

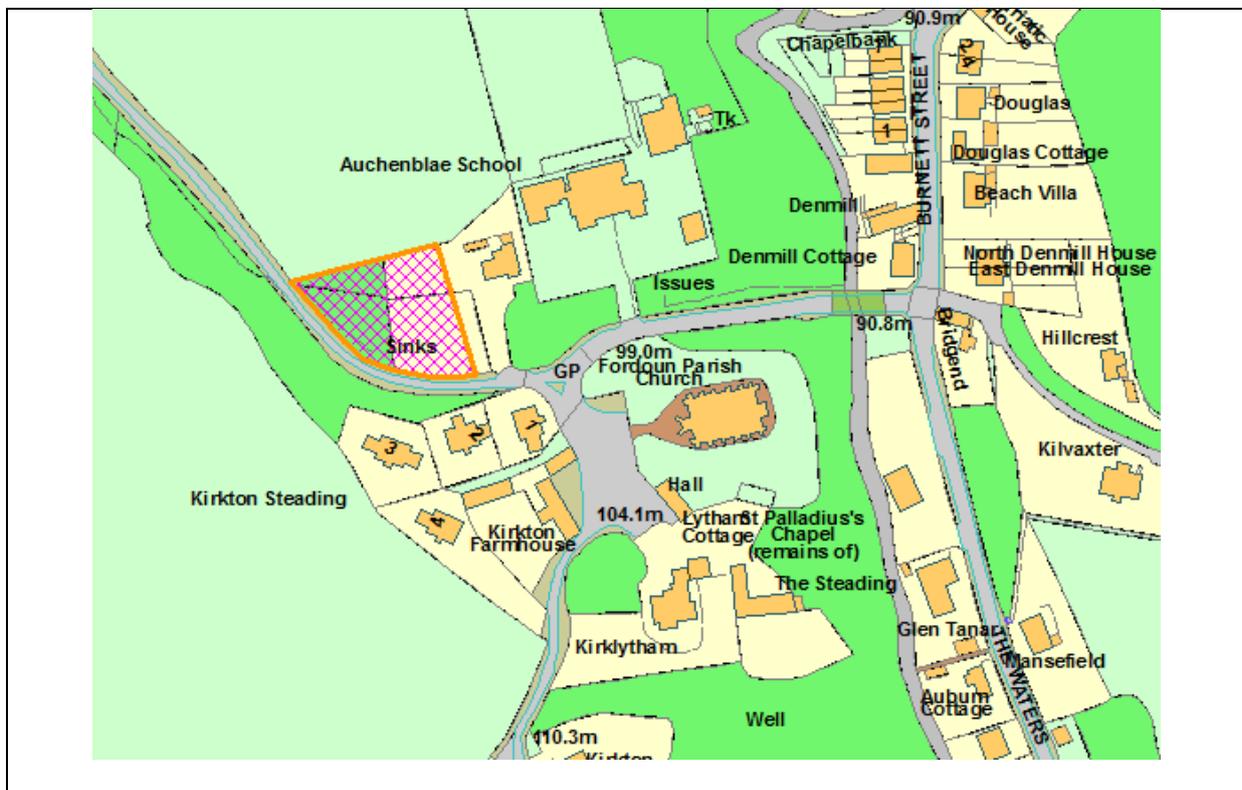
Kincardine & Mearns Area Committee Report 23 August 2022

Reference No: APP/2020/2471

Full Planning Permission for Erection of Dwellinghouse with Integral Garage at Land at The Schoolhouse, Auchenblae, AB30 1WQ

Applicant: **Mr Jim Titmuss, The Schoolhouse, Auchenblae, Laurencekirk, AB30 1WQ**
Agent: **AC Architects, Lewis House, 213 East Way, Hillend Industrial Estate, Hillend, Dunfermline, KY11 9JF**

Grid Ref: E:372482 N:778486
Ward No. and Name: W19 - Mearns
Application Type: Full Planning Permission
Representations: 0
Consultations: 6
Relevant Proposals Map: Aberdeenshire Local Development Plan 2017
Designations: Within Settlement, Auchenblae Conservation Area
Complies with:
Development Plans: No
Main Recommendation: Refuse



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.3.1i of Part 2C Planning Delegations of the Scheme of Governance as the application is recommended for refusal but at least two Local Ward Members in the Ward in which the development is proposed, have requested that the application be referred to the Area Committee.

