

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.3.1h of Part 2C Planning Delegations of the Scheme of Governance as the application is recommended for refusal but in the professional opinion of the Head of Planning and Environment Service, there has been a substantial body of support for the development.
- 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 Planning Permission in Principle is sought for the demolition of an existing hotel, restoration of the Old Mill building into a Retail Unit and erection of garden centre and 5 dwellinghouses with associated works. The site is located within the Aberdeen Greenbelt.
- 2.2 The Mill building, a former corn mill, is a Category C(s) listed building. The site is located in a prominent position on the north side of the South Deeside Road (B9077). The site is located adjacent to the Burn of Crynoch, which in turn feeds in to the River Dee some 250 metres to the north.
- 2.3 The historic Mill dates from the 18th century and is constructed of rubble and slate. The mill wheel has since been removed and was latterly converted to a shop. At the time of validation of this proposal, the accompanying Hotel was a two-storey (attic) building. It had been variously adapted over the years, including the formation of dormers and the addition of a cantilevered bay/porch at the first-floor level. The most significant alteration was the significant extension to the northwest of the Hotel; this was an unsympathetic 1970s/80s building of a harsh and contrasting architectural style. The Hotel was set within relatively modest grounds for a building of its size. The external areas are predominantly taken up by access and parking. There are also pockets of open and landscaped areas.
- 2.4 During the course of consideration of this proposal, the Hotel, which had already fallen into a significant state of disrepair following cessation of the business on site, was significantly damaged by a fire in February 2021. The elements of the building that remained were considered to be a public safety concern and as a result, were subsequently demolished. The Mill was largely unaffected and remains on site. The hotel had ceased trading since January 2016 following a flood.
- 2.5 The proposal presented in this instance essentially seeks to establish the principle for the wholesale redevelopment of the site. Whilst no specific details have been submitted, the indicative drawings have been amended to show a large two storey detached garden centre located broadly in the location of the former hotel to the west of the Mill Building which is proposed to be retained

as a retail space/cafe. In addition, it is proposed to erect 5 dwellinghouses which are indicatively shown in the southwest corner of the site.

- 2.6 The site is proposed to be accessed from the existing site access with parking provision for the retail elements shown to be located to the southeast and to the north of the site.
- 2.7 A supporting statement was submitted during the consideration of the proposals. This outlines the site history and economic justification for the proposal. It states:

“The property including the listed Old Mill has been vacant for over 5 years. The damage caused by the flooding was very significant and deterioration since has also been significant. Despite the assurances of the owner's insurers and professional advisers a sale has not been achieved. Expense has been incurred in upkeep and insurances, but this is now very much reduced to a minimum. Vandals without the intervention of the police have taken a further toll permitting ingress of the effects of bad weather, increasing the rate of deterioration.”

- 2.8 The main building is now beyond refurbishment and repair as a hotel and function suite and the only alternative is demolition and reuse of the site, and marketing advice is that the site would best suit a garden centre, complementary to the retention, refurbishment and reuse of the Old Mill building for antiques and bric a brac.”

Planning History

- 2.9 The site itself has undergone several alterations and extensions. None of these or the associated planning applications are related specifically to this proposal.
- 2.10 APP/2015/0228 and APP/2015/3173 Consideration was given to the erection of temporary modular workers accommodation on site in relation to the construction of the AWPR. Both applications were subsequently withdrawn.
- 2.11 The applicants approached the Planning Service in relation to the proposals at pre-application stage. Following discussion, which included key consultees such as (Infrastructure Services (Flood Risk and Coast Protection), the applicants were advised that whilst the Planning Service would be keen to see redevelopment of this dilapidated site, a significant amount of supporting information would be required to support the proposals outlined. Concerns in relation to the scale of development proposed were also expressed. Early proposals also included the provision of a nursery on site. This was considered unacceptable as a result of the flood risk on site.

Supporting Information

- 2.12 Throughout the course of determination, the applicants have submitted a number of supporting documents in response to comments received from the Planning Service and relevant consultees. The documents submitted include:

- Flood Plain Assessment - *McLaren, Murdoch & Hamilton Chartered Architects*, submitted 15 January 2020
- Flooding Review - *Fairhurst*, submitted 12 March 2020
- Bat Survey – *North East Nature*, submitted 18 June 2020
- Flood Risk Assessment - *Fairhurst*, submitted 7 September 2020
- Planning Statement - *McLaren, Murdoch & Hamilton Chartered Architects*, submitted 27 January 2021
- Preliminary Ecological Survey - *North East Nature*, submitted 20 April 2020
- *Tree Summary Report – Graeme Macauley Tree Surgeon*, submitted 6 July 2021
- Legally Agreement Extract Registered 20 August 2013, submitted 14 September 2021

Variations and Amendments

2.13 Throughout the course of the application, the proposed submitted indicative details have been altered on numerous occasions in order to respond to comments received from the Planning Service and Consultees. The key changes made are listed below:

- Plans revised to show existing drainage infrastructure
- Plans altered to address flood plain and Flood Risk Assessment
- Proposal reduced from 6 to 5 dwellinghouses
- Site Area reduced
- Garden Centre floor area reduced
- Site access details amended
- Tree protection details added
- Visibility splay details provided/annotated on plans

