

## Kincardine & Mearns Area Committee Report 21 September 2021

Reference No: APP/2021/0228

**Full Planning Permission for Erection of Dwellinghouse at Plot 2, Land East of Cedar Avenue, Durris**

**Applicant:** Ms Katy Sutherland, Easter Ardoe Steading, Ardoe, Aberdeen, AB12 5XT

**Agent:** Brown & Brown Architects, Nochtly Studio, Cummerton, Strathdon, Aberdeenshire, AB36 8UP

Grid Ref: E:379151 N:796157

Ward No. and Name: W18 - Stonehaven and Lower Deeside

Application Type: Full Planning Permission

Representations 5

Consultations 4

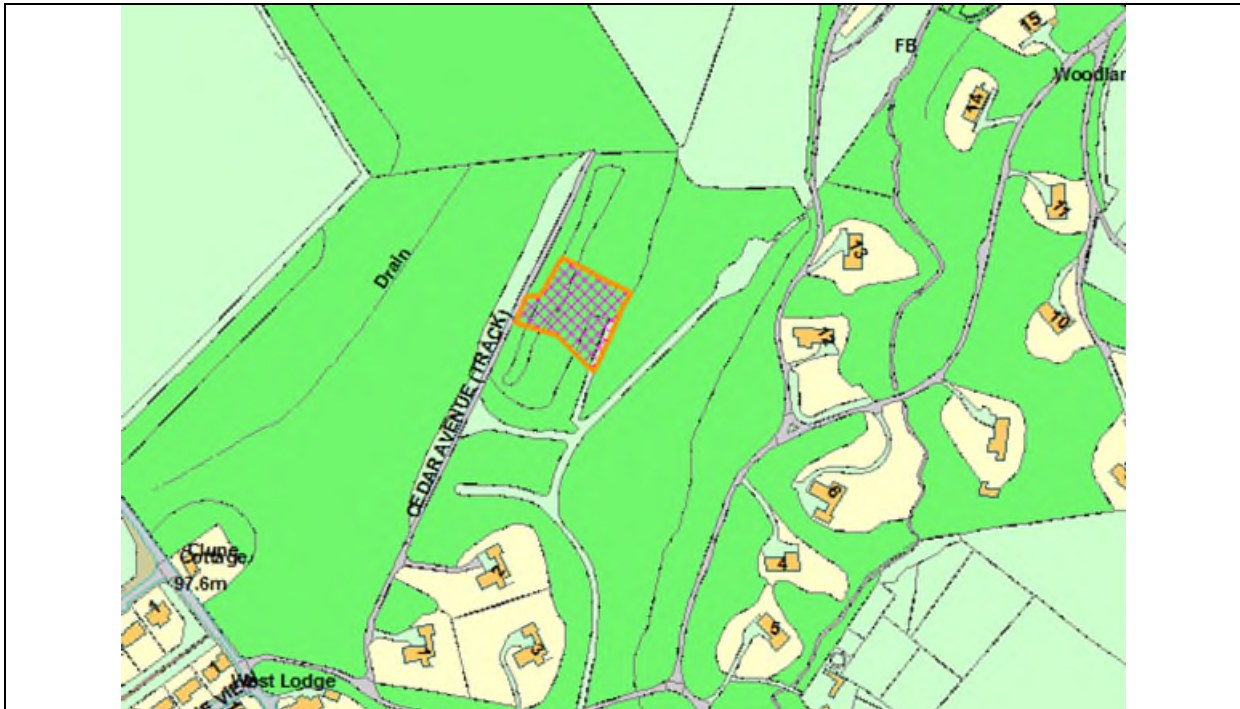
Relevant Proposals Map Aberdeenshire Local Development Plan 2017

Designations: Aberdeen Housing Market Area

Complies with

Development Plans: Yes

Main Recommendation Grant with Conditions



**NOT TO SCALE**

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## **1. Reason for Report**

- 1.1 The Committee is able to consider and take a decision on this item in terms of Section B.8.1 of Part 2A List of Committee Powers and Section C.3.1g of Part 2C Planning Delegations of the Scheme of Governance as there is an unresolved objection from a consultee.
- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