- Councillor George Carr – “Suggest further discussion at Area Committee as regards Policies PR1 and HE2”
- Councillor Jeff Hutchison – “Discuss further against Policy HE1, HE2 and PR1”

1.2 This application was deferred at the meeting of the Kincardine and Mearns Area Committee on 26 April 2022 as the Committee agreed there was not enough information to determine the application. The application was once again deferred at the meeting of the Kincardine and Mearns Area Committee on 14 June 2022 as the Committee agreed to carry out a site visit.

1.3 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

2. Background and Proposal

2.1 Full planning permission is sought for the erection of a dwelling house with integral garage within the Auchenblae Conservation Area. The site is also located within the garden grounds of the category ‘C’ listed Schoolhouse.

2.2 The traditional stone built Schoolhouse is under the ownership of the applicant, with the wider site also accommodating a triple garage/workshop located to the south of the Schoolhouse and a summer house located to the west of the Schoolhouse. The proposed site pertains to the area of sloped garden ground that is located to the west of the Schoolhouse. The site is surrounded by agricultural farmland to the north, Auchenblae School and House to the east and the public road to the south and west.

2.3 The proposed site extends to approximately 1960 square metres and is bound to the north, east and south by a combination of existing dry stone wall and fencing. The proposed new boundary between the site and the Schoolhouse is to be located to the rear of the existing garage extending north to the northern boundary of the site with farmland beyond. The site slopes quite significantly from north to south with varying levels formed within the site including a central embankment formed by a retaining wall. A small burn is located to the south of the site and is culverted at both ends of the site. It is apparent that a number of trees of varying size and age and species are located within the site. A number of mature trees are located along the

boundary which provides screening and a woodland character setting to the site.

- 2.4 It is proposed to create a new access leading onto the public road in the southwest corner of the site to serve the development. The access will lead onto a proposed gravelled parking and turning area to the front of the proposed dwelling house. The proposed dwelling house, which provides accommodation over multiple levels, is to be located on an east/west orientation within the centre of the proposed site. The overall design aesthetic of the proposed dwelling house is clearly modern in appearance utilising a number of linked box elements which broadly follow the contours of the site and a variation of finishing materials to further attempt to break up the massing of the building. A variation of windows and feature glazed openings are proposed primarily to the south and east elevations. That proposed finishing materials include a mix of timber cladding, natural stone, metal cladding and render. The proposed windows are to be aluminium clad with single ply roof finishing and solar photovoltaic panels also installed on a section of the roof.
- 2.5 In terms of accommodation provision, the dwelling house has been designed to meet the applicant's specific needs for their family. At ground floor and lower floor level the accommodation is largely taken up by a large garage area and also includes a plant room, boot room, laundry and utility space, cloakroom and entrance hall. The upper floors include four bedrooms each with access to a bathroom/en-suite, a further bathroom, study, w/c, living room, kitchen dining area and snug with outdoor balcony area. A lift is also proposed to be installed.
- 2.6 The proposal is to be connected to the public water supply and foul drainage network with on-site surface water provision.
- 2.7 It is apparent from the submitted information that a number of trees will require to be removed from the site to facilitate the proposed development. The initial tree survey submitted highlighted that there were 27 trees on site at that time. The proposals outlined would result in the loss of six trees with a further four recommended for removal due to basal rot and die back. Ultimately this would mean that 12 trees out of the original 27 present on site at the time of submission of the planning application would be lost. During the course of the planning application, ongoing works related to the condition of the trees have resulted in two mature trees located in the centre of the site already being removed. This, in conjunction with the revised arboricultural assessment confirming that one tree originally proposed to be removed is now to be retained, has reduced the originally proposed removal of 9 trees as a direct result of the proposals to 6 trees which currently remain. It is also apparent that on the 9th of September 2021, a Tree Preservation Order was confirmed in relation to an area of mixed woodland located in the western extent off the site and a single Lawson Cypress located between the mixed woodland and the Schoolhouse