3. Representations

3.1 A total of 38 valid representations (34 support/1 objection/3 neutral) have been received as defined in the Scheme of Governance. All issues raised have been considered. The letters raise the following material issues:

Support

- *Site is an eyesore*
- *Will provide a meeting point*
- *Asset to the area*
- *Create employment*
- *Additional housing*
- *Retail/leisure opportunities welcomed*
- *Will support existing new housing*
- *Housing location is not obtrusive*
- *Proposals are appropriate for the size of the site area*
- *Current lack of amenities in the area*
- *Improve flood risk for neighbouring area*

- *Re-purpose derelict site*

Neutral

- *Proposal lacks detail*
- *Existing sewage issues on site – effective system required*
- *Potential increase in flood risk to neighbouring properties*
- *Shared access should be maintained during works*
- *Level of development should be controlled to minimise impact on designated centres*
- *Lack of Information - it is difficult to form an opinion as to whether or not the site could physically accommodate the scale of development proposed in a manner that would also protect and limit impact upon character and setting and appearance of the greenbelt.*

Objection

- *Consideration needs to be given to improving access junction with the B9077 as this is a known accident blackspot with limited visibility on either side.*
- *Additional Housing in the Green Belt*
- *Additional Housing in a flood plain*
- *Poor access in an accident blackspot*
- *Encroachment on neighbouring boundary*
- *Blocking a right of way*
- *Building over existing Services*
- *Overloading capacity of existing services.*

4. Consultations

- 4.1 **Business Services (Developer Obligations)** has confirmed that Developer Obligations have been agreed for the proposal in the form of the provision of one house on-site for affordable housing in the form of a low-cost shared equity unit and a commuted sum.
- 4.2 **Infrastructure Services (Archaeology)** confirms that the site contains a category C-listed former mill dating to the 18th Century and historic inn dating to the 18th-19th Century. It is requested that a planning condition requiring a standing building survey is required if consent is granted for the proposal.
- 4.3 **Infrastructure Services (Environment)** has provided the following advice in relation to;

Trees

- 4.3.1 The information provided regarding the trees on the Old Mill Inn site is clearly not a tree survey to British Standard as required to inform a planning application and is not sufficient to determine the impact of the proposed development on trees both within and adjacent to the site.

- 4.3.2 Although the proposal is for planning permission in principle and not detailed planning permission, it is important that we can assure that the proposed development can be undertaken without impacting on the relatively few trees within the site which form an important part of the setting of this site in its position in the wooded valley of the River Dee. It is also important that we can assure that there will be no impact on trees that are out with the control of the developer along the western boundary of the site where the proposed housing is located, and the mature ash tree along the eastern boundary.
- 4.3.3 It is particularly important that we can be confident that there will be no impact from the construction of houses 4 and 5 on the root protection area (RPA) of the trees adjacent to the western boundary. Although the land on the development side of the boundary is currently tarmacked and is therefore not likely to be important to the trees in providing nutrients and water, there are likely to be roots that provide structural stability to these trees under the surfacing. There is little room for manoeuvre in the positioning of these houses due to other constraints, so it is important that we have this information prior to granting consent.
- 4.3.4 The information submitted to date lists some of the trees on site and their approximate size and condition. There is no indication of their approximate age/life cycle stage which will be important in assessing the need to allow for future growth of these trees without impacting on the development. There is no indication of the root protection area of any of the trees, and those out with the development site boundary but which are immediately adjacent have not been recorded in any detail or marked on a plan. In order to calculate the RPA of the trees information is required on the stem diameter of the trees at chest height, together with site information which may constrain the growth of roots in any particular direction.
- 4.3.5 Further information will be required to provide sufficient information to accurately document and plot the trees present on the site as required by the British Standard for tree surveys , and to overlay this information on the site layout so that an assessment can be made on the potential impact of the proposed development on trees both within and immediately adjacent to the site which may be affected by the proposals.

Ecology

- 4.3.6 The submitted Preliminary Ecological Survey (PEA) identified signs of otter and badger using the site but there were no setts or holts within the disturbance zones for these species. Measures will need to be put in place to avoid harm during the development phase and to reduce light spillage onto the burn. A substantial buffer would help to reduce disturbance to otter which appear to be mainly moving up and down the burn.
- 4.3.7 The survey identifies measures that will need to be put in place to avoid discharge of silt or pollution into the burn. This could be included in a

Construction Method Statement as requested by Nature Scot to demonstrate that there will be no impact on the River Dee SAC.

- 4.3.8 The PEA also identifies issues with Japanese knotweed and this can be conditioned and similarly for breeding birds.