## **2. Background and Proposal**

- 2.1 The site lies to the north and west of the existing housing in Woodlands Park and takes access via the existing private road through the houses, which are a mix of house types scattered in large feus within a wooded setting. The area around the application site has had a number of applications dating back to 2014 when Planning Permission in Principle was granted for three dwellinghouses, over the following two years Matters Specified in Conditions applications were approved for tree and ecological survey information, foul and surface water drainage proposals and for the layout, landscaping access, parking and footpath access for the three sites.
- 2.2 The site of 0.78 acres forms the central plot of three which were granted Planning Permission in principle in 2014 (APP/2014/1750). The area was formerly plantation woodland which has been largely felled with compensatory planting provided elsewhere. Cedar Avenue is a track which was originally an unsurfaced forestry and agricultural track, providing vehicular access to farm and forest land. Following approval of the three plots part of the track has been tarmacked and a turning area provided to the west of Plot 2. This private access links into the private road through Woodlands Park Estate with three houses to the south of the site set within woodland, and further houses to the east accessed by other private roads. Paddock Cottage and Gardeners Cottage are to the north-east and served by the private roads. There is a watercourse to the east of the site at the base of a wooded slope. It is culverted under the road before flowing into the burn to the south of Paddock Cottage, north past Gardeners Cottage and past Durriss House.
- 2.3 A line of birch, willow and Western hemlock trees acts a visual separation between the tarred access and the plot and further trees have been retained along, and down the embankment to the south-east. The majority of the site was clear felled as part of the original plantation clearance.
- 2.4 The proposed detailed design takes a contemporary approach using granite cladding to finish an L shaped ground floor with a part cantilevered timber clad frame to the first floor. Extensive aluminium clad triple glazing to the south and south-west elevations maximises solar gain. The whole building would sit on a levelled base, stone clad and with steps down into the garden. A double garage would be located within the built form accessing onto the driveway, parking and turning area which leads onto the private access road.

- 2.5 The submitted Design Statement notes that the dwelling will respond sensitively to the existing topography and will sit behind new and existing trees. The site is accessed via a private access road, accessing Woodlands Park and onto the public road to the west. The view of the dwelling from the access road will be relatively modest, shielded by new and existing trees, the first-floor elevation will be reduced from this view, opening up to the rear with large scale windows overlooking the landscape. The proposed building is two-storey with a stone clad ground floor acting as a solid plinth and a lighter timber clad volume above. The massing of the house has been designed to give privacy to residents with large openings addressing the rear garden and a more 'closed' design to the public realm. Sun-path analysis has been used to ensure no over-shadowing of neighbouring property as well as to maximise solar gain to the home. The form of the building would create an unashamedly contemporary addition to the woodland context and the massing has been informed by the existing topography. The building has been designed to be low energy and sustainable, any heating requirement is intended to come from a renewable energy system (ground source heat pump)
- 2.6 In terms of drainage, the initial submission intended to use a septic tank and soakaway as approved in APP/2016/2972 (the drainage application for the three plots) with surface water discharge to an existing drainage ditch. Ongoing concerns had been raised locally about the impacts of surface water drainage from Plot 3 during construction, and new drainage report has been sought to ensure that the drainage arrangements were appropriate for both the site and the wider area. A ground investigation was undertaken at Plot 2 with percolation tests carried out to assess the suitability of the underground strata for the drainage system. Test pits identified that there was a 180mm layer of peaty topsoil above a 720mm layer of made ground consisting of re-worked clayey sub-soils, below this was a 200mm layer of original topsoil. Groundwater was not encountered during the investigation or during the monitoring period and there was no visual indication of the seasonally high or fluctuating ground water table. Areas of 'ponding' surface water were noted across the site which was considered to be due to the overlying made ground and in particular reworked clayey sub-soils.
- 2.7 The report confirms the moderate draining properties of the sub soils and concludes that a septic tank is suitable for the development, however, to further protect the wider water environment and neighbouring properties it is recommended to install a package sewage treatment plant with a subsurface stone filled soakaway in compliance with Building Standards Domestic Technical Handbook and the requirements of SEPA.
- 2.8 In relation to surface water the report notes the SuDS design was previously presented for the development however, concerns have been raised by neighbouring properties during the construction phase of Plot 3. The report notes that the overlying imported clayey soils appear to have created a barrier to the underlying more permeable sub-soils, resulting in ponding water and exacerbating run-off during heavy rainfall. A robust/positive surface water run-off management system is proposed during the construction phase restricting overland flow off-site. It is intended to install a temporary filter drain along the rear south-western boundary prior to the installation and connection of the final surface water drain. It is also recommended that the site is not entirely

stripped (unlike Plot 3) of all overlying vegetation which reduces natural absorption and run off.

