

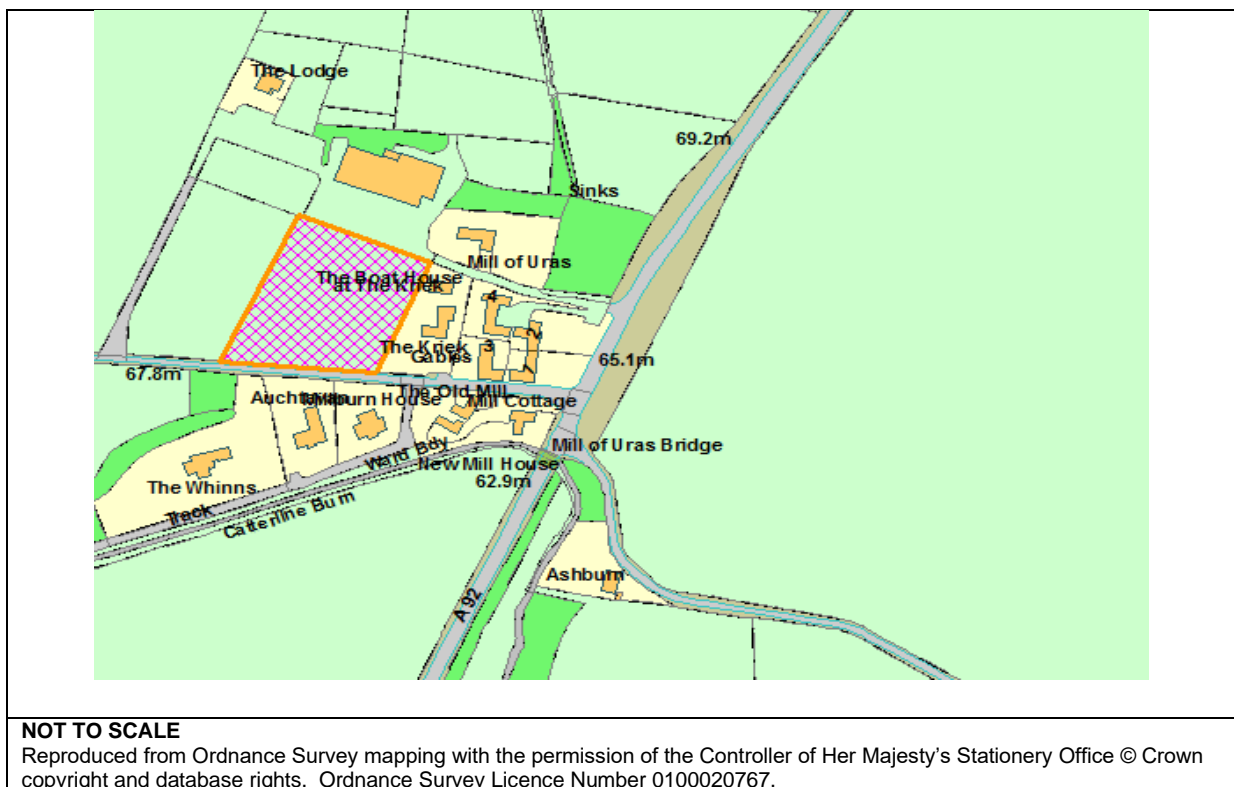
## Kincardine and Mearns Area Committee Report 21 September 2021

Reference No: APP/2021/1377

**Full Planning Permission for Erection of 5 Dwellinghouses and Garages and Formation of Access without Compliance with Condition 8 (Drainage) of Planning Permission Reference APP/2019/1703 at Land Adjacent to The Boat House at The Kriek, Mill of Uras, Stonehaven, Aberdeenshire, AB39 2TQ**

Applicant: **Elgrun Ltd, The Boathouse, Mill of Uras, Catterline, Stonehaven, AB39 2TQ**  
Agent: **Ryden, 25 Albyn Place, Aberdeen, AB10 1YL**

Grid Ref: E:386714 N:780195  
Ward No. and Name: W18 - Stonehaven and Lower Deeside  
Application Type: Full Planning Permission  
Representations 3  
Consultations 3  
Relevant Proposals Map Aberdeenshire Local Development Plan 2017  
Designations: ALDP Allocated Site 'OP1'  
Complies with  
Development Plans: Yes  
Main Recommendation Grant with conditions