Relevant Planning History

- 2.8 Pre-application planning discussions, in relation to the principle of the development of the site for a dwelling house, with the Planning Service outlined that the site may be suitable for the development of a dwelling house in principle, however a number of identified site constraints including the setting of the adjacent listed building, the impact upon the conservation area, the impact upon the woodland nature of the site and logistics of siting a dwelling house within the site topography were outlined as potential challenges to providing a suitable solution for development of the site.

Supporting Information

- 2.9 Arboricultural Impact Assessment/Method Statement, Urban-Arb Arboricultural Consultants 05/12/2020 - Provides an arboricultural assessment of the site including identifying required arboricultural works and tree protection measures.
- 2.10 Arboricultural Impact Assessment/Method Statement Rev B, Urban-Arb Arboricultural Consultants 08/03/2022 - updated arboricultural assessment of the site taking account of tree felling works that have taken place since the original submission of this document.
- 2.11 Design and Access Statement, Alan Corfield Architects, November 2020 - the design statement provides a general site description and history of the site whilst also appraising the site for the proposed development purpose, outlining design principles, key issues, design concepts and ultimate design solution.
- 2.12 Design and Access Statement Part 2 (Addendum), Alan Corfield Architects, November 2020 - Submitted in response to comments made by the Planning Service in relation to the proposed development. This document looks to address concerns raised in relation to scale and massing, loss of trees and the overall design of the proposed development. Provides a further assessment of the specific site context and the proposed design response to the identified context in response to comments received from the Planning Service. Also identifies minor design changes to the roof pitch and height of the bedroom wing, material changes and simplification of sections of the roof design.
- 2.13 Setting Assessment, AOC Archaeology Group, March 2021 - Document assesses the potential setting impact of the proposed development on both the localised area and wider conservation area including the impact on the listed Schoolhouse. In summary it is submitted that the proposed development is unlikely to have a negative impact on the setting of the wider conservation area and listed buildings located within it. It is highlighted that the development site has limited visibility from the central core area of the conservation area and will only be seen at a distance with little intervisibility throughout. It is also suggested that the proposed development is unlikely to have a negative impact on the way in which the Schoolhouse and surrounding conservation area can be appreciated.

Variations & Amendments

- 2.14 In response to comments received from the Planning Service and following the updated design and access statement submitted, minor amendments were made to the design of the building and material finishes, and it was confirmed that the Lawson Cyprus tree indicated for removal was to be retained.

3. Representations

- 3.1 No valid letters of representation have been received.

4. Consultations

- 4.1 **Business Services (Developer Obligations)** has confirmed the Developer Obligations Assessment report has been sent to the applicant. The applicant has agreed in principle the required contributions towards secondary education.
- 4.2 **Environment and Infrastructure Services (Environment Team)** objects to this planning application.

Trees and Woodland

In respect of trees on the site, the Environment Team has commented that on submission of the application, the submitted Tree Survey and Arboricultural Impact Report identified 27 trees on the site, the majority of which were broadleaves and most considered mature or semi-mature trees. The proposals would result in the loss of 9 trees and the tree report suggests that a further 4 would be recommended for removal due to basal rot or dieback. In addition, a further tree requires monitoring as it has some health issues. This would mean that there is the potential for 13+ trees to be removed which is approximately half the trees on the site.