Built Heritage

- 4.3.9 As presented, the application does not have enough supporting information to demonstrate that the applicant has considered the Setting of the Mill. The submitted 'design statement' mentions that the Mill building will be given space by the new development. This does not constitute a Setting Assessment. It is concerning that the outline plots shown on the drawings appear to be in a very suburban layout and form. At present, it is not possible to assess if this application would be acceptable in terms of the Setting of the Mill.
- 4.3.10 Any new build development should consider form, layout, sighting, design and materials appropriate to the site and its agricultural countryside setting. Although this could be traditional or contemporary in nature. Similar types of development have been carried out in Aberdeenshire. The scale and design of the garden centre element would also need to be sensitive.
- 4.3.11 The relationship with the watercourse and the trees also forms part of this and should therefore be considered in terms of where the original lade run would have been and how elements like this can be incorporated into the design.
- 4.4 **Infrastructure Services (Flood Risk and Coast Protection)** Following the submission of further information, has confirmed that, subject to a number of planning conditions relating to technical aspects of the proposal, the proposal would be a reduction in risk to life with the change of use from a hotel with overnight accommodation which is currently at risk of flooding, to a retail use that has been designed to mitigate the risk of flooding and to not increase the risk of flooding elsewhere.
- 4.5 **Infrastructure Services (Roads Development)** has commented from the outset that a Transport Assessment (TA) would be required, this is still the case and to date this information has not been submitted. Without this information (which is fundamental to the application) Roads Development are unable to establish if a development of this scale can be delivered here. This document would identify what provisions would need to be implemented as part of this site, and whether these can be delivered within the applicant's control. Safer Routes to School, public transport linkages, footway/cycling provision, junction access / egress arrangements with the public road (and improvements (where applicable) and parking provision are just a few matters that would require to be fully considered.
- 4.5.1 With regards to the visibility splays for the development, it is apparent that the proposed access does not meet the required visibility splay standard towards

the east along the public road. A Departure for Standards application was submitted by the applicant for consideration however this was refused. There has been some dialogue between the applicant and Roads Development with the applicant required to resolve the bridge parapet visibility interference with the Standards Group. To date this matter remains unresolved.

- 4.6 **Nature Scot** Has confirmed that the proposal is adjacent to the Crynoch Burn which forms part of the River Dee Special Area of Conservation (SAC), protected for its freshwater pearl mussels, Atlantic salmon and otter. The site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") apply. Consequently, Aberdeenshire Council is required to consider the effect of the proposal on the SAC before it can be consented (commonly known as Habitats Regulations Appraisal).
- 4.6.1 Nature Scot advice is that this proposal is likely to have a significant effect on Atlantic salmon and freshwater pearl mussels. Construction operations have the potential to generate silt, or other pollutants, which may be washed into the SAC. Both freshwater pearl mussels and salmon are susceptible to the effects of siltation; fine material can smother mussel beds and salmon redds, and freshwater pearl mussels and juvenile salmon/salmon eggs may be killed by sediment deposition. Other pollutants can similarly negatively impact on these species. Consequently, Aberdeenshire Council, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for these qualifying interests.
- 4.6.2 To help with this, it is advised that if the proposal is carried out strictly in accordance with a construction method statement which identifies the site specific measures necessary to minimise the risk of pollution of the Crynoch Burn during construction, Nature Scot's conclusion is that the proposal will not adversely affect the integrity of the site. The proposal is unlikely to have a significant effect on otter. Any appropriate assessment therefore does not need to consider this species.
- 4.7 **North Kincardine Rural Community Council** initially expressed conditional support for the principle of redevelopment of this site subject to the resolution of a number of matters which included;
- Public access to Corbie Hall and adjacent recreational field not being compromised at any time;
 - Sufficient information being provided to address flooding concerns;
 - Conditions are imposed to ensure the built and cultural heritage of the original Mill building and Inn is retained through preservation of aspects of the existing buildings and/or architectural reference as part of the development on the site.
 - That Roads Development can be satisfied that the proposal will not contribute to increased risk to road traffic on the South Deeside Road or that suitable traffic management measures can be implemented to achieve the same result.
- 4.7.1 It was clarified that the originally proposed dwellinghouse to be located on the north side of the B9077 was not supported as this was considered to be a

greenbelt site and did not contribute to the redevelopment of the existing Old Mill Inn site.

- 4.8 **Scottish Environment Protection Agency (SEPA)** has confirmed that following the submission of further information in the form of a Flood Risk Assessment and updated site plans and sections, clarification has now been provided in relation to the impacts of flooding and SEPA has no objection to the planning application, in principle, on flood risk grounds provided that, should the Planning Authority approve this application, a number of matters are addressed by planning conditions.
- 4.9 **Scottish Water** has commented that there is sufficient capacity for the provision of water and that private treatment on site will be required for waste water.

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 B3 Tourist facilities
Policy R1 Special rural areas
Policy P1 Layout, siting and design
Policy E1 Natural heritage
Policy HE1 Protecting historic buildings, sites and monuments
Policy C1 Using resources in buildings
Policy C4 Flooding
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 The main issues to consider in the determination of this application include the acceptability in principle of the proposed redevelopment of this site for a garden centre and 5 dwellinghouses in the greenbelt, the impacts of flooding, the potential impact on the character and amenity of the site and the listed Old Mill, the impacts upon trees and ecology and whether the proposed development can be adequately serviced.