### 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 Full planning permission is sought for non-compliance with Condition 8 (Drainage) of the previously approved planning permission APP/2019/1703 for the erection of five dwellinghouses on land identified as an allocated site in the ALDP (2017) known as Mill of Uras Paddock (OP1). The site is within a small grouping of residential dwellings at Mill of Uras along the A92 coast road.
- 2.2 Mill of Uras is a small grouping of predominately stone built buildings with slate roofs, centring around the historical mill and farm. The grouping is divided by a public road running through it, the houses to the south of the site are a mix of single and two storey and on lower ground, which are bordered to the south by the Catterline Burn. The houses to the north of the public road are on high ground and are two storeys in nature.
- 2.3 The site extends to 0.6ha and is located to the west of the grouping of houses at Mill of Uras and has planning approval for the site under APP/2019/1703. This application has been submitted as the approved drainage condition attached to this consent cannot be achieved on site and an alternative arrangement has been submitted.
- 2.4 The applicant engaged in pre-application discussions with the Planning Service concerning a variation of the condition, as the foul water element of the proposed drainage system has been revised following discussions with plant suppliers. The applicant seeks to separate the drainage system for each proposed dwelling so that the future occupants would be responsible for their own system.
- 2.5 As the application site is identified in the settlement statement as having issues with flooding, Flood Risk and Coast Protection have been consulted on the new proposed drainage system as they were in the previous approved application.
- 2.6 The principle and detailed technical matters associated with APP/2019/1703 have been previously agreed and remain acceptable. This application seeks to determine whether modification of condition 8, relating to drainage, would be appropriate. Condition 8 states:

*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 [Drawing No 133445/2000] and Drainage Assessment carried out by Fairhurst (July 2019). 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.*

- 2.7 The approved development is proposed to be served by a fully private foul and surface water drainage system due to the lack of public infrastructure in the vicinity. The previously approved drainage report has been submitted for information (Fairhurst July 2019). Following further site investigations, certain elements of the foul water drainage system needed redesigned. The surface water element of the proposed drainage system remains unchanged from that approved under APP/2019/1703.
- 2.8 It is proposed to install individual treatment plants in each plot to fully treat sewage before it is then discharged to a redesigned communal soakaway in Plot 2. Also, a revision to the proposed pipework layout is required due to this amendment. The design of the proposed foul water soakaway has been revised to increase its capacity, thereby reducing the need for communal maintenance and repair. The surface water will be drained to a communal soakaway within Plot 1.
- 2.9 Supporting documents provided along with the application are:

**Planning Statement, Ryden** - The report includes relevant policy consideration and the author's justification for the proposal

**Drainage Statement by Cameron + Ross,**  
Report includes revised calculations for surface water and foul soakaways.

Foul Drainage

Each property is proposed to have its own foul water treatment unit with the drainage collected from each plot drained to a communal soakaway located at the rear/south of Plot 2.

Surface Water

It is proposed that all surface water run-off will be collected and be discharged into a communal soakaway. The soakaway is adequately sized to accommodate the run-off from each plot. The communal soakaway is located to the rear/south of Plot 1.

- 2.10 The pre-commencement planning conditions relating to the previous application (APP/2019/1703) had been purified prior to this application being submitted.
- 2.11 A Revised Drainage Layout (Plan No 210201-000-CAM-DR-C-001 Revision B) and Revised Drainage Report have been submitted – Due to a typo in the submitted drainage report (by Cameron + Ross) on the sizing of the foul water

soakaway in the newly proposed system. This was picked up by Building Standards in the Building Warrant application process.

### 3. Representations

3.1 A total of 3 valid representations (3 objection) have been received as defined in the Scheme of Governance. All issues raised have been considered. The letters raise the following material issues:

- *Drainage problems identified in original application still remain*
- *Natural drainage in the area is major concern for surface water*
- *Flood risk concerns*
- *Clay subsoil will impact on surface water drainage for neighbourhood*

### 4. Consultations

#### *Internal*

4.1 **Infrastructure Services (Flood Risk and Coast Protection):** is satisfied with the proposals outlined, which are considered to have a neutral impact on the surrounding area and therefore has no objection.

4.2 **Catterline, Kinneff and Dunnottar Community Council:** Object to the proposal

- Safety and flooding issues with alternations to surface water drainage impacting houses on lower level near Catterline burn.
- APP/2019/1703 was approved with specific conditions relating to drainage
- Question the reliability of the geotechnical site investigation with regard to surface water soakaway calculations and potential overflow.

#### *External*

4.3 **Scottish Water:** Has no objection, the development would be fed from Whitehillocks Water Treatment Works. Capacity will require to be assessed when the applicant submits an application directly to Scottish Water. Wastewater will require private treatment.

## 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 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

### Planning Circular

Circular 4/1998 – the use of conditions in planning permissions state that no condition should be imposed unless it meets the tests as set out in paragraph two. The circular requires conditions to be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise, and relevant in all other aspects.

## **6. Discussion**

- 6.1 The main issue to be considered in the determination of this application is whether the variation in condition would be appropriate, or whether it should still be applied to the consent.
- 6.2 The condition was attached to ensure that the development was carried out in accordance with submitted drainage details, which were considered acceptable and to comply with Policy RD1 Providing suitable services of the Aberdeenshire Local Development Plan 2017.
- 6.3 Although considered appropriate at the time, the condition does not allow for an alternative means of foul water disposal and therefore a new application is required to allow for this to be changed. The associated application for the installation of an amended drainage layout has been submitted with a drainage report associated to the new arrangement. The report demonstrates that the proposed infrastructure can be installed at the site without a significant adverse impact on the wider area.