Supplementary information has been provided in the form of a Design and Access Statement which includes paragraph 2.2 Loss of Trees. There has been no change to the layout and size of the proposed development since previous comments were made on this application. The proposed development site is a south-west facing area of land which slopes down to the road and a small ditch. The site is currently treed with mainly broadleaved trees, most of which are mature and semi-mature trees. As previously commented, the proposed development will result in the loss of a significant number of trees from the site with others that would require monitoring and possibly subsequent removal due to tree health issues. These include trees within the centre of the site but also several to make way for a large entrance to the site. This would alter the character and appearance of the site, in particular from the nearby road. Due to the changes in levels, there would need to be extensive work in the area around two of the retained trees using cellweb to prevent the mounding of earth required. Further information has been supplied on the methods to be used to achieve this. A tree planting

scheme has been submitted for the planting of 13 replacement standard and feathered trees. Details of replacement planting should any of these newly planted trees fail need to be added to this scheme.

Built Heritage

Comments based on the initial submission highlighted that there was very little in the Design Statement which demonstrated how much thought was given to the neighbouring School House through the design process and the relationship between the two is not really explored or illustrated.

It is highlighted that this area was originally a small Kirkton and it has a very informal organic nature to it. The buildings mainly have a civic function so the church, manse, school house and former inn with only a small grouping of newer buildings (albeit in a traditional style). The overall character is of individual buildings in large established plots with a very leafy rural street scene. The site is also on a key gateway into the conservation area so will have a dramatic impact on those entering the village. The School House itself would have been an important building, with some status, and the traditional nature of the building, its extensive grounds and again the leafy setting all add to its charm.

It was further highlighted that the proposed building footprint when looking in comparison to other buildings in this part of the conservation area (formerly known as Fordoun) is significant in scale. Making it one of the largest, if not 'the' largest residential building in this part of the settlement.

It was suggested to the applicant that they undertake a full setting assessment of the School House including the grounds to better understand the special qualities of the site. Following submission of this information, updated comments were sought from the Environment Team.

It is felt that the setting assessment provided by AOC is detailed to a point, in that it discusses the relationship between the School House, School, Parish Church and earlier Church, former parish school, manse and coaching inn. The focus is the relationship between these building and it is acknowledged that due to the positioning of the new house it will not break the physical relationship between these historic structures.

The setting assessment of the wider conservation area is focused on the visibility of the development from the wider conservation area which will be limited and was not a concern for AOC or the planning authority in any earlier consultations. It also suggests the building will be screened by the existing garage/outhouse, although in reality this will be limited.

This Environment Team disagrees with the AOC assessment that there will not be an impact on the setting of the School House. It will still read as a School House, will not be physically altered and its relationship with the surrounding listed buildings will remain. But, due to the sheer scale of the new development, the new house will become the prominent feature, the most

visually significant building and that will devalue the status of the School House, at the very least visually.

In line with previous comments, the principal of development in this location and the contemporary nature of the building are not the issue here. It is that the building design does not respond successfully to its immediate setting and will jar with the surrounding buildings, over dominate and will neither preserve nor enhance the very intimate, low key, informal and rural character of this very distinct part of the conservation area.

- 4.3 **Environment and Infrastructure Services (Flood Risk and Coast Protection)** has no objection to this proposal subject to relevant planning conditions and has confirmed that the submitted information meets the requirements regarding buffer strips and required length of culvert.
- 4.4 **Environment and Infrastructure Services (Roads Development)** has no objection to this proposal subject to a number of planning conditions including the formation of a suitable lay-by at the site access and formation of visibility splays.
- 4.5 **National Grid** has confirmed no objection to these proposed activities.
- 4.6 **Scottish Water** has no objection to this planning application, however, the applicant should be aware that this does not confirm that proposed development can currently be serviced. It is however clarified that there is currently capacity in the Whitehillocks Water Treatment works and sufficient capacity for a foul only connection in the Laurencekirk Waste Water Treatment works.