Principle of development

- 6.2 ALDP Policy R1 Special rural areas is the primary policy consideration in relation to this proposal as the site is located within the designated greenbelt to the west of Aberdeen. The purpose of the greenbelt is to manage development in this 'pressured' area in order to preserve the character of the area. Policy R1 is clear in that housing and employment development opportunities will be significantly restricted in the greenbelt to reflect the special nature of these areas and that development will only be allowed if it is essential and cannot be located elsewhere.
- 6.3 The policy does however acknowledge that certain types of development can be supported if they are deemed to be essential and cannot be located elsewhere. Of relevance to this proposal, the sensitive restoration, conversion or extension of a vernacular building or other building of architectural merit is deemed to be acceptable. It is apparent that the proposed retention and refurbishment of the Old Mill building proposed as part of the proposals would meet this criteria.
- 6.4 Policy R1 also allows development which proposes;
- “the replacement of a single non vernacular building on the same footprint, and for the same use. The replacement building must be consistent in scale, and no more intrusive than the existing building. In addition, it is generally expected that the new building will demonstrate a significant improvement in design to that of the existing building”*
- 6.5 It is considered that the Old Mill Inn building was at its heart a vernacular building that had been adapted over time. The building had fallen into a state of disrepair, instigated by flood damage but this did not alter the historical significance of the building and its relationship with the adjacent category C(s) listed Old Mill. However, the building no longer exists as a result of an unfortunate fire which necessitated the demolition of the structure in its entirety. Therefore, it is reasonable to accept the principle of replacement of the structure in terms of the above stated policy intentions. Furthermore, the indicative details submitted demonstrate that a replacement building could be proposed on the same location within the site as the former hotel.
- 6.6 The policy does however limit the proposed use to that of the existing use of the building to be replaced. The proposal to erect a garden centre would therefore clearly be at odds with this facet of the policy. However, separate consideration requires to be given to the specific circumstances of the cessation of the previous use, which had clearly ceased as a result of several factors, prior to the required demolition of the building itself. The matter of viability is discussed separately below in relation to the submitted supporting information.
- 6.7 It is further noted that policy R1 generally requires the proposed replacement development to demonstrate a significant improvement in design to that of the existing building. Given that the proposal is for Planning Permission in Principle, no design details have been provided beyond an indicative layout. It is therefore not possible to attest to the quality of design at this stage. Therefore, it has not been demonstrated

that any proposal would represent an enhanced design to that of the former building located on the site.

- 6.8 It is apparent that the proposal also includes the erection of 5 dwellinghouses, indicatively shown to be located in the southwest corner of the site. Policy R1 clearly precludes the development of further new housing within the greenbelt for all but one purpose, that being for accommodation within the immediate vicinity of the place of employment required for a worker in a primary industry which is appropriate to the countryside and where the presence of a worker is essential to the operation of the enterprise and there is no suitable alternative residential accommodation available. It is therefore clear that no provision exists to support the erection of 5 dwellinghouses on this greenbelt site in terms of Policy R1 Special rural areas.
- 6.9 It is accepted that the site has a long-established tourism function that pre-dates the designation of the area as greenbelt. The site has fallen into a state of severe disrepair as a result of recent flooding events and the eventual failing of the business on site. It is clear that the mixed-use redevelopment proposed does not fit neatly with the stated development exceptions outlined in Policy R1 Special rural areas. It is however apparent that the site in its current condition clearly retains the appearance of a previously developed brownfield site, which is supported by the planning history, and would benefit from sensitive redevelopment both in terms of appearance of the site in isolation and its contribution to the local area.
- 6.10 Whilst the site cannot readily be removed from the greenbelt to facilitate a wider scope for redevelopment, the Planning Service would be willing to accept the principle of redevelopment for an appropriate new use as a departure from Policy R1. However certain elements of the proposal, primarily the proposal for 5 dwellinghouses is fundamentally at odds with the policy intentions and would not even find support from more sympathetic development in the countryside policies that apply to areas outwith the protected greenbelt. It is therefore considered that whilst there is scope to support the principle of replacement of the former Mill Inn with a garden centre, as proposed, as a departure from Policy R1, the addition of 5 further dwellinghouses could not be supported in principle in this location.
- 6.11 Given the site history and previous use on site, it is recognised that there is a presumption in favour of retaining tourist facilities in relation to Policy B3 Tourist facilities, which refers to protecting existing tourist sites from being converted to other uses unless there is evidence that the business has been marketed for at least 12 months, including in the local area, and is no longer viable. In this case, given the known issues surrounding the continued operation of the Mill Inn as a result of flooding and the subsequent demolition of the building, it is considered reasonable in this instance that the loss of the facility be accepted in principle as there is no longer an established business to market.

- 6.12 Furthermore, it is recognised within policy B3 that shops which will act as a new tourist destination or support an existing one, and which will make a contribution to the development of the area will generally be supported. Whilst no retail impact assessment has been submitted to support the proposal for a retail use in this instance, it is considered that the proposed use as a garden centre would have little impact on designated retail centres, the nearest of which would be Portlethen (approx. 9 miles), Stonehaven (approx. 10 miles) and Banchory (approx. 12 miles) and is more likely to compete in terms of similar garden centre facilities that are generally located outwith town centres such as Mains of Drum (approx. 4.2m), Raemoir Garden Centre (approx. 12m) and Kirkton Garden Centre (approx. 10 miles).

