this site would be consistent with the pattern of development for Ythanbank and complete the previously planned organic growth for this settlement. The site is located between two new houses and not developing this site would leave a notable gap site that would be at odds with the settlement pattern of development. In addition, the future development plan includes the strip of land where the recently completed houses have been built within the defined settlement boundary for Ythanbank, resulting in this site potentially becoming an infill development opportunity at a later date. In light of this, the Planning Authority considers that the development of this site to be an acceptable departure from Policy R2 Housing and employment development in the Countryside of the Aberdeenshire Local Development Plan 2017.

#### Layout siting and design and servicing

- 6.6 Ythanbank is a settlement of individually designed houses in a linear pattern of development. Recent development has introduced a range of designs within and around the settlement with properties close by exhibiting a mix of single storey, 1.5 storey and even two storey designs. The proposed house would be an appropriate addition to the settlement as the proportions and scale of the development is similar to other houses within and around the settlement. The proposal delivers a good balance between traditional design and contemporary features that is consistent with the design approach taken by other houses in the area. The Planning Service is satisfied that the proposed house design would contribute positively to the individuality of design in the area and to the varied character of Ythanbank.
- 6.7 With regard to siting, the proposed development could be successfully accommodated within the site. The proposed site would achieve an acceptable rear private garden area of over 480sqm metres. The proposed development, due to its orientation and siting, would not give rise to overshadowing issues or loss of privacy to the neighbouring properties. The Planning Service is satisfied that this application complies with Policy P1 Layout siting and design.
- 6.8 Access to the site is to be taken directly from the B9005 public road. The proposed development includes a large driveway that allows for vehicle turning and car parking for 3 cars. Policy RD1 Providing suitable services states that all new private accesses onto the public road must be designed to the satisfaction of Aberdeenshire Council's Roads Development team; who have assessed this application and confirmed that the access arrangements are acceptable, subject to conditions regarding delivery of on-site car parking and required visibility splays.
- 6.9 Policy RD1 also requests that all new development have satisfactory water supply, waste water treatment and surface water drainage. Scottish Water has confirmed that there are no public sewers connections in the area and as such a private drainage arrangement is deemed appropriate. The applicant

proposes a septic tank discharging to a soakaway for the disposal of foul water and a separate soakaway for the disposal of surface water. This application is accompanied by a Drainage Impact Report that demonstrated the suitability of the drainage arrangements proposed. The site would connect to the public water supply. The Planning Service is satisfied that this application complies with Policy RD1 Providing suitable services.

- 6.10 In light of the above, the Planning Service is satisfied that this application is an acceptable departure from Policy R2 of the Aberdeenshire Local Development Plan 2017. This application site, along with other sites to the west and east have previously gained planning permission and have been completed. As such, not developing this site would leave a notable gap within the built pattern of the settlement. In addition, the proposed development is well designed and would be a successful addition to the character of Ythanbank. The proposal is acceptable in respect of its design and servicing and therefore complies with the other relevant policies of the plan as set out in this report. The Planning Service therefore recommends that this application be approved in order to complete the development previously planned and agreed for Ythanbank.

## **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 R2 Housing and employment development elsewhere in the countryside

- 9.3 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.
- 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. The dwellinghouse 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.

02. The noise emission resulting from the operation of the air source heat pump shall not exceed a limit of 42 dB LAeq, 5 mins at an assessment position that is one metre external to the centre point of any door or window to a habitable room of a neighbouring property, as measured perpendicular to the plane of the door or window and ignoring the effect of that facade.



Reason: In the interest of residential amenity.

03. 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.

04. The dwellinghouse hereby approved shall not be occupied unless the proposed foul and surface water drainage systems has been provided in accordance with the approved plans and the approved Drainage Impact Assessment. 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.

05. The dwellinghouse hereby approved shall not be occupied unless its lay-by, driveway, parking for 3 cars, and turning area measuring not less than 7.6m by 7.6m has been provided and fully paved in accordance with details to be submitted to, and approved in writing by, the Planning Authority. The maximum gradient of access shall not exceed 1:20 gradient, the first 5 metres measured from the edge of the public road shall be fully paved and the 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. 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.