- 2.9 In terms of trees, an updated tree survey has been submitted (September 2021) 22 trees and three groups of trees were identified on site, the majority (19) of the identified trees are European larch. The report notes that the path beneath the tree canopy at the east site boundary appears occasionally used and no essential remedial works for safety are necessary, an annual safety inspection is recommended. Group 1 silver birch trees to the north-and north-east are to be partially removed prior to works to accommodate construction, a strip along the north boundary would be retained to form a wildlife corridor. A small section of silver birch at the edge of group 2 would be removed prior to construction for the soakaway, one larch tree (category B) would be removed along the east boundary to provide sufficient clearance for the house and the soakaway has been relocated to avoid damage to the roots of a mature Douglas fir. Group 3 trees (Western hemlock, willow and silver birch) along the west site boundary would be retained.
- 2.10 New tree planting is proposed along the north and south boundaries using Scots pine, rowan and juniper to create/enhance wildlife corridors. Further planting of the same species is proposed around the driveway access to reinforce the wooded nature of the house site.

### **3. Representations**

A total of 5 valid representations (1 neither support nor object/4 objections) have been received as defined in the Scheme of Delegation. This does not include multiple representations from the same household which equate to 6 letters in total. All issues raised have been considered. The letters raise the following material issues:

- Surface water drainage needs to be addressed on Plots 1 and 2 to prevent the same issues as Plot 3 which led to footpath becoming a stream of water and flooding at an access road
- Issues relating to reversing traffic and speeding at the access road to the site
- Destruction of historic woodland through impact on the burn, properties downstream and historic walking paths
- Area was renowned for flooding before the trees were removed
- Direct consequences observed on local flora and fauna, including many rare and endangered species
- If Plot 1 and 2 continue to displace and drain water from the site flooding and erosion will continue with potential tree loss.

#### 4. Consultations

- 4.1 **Legal and People (Business Services)** has confirmed that contributions have previously been secured through a S69 Legal Agreement on APP/2014/1750 no additional contribution is required.
- 4.2 **Infrastructure Services (Contaminated Land)** has received further information confirming no indication of a past use which might have caused contamination. No further comment.
- 4.3 **Infrastructure services (Environment Team)** note that the compensatory planting for the previous woodland removal has been provided. The three houses were to be located within the remaining woodland setting. Retention of woodland between the houses and supplementary planting was approved to form wildlife corridors between the plots. A revised tree survey shows additional woodland retention and further detail of replacement planting which is now acceptable and should be implemented in full and secured by condition.
- 4.4 **Infrastructure Services (Roads Development)** has commented that adequate parking and turning space is available within the site. Visibility splays are required at the access with the public road, walls set back and cutting back of hedging/vegetation. They have received confirmation that this has been carried out and no condition is required. Access is via a private road which is not maintained by the Roads Authority, granting this development will result in an increase in usage, accordingly there may be an increased liability on those responsible for the maintenance of the private road. They have no objection subject to conditions on parking and turning area
- 4.5 **Crathes Drumoak and Durris Community Council** has objected to the application due to serious concerns expressed by adjoining residents on Woodlands Estate relating to current and anticipated surface water provision for 3 plots. Scottish Water has no present or planned capacity to accept surface water connections and the waste treatment plant already has issues in periods of heavy rainfall. Drainage Impact Assessments rely on a surface water ditch to the east of the plots but do not consider the impact on neighbouring properties and their surrounding land and access routes. This issue must be resolved before the application is considered for approval.
- 4.6 **NESBREC** has records of invasive Rhododendron and broadleaved/birch/native pine woodland.
- 4.7 **Scottish Forestry** has advised that the site shows on the Ancient Woodland Inventory as Long Established of Plantation origin (LEPO), it is shown as woodland since 1860. Many LEPO sites have developed semi-natural characteristics, especially the oldest ones, which may be as rich as Ancient Woodland. There is a strong presumption against woodland removal where it would lead to fragmentation or disconnection of important forest habitats. It is noted that other local developments have been approved with conditions for long term retention and re-planting. This will help to retain the character of the landscape, the link between adjacent areas of woodland and to help prevent fragmentation. If minded to approve, consideration should be given to

conditions relating to woodland retention and compensation for woodland removal.

- 4.8 **Scottish Water** has no objection and confirms there is no public Scottish Water wastewater infrastructure available to serve the proposal and therefore the propose method of wastewater drainage is acceptable in principle in this instance. It is noted there are existing Scottish Water assets which may be affected and the developer should discuss further.

## 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 P1 Layout, siting and design

Policy PR1 Protecting important resources

Policy C1 Using resources in buildings

Policy C4 Flooding

Policy RD1 Providing suitable services

### 5.4 Proposed Aberdeenshire Local Development Plan 2020

Aberdeenshire Council on 5 March 2020 resolved to agree the Proposed Aberdeenshire Local Development Plan (LDP) 2020 as the 'settled view of the Council' on what the final adopted content of the LDP 2021 should be. A period during which representations on the Proposed LDP 2020 could be made took place between 25 May and 31 July 2020.