Flooding

- 6.13 It is clear from recent unfortunate flooding events that the site area is largely contained within a functional floodplain of the River Dee. SEPA have confirmed that the site is identified within the SEPA mapping 0.5% AEP (annual exceedance probability) floodplain, and the site is known to have flooded in 2015 and 2009. Based on this information, it is considered that the site may be at risk of flooding, and development at the site may increase flood risk elsewhere. A Flood Risk Assessment (FRA) was therefore requested as part of the assessment of the proposal.
- 6.14 Following the submission of a FRA by the applicant, both SEPA and Infrastructure Services (Flood Risk and Coast Protection) have confirmed that the development as proposed would be considered to be acceptable in principle in relation to Policy C4 Flooding. This is subject to confirmation of a number of aspects of the proposed development including further details related to compensatory on-site storage, a drainage statement, SUDS measures, flood resilient construction materials, confirmation of finished floor levels, safe pedestrian and emergency access for vehicles and confirmation that the lower floor of any building located within the flood plain (including the proposed garden centre) is constructed in a manner that allows it to flood and that development of ground floor areas may therefore be restricted.
- 6.15 In summary, Infrastructure Services (Flood Risk and Coast Protection) confirm that acceptance of the proposal in relation to flood risk is given on the basis that there will be a reduction in risk to life with the change of use from a hotel with overnight accommodation which is currently at risk of flooding, to a retail use that has been designed to mitigate the risk of flooding and to not increase the risk of flooding elsewhere. This will require to be demonstrated at a reserved matters stage in addition to the above outlined required information in the event that the proposal is supported in principle.

Layout, siting and design and Impact upon the Old Mill

- 6.16 Policy P1: Layout, siting and design aims to ensure that new development has respect for its setting and is appropriate in terms of scale and design. In

addition, new development should not adversely impact on the amenity of neighbouring properties.

- 6.17 In addition to this, it is apparent that the development history of the site is intrinsically linked to the remaining Category C(s) Listed Old Mill and therefore Policy HE1 Protecting historic buildings, sites and monuments is also applicable when assessing the impact any proposal will have on the overall appearance and setting of the site. Policy HE1 identifies that development that would have a negative effect on the character, integrity or setting of listed buildings will not be supported.
- 6.18 As outlined in section 2 of this report, the proposal is for Planning Permission in Principle and therefore limited information is available to allow for the assessment of the proposal in terms of layout, siting and design and the associated impact of the development proposal upon the setting of the Old Mill. Whilst a Design Statement and full Listed Building Setting Assessment was requested from the applicant, this information has not been forthcoming. The only information provided in this regard is the indicative layout and a brief statement provided in relation to each aspect contained within the Supporting Statement.
- 6.19 It is accepted that any development on the site is heavily influenced in terms of its location by the practicalities of identifying suitable areas outwith, or where appropriate areas of lower risk within, the floodplain. Whilst specific aspects relating to flooding have been discussed above, it is considered that much of the sites location within the functional floodplain of the River Dee does not result in an automatic acceptance of new development outwith areas that flood.
- 6.20 This is exemplified by the location of the 5 dwellinghouses proposed which are indicatively shown in an 'L' shaped configuration in terms of layout in the southwest corner of the site. Whilst it may be rational in terms of flooding and safety to locate residential or higher risk land uses in this location, which lies outwith the floodplain, the result is a relatively dense suburban layout that backs onto the public road. There is no scope to mitigate the visual impacts of these dwellings from public viewpoints if the location and scale of development is to be accepted as no land remains along the site periphery to allow for landscape planting.
- 6.21 Furthermore, it is clear that the site area located outwith the areas at risk of flooding is restricted and as a result of the proposed level of residential development, it is clear that locating 5 dwellinghouses within this area would result in a density of development that is at odds with surrounding residential development in the vicinity of the B9077 including the denser pockets of development found at Blairs to the east and Maryculter to the west.
- 6.22 The site is largely self-contained in its woodland setting, and therefore impacts in terms of amenity for nearby land uses would be very limited in

terms of overbearing, loss of light and loss of privacy. However, it is the overall level of development proposed that is likely to be at odds with the woodland setting of the site with the relatively large-scale footprint of the garden centre building proposed and development of a number of two storey dwellinghouses in close proximity to the public road likely to be jarring in terms of the visual impact of the site when compared to the previous level of development which was set back from the roadside and of a scale that was proportionate to the site and balanced by surrounding open space areas.

- 6.23 Whilst the design of any buildings could in theory provide some mitigation for the concerns held by the Planning Service in terms of the level of development proposed, concerns remain in relation to the overall level of development and how this can be adequately integrated into the rural setting of this greenbelt site. The limited information provided is therefore considered to be insufficient in terms of justifying the layout, siting and design of the development as proposed and the development is considered to represent overdevelopment of the site, especially when viewed in the context of previous and existing development on site, contrary to Policy P1 Layout, siting and design.
- 6.24 In addition, as a result of the overall location and scale of development proposed, the Planning Service has significant concerns in relation to the developments potential impacts upon the setting of the category C(s) Listed Old Mill. Even when viewed in the context of previous development on site, based on the level of information currently provided, it is not possible to fully assess the potential impacts of the development in terms of the setting of Mill Inn. The proposal therefore fails to demonstrate compliance with Policy HE1 Protecting historic buildings, sites and monuments and as a result of the scale of development proposed, is likely to have a negative effect on the character, integrity and setting of the Old Mill.