## Representations

- 6.4 There have been a number of representations voicing similar concerns regarding surface water drainage as was commented previously for the last application. Catterline, Kinneff and Dunnottar Community Council has also objected to the proposal to alter the approved Condition 8 pertaining to drainage. The previous approval on the site gave approval on the provision that certain specific conditions were to be implemented for the site. It has been highlighted in paragraph 2.4, that the applicant, having sought further site investigations, determined that alterations would be required to the foul water drainage. Cameron + Ross, Civil Engineers carried out the revised calculations on the site, along with the subsequent revision to the report (following separate Building Standards consultation).
- 6.5 The findings have been reviewed, as have the comments from the representations and Infrastructure Services (Flood Risk and Coast Protection) has no objection and consider that the development as now proposed would have a neutral impact on the surrounding area in relation to Policy C4 Flooding. Therefore, the Planning Service is satisfied the proposed surface water soakaways and foul water soakaways are adequate for the site and comply with Policy RD1: Providing suitable services.
- 6.6 The Planning Service is of the opinion that it is therefore acceptable to vary the condition to allow for the installation of the new drainage system as proposed. It is therefore suggested that the wording of the relevant condition be amended to:

*'The foul water drainage systems shall be constructed and operational prior to the occupancy of the first dwellinghouse. The revised drainage arrangement shall be in accordance with Drawing No 210201-000-CAM-DR-C-001Rev B and the associated Drainage Assessment by Cameron + Ross (May 2021). The foul and surface water drainage systems shall be permanently retained thereafter in accordance with the approved maintenance scheme on an annual basis.'*

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

- 6.7 The variation of the condition as above, is considered to comply with the six tests within Circular 4/1998 and the requirements of Policy RD1 Providing suitable services of the Aberdeenshire Local Development Plan 2017. As such, it is considered appropriate to vary the condition, and therefore the application 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 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 Full Planning Permission subject to the following conditions: -**

01. The foul and surface water drainage systems shall be constructed and operational prior to the occupancy of the first dwellinghouse. The revised drainage arrangement shall be in accordance with Drawing No 210201-000-CAM-DR-C-001Rev B and the associated Drainage Assessment by Cameron + Ross (May 2021). The foul and surface water drainage systems shall be permanently retained thereafter in accordance with the approved maintenance scheme on an annual basis.



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

02. No works in connection with the development hereby approved shall commence unless;
- a detailed site-specific construction method statement and site plan for surface water arising from construction is submitted for approval in writing by the planning authority, thereafter all surface water treatment on the site shall be carried out in strict accordance with the approved method statement.
  - A Surface water management strategy to be submitted for approval by the Planning Authority, for each Plot.

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

03. No works in connection with the development hereby approved shall commence unless samples and colour of all the materials 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.

04. No works in connection with the development hereby approved shall commence unless details of the refuse bin uplift store areas have been submitted to and approved in writing by the planning authority. The areas 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 areas have been provided and surfaced in accordance with the approved details. Once provided, the refuse bin uplift store areas shall thereafter be permanently retained as such.

Reason: To ensure the provision of an appropriate means of servicing in the interests of road safety.

05. Prior to commencement of development, a lay-by is to be formed on frontage of the site & the proposed vehicular access to be taken via this (as shown on drawing number P-02 rev D). Construction shall be to a standard appropriate to the location & must be agreed in advance with Roads Development.

Reason: To ensure the existing road network can accommodate the traffic likely to be associated with the proposed development in the interests of road safety.

06. 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 90m 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 the approved new access (as shown on drawing number P-02 rev D), in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays 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.

07. 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.

08. The dwellinghouses hereby approved shall not be occupied unless;

- The vehicular access, driveways and off-street parking areas (16 in total) hereby approved shall be provided and surfaced in accordance with the details shown on the approved plans;
- The first five metres of the driveways measured from the back of the footway or edge of road shall be fully paved and shall have a maximum gradient not exceeding 1:20. 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;
- a suitable vehicle turning area, as shown on Drawing number P-02 Rev D must be formed within the site to enable all vehicle movements onto or from the public road to be carried out in a forward gear.

Once provided, the access, driveways, parking areas and turning area shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the access, driveways, parking areas and turning area to an adequate standard; to prevent the carriage of

loose driveway material on to the public road and to ensure the retention of adequate off-street parking facilities, all in the interests of road safety.

09. 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.

10. All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme Drawing No P-11 Revision E and Landscape Maintenance Strategy (AKA Kenyon Architects Ltd). 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.

#### 10.2 Reason for Decision

The proposal to vary Condition 8 (Drainage) of APP/2019/1703 is considered to comply with the requirements of Policy RD1 Protecting important resources of the Aberdeenshire Local Development Plan 2017 and is acceptable in terms of Section 42 of the Town and Country Planning (Scotland) Act 1997.

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