The Proposed LDP 2020 is a material consideration in the determination of planning applications. The Planning Authority must therefore assess what weight it should have in the context of this particular application. The Proposed LDP has been subject to public scrutiny and has now been submitted for Examination by an independent Reporter. Nevertheless, it is considered that the level of weight that should be applied to the Proposed LDP 2020 remains as not significant at this time. The Aberdeenshire LDP 2017 remains the up-to-date LDP for the area and the primary document against which planning applications should be determined until such time as a new LDP for the area is adopted.

### 5.5 Other Material Considerations

None

## **6. Discussion**

- 6.1 The key issues in determining the application are the suitability of the design, materials and layout for the site, potential impact on neighbouring amenity through overlooking/overshadowing, trees, use of resources/climate change, potential flooding impacts and access.

### Principle of development

- 6.2 The initial 2014 consent was granted as an organic growth extension of the identified settlement of Woodlands of Durris and it was recognised that development would support local services, such as the primary school, which is within walking distance of the site. Subsequent applications dealt with drainage arrangements for the three sites and conditions on the initial consent. A further detailed application was approved in 2019 for a house on Plot 3 which has been largely constructed and is nearing completion. Compensatory planting for the loss of the plantation woodland has been provided and alterations to the junction of the private access and the public road have been made, rebuilding a drystone wall outwith the visibility splay and bringing the junction, serving all properties, up to current standard. The current proposal is intended to continue the delivery of the originally consented proposal for three dwellinghouses in this location. The principle of development is considered to have been established on this site by way of the previous planning consent and the proposal continues to meet the terms of ALDP Policy R2 Housing and employment development elsewhere in the countryside.

### Layout, siting and design

- 6.3 The Design Guide submitted at outline stage detailed design principles using high quality materials, including slate roofing, timber doors and windows and granite, timber or wetdash walls. It proposed that boundaries would be post and wire fencing or native hedging.
- 6.4 The proposed design is a contemporary approach using high quality materials representative of the local area such as granite and timber cladding. Woodlands of Durris features a wide variety of house designs and it is considered that the proposal would represent a high quality, design led addition to the local area. The proposal has considered the site levels and been designed to work with them, overlooking and overshadowing to the house at Plot 3 have been considered and there would be no significant impact on amenity, the property would be adaptable, responds to local climatic conditions, using solar gain from large south facing windows and would form a new and interesting house type in a secluded woodland setting. The proposal is compliant with Policy R2 Housing and employment development elsewhere in the countryside and Policy P1 Layout, siting and design

### Woodland and trees

- 6.5 The site's location within woodland was recognised during consideration of the original consent and the aim was to establish three houses within the woodland setting whilst being realistic about the impact of retaining mature trees on future occupants i.e. by keeping houses outwith the falling distance of retained trees. A survey in 2014 did not propose any trees for definite retention but advised that woodland edges to the north and south boundaries of the application site for the three houses should be retained to at least 20m and replanting should use lighter canopied trees to maximise light to the



houses. Gardens should be landscaped with suitable native species to maximise the continuity of the woodland.

- 6.6 Following discussions with the agent about retention and replanting, revisions to the tree survey have been made reducing tree loss to one mature tree and the loss of a section of the woodland strip along the north boundary to facilitate construction. This would be compensated by the addition of new planting around the site to reinforce and re-establish the wildlife corridors across the site and to increase screening along the access road. Damage to existing trees would be minimised and fragmentation of woodland habitats would be avoided in accordance with Policy PR1 Protecting important resources.

#### Technical Matters

- 6.7 The building has been designed to reduce energy use through the design and layout, with solar gain from south facing windows, heat pump and triple glazing. An energy statement will be sought by condition ensuring that the proposed development meets the requirements of Policy C1 Using resources in buildings
- 6.8 Following problems with surface water drainage running from Plot 3 as it was being constructed, the applicant in this case has been asked to undertake a further drainage assessment. This has been carried out and notes the ground conditions in detail, with a made-up layer of clayey soil overlying the site, below which more permeable ground conditions exist. The report makes recommendations to deal with both foul drainage and surface water drainage, with specific recommendations for surface water drainage during the construction phase.
- 6.9 Retention of vegetation along the south/south-west boundary combined with a temporary filter drain and drainage arrangements during construction being carried out in accordance with the drainage report should ensure surface water run-off from the site does not cause a problem to trees, land/paths and access below the site. Foul and surface water drainage on completion of the development needs to comply with the technical requirements through Building Standards to ensure post development run-off is no greater than pre-development. The drainage arrangements will be conditioned as part of any approval to ensure that the site can be adequately drained during and after construction, as required by Policy C4 Flooding and Policy RD1 Providing suitable services.
- 6.10 In terms of access, alterations to the junction of the private access and the public road have been made, rebuilding a drystone wall outwith the visibility splay and bringing the junction, serving all properties, up to current standards. Following the approval at the last Kincardine and Mearns Area Committee of 31<sup>st</sup> August 2021, in relation to alterations to the access at Plot 3, the two plots would no longer share an access. This site would access the private road via the existing tarmac hammerhead. The existing access route, which serves a number of houses in Woodlands Park, is a private road and not adopted by the Council, maintenance would be a burden on all residents who use the access and is a private civil matter outwith the planning process. A