Ecology

- 6.25 In terms of ecology, it is apparent that the site is located within a largely agricultural/woodland setting, in close proximity to the River Dee. This therefore provides the potential for any development on site to impact a number of protected species.
- 6.26 The Crynoch Burn which flows along the eastern edge of the site forms part of the River Dee Special Area of Conservation (SAC) which is a site of European importance for Atlantic salmon, fresh water pearl mussel (FWPM) and otter. The River Dee nearby also forms part of the River Dee SAC and is, in addition, a Local Nature Conservation Site.
- 6.27 Aberdeenshire Council is required to carry out an appropriate assessment of the proposed works to demonstrate that there will be no impact on the qualifying interests of the River Dee SAC. The developer is required to provide sufficient information to allow the Council to undertake this process. The main impact on Atlantic salmon and FWPM is likely to be silt and

sediment entering the burn from the development site and a construction method statement will be required to clearly demonstrate that the works can be carried out in a way that will avoid any pollution or disturbance to the watercourse. It has been confirmed by Nature Scot that if the proposal is carried out strictly in accordance with a construction method statement which identifies the site-specific measures necessary to minimise the risk of pollution of the Crynoch Burn during construction, the proposal will not adversely affect the integrity of the site. It is considered that a suitable construction method statement would be required to be submitted as part of any reserved matters proposal to ensure continued compliance with Policy E1 Natural Heritage in relation to nature conservation sites.

- 6.28 A buffer strip in line with Aberdeenshire Council Planning advice will be required to be maintained along the Crynoch Burn. This will help to maintain a corridor of semi-natural vegetation along the burn and provide space for otters and other species to move undisturbed along the burn and to minimise impact on the watercourse during the development and in the future. Details of how this buffer will be protected during the development will be required as part of any reserved matters proposal.

Trees

- 6.29 Given the suitability of the buildings located on site for bat habitation, a bat survey was sought in relation to the development proposals. A subsequent survey was submitted by the applicant. The survey found a number of roosts in the hotel building which although proposed to be demolished, was still in situ at the time. Obviously more recent events have superseded this position with the subsequent demolition of the building essentially negating any identified potential for sensitive treatment of bats during the demolition phase. The applicant and appointed contractors were responsible for the protection of bats as an identified protected species during the demolition works that have taken place.
- 6.30 Whilst further information was subsequently submitted, the information provided was clearly not a tree survey to British Standard as required to inform a planning application and is not sufficient to determine the impact of the proposed development on trees both within and adjacent to the site.
- 6.31 Although the proposal is for planning permission in principle and not detailed planning permission, it is important that it is clarified that the proposed development can be undertaken without impacting on trees within the site as well as ensuring that there will be no impact on trees that are out with the control of the developer along the western boundary of the site where the proposed housing is indicatively located.
- 6.32 Of primary concern is the potential impact from the construction of houses in the indicative location of houses 4 and 5 on the root protection area (RPA) of the trees adjacent to the western boundary. Although the land on the development side of the boundary is currently tarmacked and is therefore not likely to be important to the trees in providing nutrients and water, there are likely to be roots that provide structural stability to these trees under the

surfacing. There is little room for manoeuvre in the positioning of these houses due to other constraints, so it is important that this information is provided at the planning permission in principle stage to both establish the suitability of the of the scale of development area proposed and to guide the overall layout of the proposals in order to protect the trees identified.

- 6.33 The information submitted to date lists some of the trees on site and their approximate size and condition. There is no indication of their approximate age/life cycle stage which will be important in assessing the need to allow for future growth of these trees without impacting on the development. There is no indication of the root protection area of any of the trees, and those out with the development site boundary but which are immediately adjacent have not been recorded in any detail or marked on a plan.
- 6.34 In the current circumstance, it is clear that little consideration has been given to the protection of trees in relation to the proposed indicative development layout. The information currently provided is not sufficient to assess the potential impact of the proposed development on trees both within and immediately adjacent to the site which may be affected by the proposals. The proposals are therefore considered contrary to Policy PR1 Protecting resources in relation to trees and woodland as it has not been demonstrated that development of the site in the proposed manner or for the level of development proposed would not result in the loss of, or serious damage to, trees on and adjacent to the site.

Access, parking and waste

- 6.35 From the outset of consideration to this planning application, Infrastructure Services (Roads Development) in consultation with Infrastructure Services (Transportation), has highlighted that the proposal is deficient in information that is required to make an assessment of the proposal, even at planning permission in principle stage. It is highlighted that a Transport Assessment (TA) is required on the basis that there is no sustainable travel options apparent for the site, and further to identify traffic generation, parking requirements and junction capacities, as a right turn stacking lane may be required west bound going into the site. In addition, it is apparent that the proposed housing will create a need for a safe route to school to the nearest school which would including pedestrian connections via footpaths to local public network. Infrastructure Services (Transportation) has serious practical and policy concerns over sustainable travel to and from the site.
- 6.36 To date, a TA has not been received. Without this information (which is fundamental to the application) Infrastructure Services (Roads Development) are unable to establish if a development of this scale can be delivered on this site.
- 6.37 The applicant has stated in the submitted Supporting Statement that;

“The pattern of use will be quite different from the existing hotel with a significant reduction in vehicle movements into and from the site”.