5. Relevant Planning Policies

5.1 Scottish Planning Policy

The aim of the Scottish Planning Policies is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning system guides the future development and use of land in cities, towns and rural areas in the long term public interest. The goal is a prosperous and socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

5.2 Aberdeen City and Shire Strategic Development Plan 2020

The Strategic Development Plan 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 P3: Infill and householder developments within settlements (including home and work proposals)

Policy HE1: Protecting historic buildings, sites, and monuments

Policy HE2: Protecting historic and cultural areas

Policy PR1: Protecting important resources

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 2022 should be. 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 Reporter's report of Examination of the Proposed LDP 2020 has now been published (24 June 2022). Notwithstanding, there is currently no authority to use the Proposed Local Development plan as a substitute for the Local Development Plan 2017. The weight that can be given to the phrase "settled view of the Council" can only be interpreted in the context of the publication of the Proposed Local Development Plan 2020 (March 2020). Even with the certainty associated with the Reporters' report it still remains only a material consideration in determining planning applications. However, consideration will be given on a case by case basis where the weight of the Reporter's

report should be given overwhelming significant weight when it is most advantageous to the applicant's proposals. SPP Paragraph 34 is of associated relevance.

The Scheme of Governance reserves determination of planning policy to Full Council for resolution. As such until the Proposed Local Development Plan 2020 has been formally adopted by Full Council (as LDP 2022) can this be considered as the Council's "settled view".

It should be borne in mind that the LDP has been written to be implemented as a whole and not the selective use of agreeable parts.

On the 18 April with reference to the legislation the LDP 2017 becomes technically "out of date". Notwithstanding the Aberdeenshire LDP 2017 remains the primary document against which planning applications should be determined until such time as a new LDP for the area is adopted. Currently Scottish Planning Policy (SPP) deals with this circumstance at Paragraphs 32 to 34. The policies of the LDP 2017 are reflective of the policy position within SPP. Both SPP and the National Planning Framework 3 are confirmed as significant influences on the content of the plan, as confirmed within Section 2 – 'Influences of the Plan'. In summary, when a development plan is more than five years old the presumption in favour of sustainable development is a significant material consideration, this must be balanced against any adverse impacts of the proposed development which would significantly and demonstrably outweigh the benefits. All of these matters however are already embedded within the policies of the Local Development Plan 2017 and deemed robust in their consideration.

5.5 Other Material Considerations

None

6. **Discussion**

- 6.1 Paragraph 33 of Scottish Planning Policy (SPP) states that where a development plan is more than five years old, the presumption in favour of development that contributes to sustainable development will be a significant material consideration. This must be balanced against any adverse impacts of the proposed development which would significantly and demonstrably outweigh the benefits. The main issues in the determination of this application are whether the proposal is appropriate on this site in principle, and whether the proposal respects the setting of the adjacent listed building and reflects the character and appearance of the Conservation Area. In addition, consideration also has to be given to any impacts on amenity and technical considerations associated with the development.

Principle of Development

- 6.2 This proposal is assessed against Policy P3 Infill and householder developments within settlements (including home and work proposals), which aims to support development on vacant sites within a settlement boundary

that have no specific land use allocation as long as the development respects the scale, density and character of its surroundings and will not erode character and amenity of the surrounding area. In terms of Built Heritage, Policy HE2 Protecting historic and cultural areas is relevant which advocates, that all applications should be built with the highest quality design and materials and must not have an adverse impact on the architectural or historic character or integrity of any listed buildings and should conserve and enhance the character and appearance of the designated area.

- 6.3 The site is located within the Auchenblae Conservation Area as identified in the Aberdeenshire Local Development Plan 2017 (LDP), however there is no specific land use allocation for the area beyond the current use on site which is garden ground associated with the existing dwellinghouse known as 'The Schoolhouse'. The proposed erection of a single dwellinghouse would therefore be considered to be an acceptable infill development proposal in principle on this site subject to the overall design being appropriate to meet the requirements outlined in relation to LDP Policy P3 Infill and householder developments within settlements (including home and work proposals), and subject to meeting all other relevant policies contained within the Local Development Plan.