**10.2 That the Committee agree the reason for departing from the Aberdeenshire Local Development Plan 2017.**

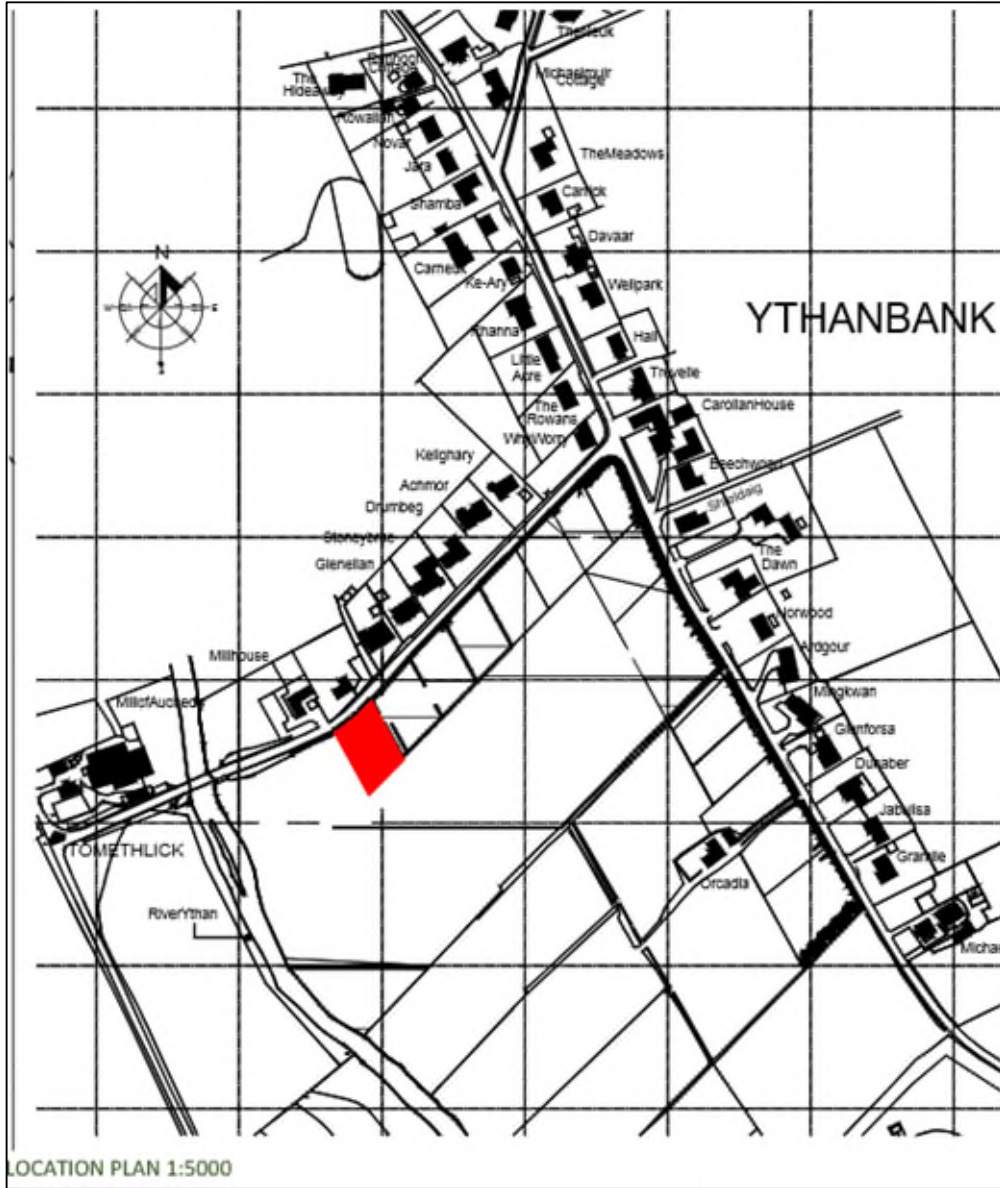
01. The Planning Authority considers that the application is for a development that is not fully in accordance with but an acceptable departure from the Aberdeenshire Local Development Plan 2017.

The development is an acceptable departure from Policy R2 Housing and employment development elsewhere in the countryside in that the site is notable gap within the adjacent built development and left undeveloped would affect the character of the settlement. The approval of the application would allow for the completion of the wider development previously planned and agreed for Ythanbank. The development is otherwise considered to be well designed and adequately serviced in accordance with Policy P1 Layout siting and design and Policy RD1 Providing suitable services.