- 6.38 Whilst the Planning Service agrees that the proposed change of use would likely result in a change of vehicular movement patterns, the very purpose of a TA issues relating to a proposed development. It identifies what measures will be taken to deal with the anticipated transport impacts of the scheme in relation to all forms of travel. Without this information, it is clear that the proposed new use of the site cannot be adequately assessed in terms of appropriateness or potential impacts in terms of sustainability and safety upon the existing road network.
- 6.39 Given that the applicant clearly outlined that they did not consider the submission of a TA necessary at this stage of the planning process, the Planning Service sought to ensure that in the interests of road and public safety, the proposed visibility splays required to serve the development could be established. It is apparent that the proposed access does not meet the required visibility splay standard towards the east along the public road. Following dialogue between the applicants appointed engineer and Infrastructure Services (Roads Development), a Departure for Standards application was submitted by the applicant for consideration however this was refused. There has been some follow up dialogue between the applicant and Roads Development following this process with the matter requiring to be resolved relating to the bridge parapet visibility interference with the visibility splay in an eastward direction. To date this matter remains unresolved.
- 6.40 As a result of the lack of information provided by the applicant, it has not been possible to confirm that the development (and any proposed mitigation measures that may be required) will not have significant transport impacts on existing transport infrastructure and services. In addition to this, it has not been demonstrated that the site can be safely accessed to an agreed standard and therefore the proposal fails to meet the requirements of Policy RD1 Providing suitable services in terms of providing safe access to the proposed new development.

Technical matters

- 6.41 As clarified throughout this report, the lack of information submitted in relation to this planning permission in principle planning application does not make it possible to assess all detailed matters such as drainage, waste provision, water supply and carbon neutrality infrastructure requirements. However, the Planning Service is satisfied that these matters can be achieved in principle subject to the submission of further information to confirm the specific details of infrastructure required to serve any proposals. Unlike matters pertaining to the setting of the listed building, impact upon trees and provision of safe and sustainable access, it is generally accepted that given the consultation responses from relevant consultees such as Scottish Water and Infrastructure Services (Flood Risk and Coast Protection) outlined in section 4 of this report, adequate confirmation has been provided to confirm that suitable solutions can be found to adequately address these matters within the site without having a detrimental impact upon the amenity or character of the surrounding

area. Therefore, it is accepted that the proposed development can be achieved in accordance with Aberdeenshire Local development Plan Policy C1 Using resources in buildings and Policy RD1 Providing suitable services in terms of water and waste water and waste management.

Developer Obligations

- 6.42 In terms of required developers' obligations related to this development proposal, Business Services (Developer Obligations) has confirmed that Developer Obligations have been agreed for the proposal in the form of the provision of one house on-site for affordable housing in the form of a low-cost shared equity unit.

Material Considerations and Representations

- 6.43 It is considered that the material planning issues raised in letters of representations have been largely addressed throughout this report with the exception of the perceived benefits outlined through letters of representations submitted.
- 6.44 It is accepted that the site in its current form is an eyesore and does little to positively contribute to the character of the area. Hence the acceptance by the Planning Service, in basic terms, that redevelopment of this site has the potential to be beneficial to the area and is therefore encouraged.
- 6.45 In addition to this, it is accepted that the proposals outlined would provide employment opportunities whilst also creating an attraction and some amenities for local residents. However, as with many aspects of the proposal, the level of positive impacts has not been clearly defined through the submission of the planning application with no assessment of the economic impacts of the proposal being submitted beyond the assertion within the supporting planning statement that highlights that;

“marketing advice is that the site would best suit a garden centre, complementary to the retention, refurbishment and reuse of the Old Mill building for antiques and bric a brac.”

- 6.46 It is therefore difficult to fully assess the proportionate weight of the positive aspects of the proposal beyond the subjective assessment provided and the clear benefits associated with the potential visual benefits that could potentially be obtained from redeveloping the site. However, any redevelopment must be considered in relation to the context of the site and the sensitivities outlined in this report. Whilst it is accepted that the potential for extensive flooding of the site is a primary limiting factor for redevelopment, the historic Old Mill building and impact on trees and ecology should be at the forefront of consideration when identifying alternative development solutions for the site. As outlined in this report, it is not clear that this is the case in this instance.
- 6.47 The applicant has clearly stated in the supporting planning statement that the business was a successful and well used enterprise until a second flooding

event in 2015 resulted in a dispute with insurers leaving the business with no capital to re-invest or allow the business to continue to operate. The applicant has further highlighted through the course of assessment of the proposals that the intention is to gain planning consent for the site which would allow for the site to be marketed and sold for redevelopment by a developer, allowing the financial burden of the site upon the directors to be alleviated to some extent.

- 6.48 Whilst the Planning Service acknowledges and sympathises with the economic impacts encountered by the applicants as a result of events outwith their control, this is not in itself justification for granting planning consent in principle for the redevelopment of this site in the form proposed without adequately identifying the impacts of the proposed redevelopment in order to find a best fit solution for the site.