Layout, Siting and Design

- 6.4 The applicant was advised at pre-application stage that whilst the proposed site may be considered suitable in principle for the development of a single dwellinghouse, the key issues to be addressed in any planning application would be related to the sensitive nature of the site which is located within a conservation area and adjacent to a listed building, in addition to the physical characteristics of the site which include the sloping nature of the site, woodland character and existing water course. Therefore, whilst the site is of a sizable nature and can on paper accommodate a dwellinghouse of the scale proposed along with associated garden ground and infrastructure required, the reality on the ground is somewhat different as a result of the identified site constraints.
- 6.5 It is acknowledged that the proposed dwellinghouse would have little adverse impact on the amenity of the surrounding area in terms of overlooking, overshadowing or compatibility of use, with any overlooking directed towards the proposed reduced garden ground that would remain to be associated with The Schoolhouse and to a lesser extent towards The Schoolhouse itself. However, the separation distance is adequate and given that the property is under the control of the applicant, the impacts are deemed to be acceptable. However, the key issues in terms of layout siting and design are associated with the sensitive nature of the site and the impacts of the proposal on the existing site character and surrounding environment. These matters are discussed in more detail below.

Built Heritage

- 6.6 As discussed above, the location of the site within the Auchenblae Conservation Area and within the grounds of a category 'C' listed building

dictate that any proposed development on site requires to take cognisance of the important historic value of the site. Following initial concerns outlined by the Planning Service that insufficient information had been submitted to fully outline the proposed design approach taken, the Applicant has provided information in the form of an updated Design and Access Statement and Setting Assessment which have been considered in combination with the submitted plans and renderings of the proposed development.

- 6.7 Having assessed all the submitted information the Planning Service continues to have concerns in relation to the overall scale, massing and design of the proposed dwelling house and the impact on the setting of both the listed school house and the wider conservation area.
- 6.8 The submitted views from the new access road towards The Schoolhouse show the sheer scale of the building in comparison with the more traditional proportions of The Schoolhouse. In addition, the submitted site section shows that the topography of the site has not been used to best effect, with only a minor reduction in height due to the step but then increased again by introducing the pitched elements and higher massing towards the east, closest to the Schoolhouse. Overall, the images/renders demonstrate that the building will have significant scale and presence in this location and will jar with the surrounding architecture and character.
- 6.9 Whilst the design of the dwelling has architectural merit in its own right and utilises a palette of high-quality materials, the overall design is considered to be bold and urban, leaning towards being a more commercial development in appearance as opposed to domestic or residential in scale and design. Whilst it is accepted that a contemporary design solution could work on this site, the relationship with the existing school house requires to be more sympathetic in combining the old and the new architecture. Essentially, it is felt that the design proposed would provide a high quality dwellinghouse, however it is not well suited to this site.
- 6.10 The Planning Service agrees with the comments submitted by Infrastructure Services (Environment), in relation to built heritage, which disagree with the submitted AOC assessment which concludes that there will not be an impact on the setting of The Schoolhouse. It is apparent that the listed building will still read as a school house and will not be physically altered as a result of the works proposed and its relationship with the surrounding listed buildings will remain. But, due to the sheer scale of the new development, the new house will become the prominent feature, the most visually significant building and that will devalue the status of The Schoolhouse visually.
- 6.11 In terms of the impacts of the proposal on the conservation area, as per the requirements of Policy HE2 Protecting historic and cultural areas, the development must either preserve or enhance the character or appearance of the conservation area and must be of a design, scale, layout, siting and materials that is of the highest quality and respects the individual characteristics for which the conservation area was designated.