Alan Wood  
Director of Infrastructure Services  
Author of Report: Laura Dingwall  
Report Date: 6 September 2021

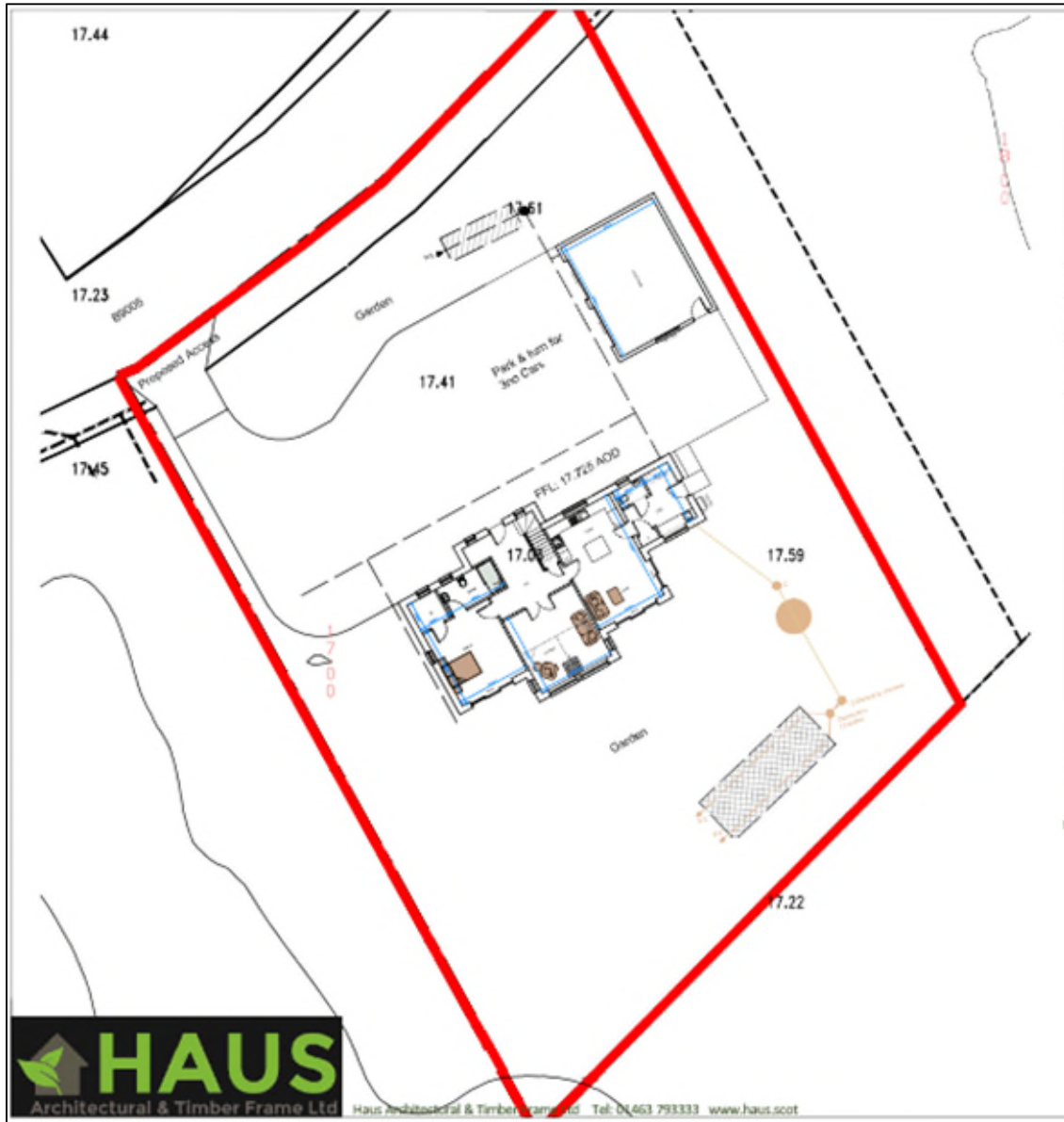
Appendix 1

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Appendix 2

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Appendix 3

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