condition will require adequate turning space and parking provision within the site. The proposal complies with Policy RD1 Providing suitable services.

- 6.11 Matters raised in objections and by the Community Council have been considered in the above discussion. The Biological Records service has no records of protected species but the proposed landscaping and tree retention would create links across the site boundaries to support red squirrel movements if they are in the area. Speeding traffic has been raised but there is no remit through the planning process to address this matter.

### Conclusion

- 6.12 In summary, the wider site has consent for the development of three houses, one is nearing completion on Plot 3 and approval of this application would allow the development of Plot 2. Given the on-going concerns of residents due to surface water flows and flooding, a new drainage report has been commissioned and proposals made to mitigate any potential impacts. Tree loss will be minimised and new planting will reinforce the woodland setting and wildlife corridors. The proposal is for a high quality contemporary property which will enhance the area and be an energy efficient building with high quality materials. The proposal complies with Policy R2 Housing and employment development elsewhere in the countryside, Policy P1 Layout, siting and design, Policy PR1 Protecting important resources, Policy C1 Using resources in buildings, Policy C4 Flooding and Policy RD1 Providing suitable services and is recommended for approval.

## **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

None

9.3 The application is not a Departure from the Local Development Plan or Strategic Development Plan and no departure procedures apply.

9.4 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 Full Planning Permission subject to the following conditions:-**

01. No works in connection with the development hereby approved shall commence unless details of the proposed means of enclosure to be erected on the boundaries of the site have been submitted to and approved in writing by the planning authority. The boundary treatments should be post and wire fencing and/or native hedging.

Reason: In the interests of the visual amenities of the wooded area

02. 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.

03. No works in connection with the development hereby approved shall commence unless the tree protection measures have been implemented in full in accordance with the approved tree protection plan. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the

written consent of the planning authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks. The approved tree protection measures shall be retained in situ until the development has been completed.

Reason: In order to ensure adequate protection for the trees on the site during the construction of development, and in the interests of the visual amenity of the area.

04. All tree planting proposals shall be carried out in full accordance with the approved planting scheme (Struan Dalgleish Arboriculture September 2021) in the first planting season following completion of the dwellinghouse. 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 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 to implement the development hereby approved shall take place unless the proposed temporary surface water drainage system has been installed in full accordance with the drainage report (S.A McGregor dated 9th August 2021)

Thereafter foul and surface water drainage systems shall be provided in accordance with the approved plans and the above drainage report and shall be permanently retained thereafter in accordance with the approved scheme.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

06. No works in connection with the development hereby approved shall commence unless details/the specification and colour of all the materials/roof/wall/windows/doors/garage door to be used in the external finish for the approved development have been submitted to and approved in writing by the planning authority. The development shall not be occupied unless the external finish has been applied in accordance with the approved details.

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

07. The dwellinghouse hereby approved shall not be occupied unless its turning and parking area for three cars has been provided and surfaced in accordance with the details shown on the approved plans. 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 in the interests of road safety.

## 10.2 Reason for Decision

The planning authority considers that the application is for a development that is in accordance with the Aberdeenshire Local Development Plan 2017. The proposed development is for an energy efficient dwellinghouse, using high quality design and materials. Tree loss has been minimised and additional planting will reinforce the woodland setting and wildlife corridors. Foul and surface water drainage can be dealt with on-site without adverse impacts and access can be achieved to current standards. The proposal complies with Policy R2 Housing and employment development elsewhere in the countryside, Policy P1 Layout, siting and design, Policy PR1 Protecting important resources, Policy C1 Using resources in buildings, Policy C4 Flooding and Policy RD1 Providing suitable services.

**Alan Wood**  
**Director of Infrastructure Services**  
**Author of Report: Jan Regulski**  
**Report Date: 6 September 2021**