- 6.12 Much of the supporting information relates to the new building being screened from view. It is however considered that the design should be of a quality where visibility is not the key issue and as already identified (due to the scale and angular design) the presence of this building will be felt regardless of screening. It is accepted that views will be limited towards the site from the wider conservation area, however the site is located on an important access route to the conservation area and will be the first impression of the conservation area when entering Auchenblae from this western approach. The proposed building would significantly alter the low-key rural character of this part of the Auchenblae Conservation Area.
- 6.13 Therefore, it is considered that as a result of the scale, design and massing of the proposed dwellinghouse, the development outlined would have a significant detrimental impact upon the setting of the C listed Schoolhouse contrary to Policy HE1: Protecting historic buildings, sites, and monuments. Furthermore, the proposed design and layout of the development would not be considered to preserve or enhance the conservation area, contrary to Policy HE2 Protecting historic and cultural areas.

Trees and Woodland

- 6.14 A further key consideration in relation to the overall setting of the site, both in terms of the setting of the listed building and character of the conservation area is the impact the proposed development would have upon the woodland character of the site. The recent Tree Preservation Order confirms the important nature of the trees on site to the woodland character of the area. As discussed above, the proposed development could result in the loss of approximately half of the trees that were present on site at the time of the submission of the planning application. Whilst ongoing works have resulted in two of the trees already being removed from the site, several more would be lost to form the site access.
- 6.15 It is considered that this would alter the character and appearance of the site, in particular from the nearby road. The woodland nature of the site would be diminished with remaining mature trees being focussed on the periphery of the site, with a further sizable gap formed by the new access proposed.
- 6.16 In addition, due to the changes in levels there would need to be extensive mitigation works in the area around two of the retained trees. The success of this will determine whether the long-term future of these trees can be ensured. A further concern would be the ongoing pressure upon the remaining trees as a result of the new use proposed on site and close proximity of a residential property. Ultimately there is the potential for the loss of further trees as a result of the proposed development which would not be as likely if the site was to be maintained in its current form as an area of garden ground associated with a dwellinghouse some distance away from the woodland grouping.
- 6.17 Whilst replacement planting has been proposed, which is welcomed, the species and location of trees proposed would not be considered to contribute to the woodland setting in the same manner as the trees to be lost to facilitate

the development. Ultimately the character of the site would be altered and the overall setting of The Schoolhouse would be further detrimentally impacted as a result of the proposed tree loss. Likewise, the woodland character of this area of the conservation area would be significantly altered. Whilst further adding to overall concerns in relation to policies HE1: Protecting historic buildings, sites, and monuments and HE2 Protecting historic and cultural areas, the loss of trees proposed would also be contrary to Policy PR1 Protecting important resources as it has not been demonstrated that the public, economic and social benefits of the loss of trees would clearly outweigh the value of the site to the local community in the form of the woodland character of this part of the conservation area.

Technical matters

- 6.18 In terms of accessing and servicing Infrastructure Services (Roads Development) has no objections to the proposal subject to a number of planning conditions relating to the formation of a suitable lay-by at the site access, formation of visibility splays, parking space provision and the formation of a vehicle turning area being attached to any permission granted.
- 6.19 The development intends to connect to the public water supply. Scottish Water has confirmed that there is no objection to the proposals however the applicant requires the separate consent of Scottish Water to connect to their infrastructure in any case.
- 6.20 In terms of drainage, foul water would be disposed of via the existing mains sewer and surface water would be directed to an on-site soakaway. The applicant has provided information which confirms that the use of this infrastructure is acceptable.
- 6.21 Overall, the site can be adequately accessed and serviced in accordance with Policy RD1 of the ALDP 2017.
- 6.22 Infrastructure Services (Flooding and Coast Protection) has also confirmed that the proposed works will not impact upon the required buffer strips adjacent to the existing burn and that the proposed culvert to be installed and maintained at the site access can be adequately provided. Therefore, there is no objection to the proposal on the grounds of flood risk. The proposal is therefore considered to be acceptable in terms of Policy C4 Flooding.
- 6.23 Business Services (Developer Obligations) has confirmed that developer obligations have been sought in relation to the proposal. The applicant has confirmed agreement of the contributions sought towards secondary education which will require to be addressed through payment or a suitable legal agreement if the application were to be granted. The proposal is considered to be in compliance with Policy RD2: Developer's obligations.
- 6.24 In terms of carbon neutrality, Policy C1: Using resources in buildings seeks to ensure that new development is designed to reduce carbon-dioxide emissions. Although no information has been submitted to demonstrate that the proposal accords with the policy, the applicant has highlighted the

intention to provide a sustainable dwellinghouse and the matter could be controlled through appropriate conditions