Conclusion

- 6.49 In conclusion, the Planning Service recognises the drivers behind the proposals presented. The applicants, having accepted that the site cannot move forward with the established site use, have clearly given consideration to possible alternative site uses that would be appropriate to the site in the context of the flooding history and likely impact of future flooding events. It is however apparent that this is only one of the key considerations in this instance given the sites prominent location adjacent to a busy commuter and tourist route within the Aberdeen Greenbelt.
- 6.50 Matters relating to the natural heritage sensitivity and historic value of the site have not been adequately assessed. This has resulted in a failure to justify the proposal in terms of its scale and layout in this regard as the proposal would likely have a negative impact upon trees and the setting of the category C(s) Listed Old Mill, which is the very reason development exists in this location.
- 6.51 Furthermore, the level of the development proposed clearly conflicts with the intentions of relevant ALDP Policy R1 Special rural areas which looks to minimise the impact of new development upon the character of the greenbelt. Whilst the Planning Service accepts that sensitive redevelopment of the site could indeed add value to the greenbelt whilst providing wider social and economic benefits, the addition of 5 dwellinghouses in the manner proposed would not be considered to be justified and would ultimately result in the overdevelopment of the site.
- 6.52 Whilst the Planning Service continues to support the principle of redevelopment of this site, this must be adequately demonstrated to be achievable without harming the character of the area or creating additional amenity impacts as a result of the proposals. The applicants have failed to satisfactorily identify the impacts of the proposal in terms of site access and impact upon the existing road network. Furthermore, it is apparent that a certain level of information is required to begin to assess the suitability of the scale of development proposed in relation to sustainable travel and site servicing. In the absence of this information, the Planning Service in conjunction with relevant consultees cannot be satisfied that the development proposed can be suitably integrated into the site in this regard.

6.53 Fundamentally, as a result of the scale of development proposed, which has not been adequately justified, the Planning Service considers that the proposals would result in overdevelopment of this greenbelt site which would also be to the detriment of the C(s) Listed Old Mill and wider character of the greenbelt. The principle of development cannot therefore be accepted in this instance.

7. Area Implications

7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community Plan.

8. Implications and Risk

8.1 An 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

Policy P1 Layout, siting and design

Policy E1 Natural heritage

Policy HE1 Protecting historic buildings, sites and monuments

Policy RD1 Providing suitable services

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 proposed development is in the opinion of the Head of Planning and Environment Service in significant conflict with Local Development Plan policies and if the Committee is minded to approve then the application will have to be referred to Infrastructure Services Committee.

10. Recommendation

10.1 REFUSE for the following reasons:-

Reasons for Decision

01. The Planning Authority considers that the application is for a development that is not in accordance with the Aberdeenshire Local Development Plan 2017. The erection of five dwellinghouses as proposed would not be considered to be for the purpose of accommodation within the immediate vicinity of the place of employment required for a worker in a primary industry which is appropriate to the countryside and where the presence of a worker is essential to the operation of the enterprise. The proposal therefore fails to meet the requirement for the erection of new dwellinghouses within the identified greenbelt and is considered to be contrary to the stated limitations of this form of development outlined within Policy R1 Special rural area of the Aberdeenshire Local Development Plan 2017.
02. The proposal fails to demonstrate that the level of development proposed is appropriate in terms of scale and design. The overall level of development proposed is at odds with the woodland setting which forms the local identity of the site with the relatively large-scale footprint of the garden centre building proposed and development of a number of two storey dwellinghouses in close proximity to the public road considered to be unacceptable in terms of visual appeal when compared to the previous level of development on site. The proposal does not therefore comply with the stated objectives of Policy P1 Layout, siting and design of the Aberdeenshire Local Development Plan 2017.
03. The proposal fails to identify measures to be taken to deal with the anticipated transport impacts of the scheme in relation to all forms of travel. In the absence of this information, the proposed new use of the site cannot be adequately assessed in terms of appropriateness for the site or potential impacts of the development in terms of sustainability and safety upon the existing road network contrary to Policy RD1 Providing suitable services of the Aberdeenshire Local Development Plan 2017.
04. The proposal fails to adequately demonstrate that the operation of the proposed main vehicular access would provide safe and adequate access for all highway users and would not be of detriment to the safe operation of the immediate and wider road network contrary to the provisions of Policy RD1

Providing suitable services in terms of providing safe access to the proposed new development of the Aberdeenshire Local Development Plan 2017.

05. The proposal fails to demonstrate that the proposed development would preserve or enhance the character and appearance of the setting of the category C(s) Listed Old Mill. The scale of the development proposed and likely location of buildings to be erected on site, as a result of on-site limitations related to flooding, would result in the overcrowding and loss of public views of the Old Mill. The proposal would therefore have a negative effect on the character and integrity of the listed building, contrary to Policy HE1 Protecting historic buildings, sites, and monuments of the Aberdeenshire Local Development Plan 2017.
06. It has not been demonstrated that development of the site in the proposed manner for the level of development proposed would not result in the loss of, or serious damage to, trees on and adjacent to the site. The proposals are therefore considered contrary to Policy PR1 Protecting resources in relation to trees and woodland of the Aberdeenshire Local Development Plan 2017.

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