Conclusion

- 6.25 The policies contained in the Local Development Plan 2017 remain compliant with the principles of sustainable development as guided by the SPP and therefore provide an appropriate basis for the determination of this application.
- 6.26 To summarise the proposal, the application under consideration is a proposal to develop a dwellinghouse to meet the specific future needs of the applicant's family which have been outlined through the submission of relevant supporting information and considered holistically as part of the assessment of the planning application. This in itself does not carry enough material weight to override the concerns outlined.
- 6.27 Whilst the overall design of the dwellinghouse in isolation is considered to be a high quality bespoke modern dwellinghouse, the Planning Service is not satisfied that the design solution which has been arrived at takes adequate cognisance of the identified site sensitivities. The proposed dwellinghouse would alter the nature of the site to the detriment of the existing C listed Schoolhouse and the rural woodland character of this part of the Auchenblae Conservation Area. The design is considered to be jarring in this location and would ultimately dominate views of The Schoolhouse, becoming a dominant feature in the location.
- 6.28 Furthermore, as a result of the proposed layout and access, the proposal will have a significant impact upon existing trees which contribute towards the woodland environment of the site.
- 6.29 Therefore, although the application can meet the technical requirements based on the submitted information and through the application of relevant planning conditions, the overall design, massing and scale of the development is not considered to be appropriate in terms of policies HE1: Protecting historic buildings, sites, and monuments. HE2 Protecting historic and cultural areas and PR1 Protecting important resources of the Aberdeenshire Local Development Plan 2017.
- 6.30 The presumption in favour of sustainable development is a significant material consideration, this must be balanced against any adverse impacts of the proposed development which would significantly and demonstrably outweigh the benefits. The proposed development was assessed against the Scottish Planning Policy principles of sustainable development. As per the assessment of the proposal outlined in the report, it is apparent that the development proposed in this instance could contribute towards sustainable development in principle in terms of land use within an identified settlement. However, whilst being sustainable in principle, the proposed design and layout of the proposals has a significant and demonstrable impact upon the setting of the highlighted listed building, character of the conservation area

and woodland character of the site which are considered to outweigh the benefits of the proposal.

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 has been carried out as part of the development of the proposals set out above. It is included as Appendix 1 and the following impacts have been identified which can be mitigated as described:-

Whilst no specific negative impacts have been identified, refusal of the planning application would result in a continuation of the status quo which could have a longer term impact if an alternative mechanism of meeting the ongoing care and accommodation needs identified is not found. However, it is considered that alternative options are available such as alternative accommodation within existing housing stock or the erection of a bespoke dwelling on a site which would meet all the requirements of the Aberdeenshire Local Development Plan 2017.

- 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 HE1: Protecting historic buildings, sites, and monuments
Policy HE2: Protecting historic and cultural areas
Policy PR1: Protecting important resources

- 9.3 The application is a Departure from the valid Local Development Plan and Strategic Development Plan and has been advertised as such. Any

representations received have been circulated as part of the agenda and taken into account in recommending a decision. The period for receiving representations has expired.

- 9.4 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.
- 9.5 The application would not have to be referred to Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

10. **Recommendation**

10.1 **REFUSE Full Planning Permission for the following reasons:-**

01. The presumption in favour of sustainable development is a significant material consideration, this must be balanced against any adverse impacts of the proposed development which would significantly and demonstrably outweigh the benefits. The proposed development was assessed against the Scottish Planning Policy principles of sustainable development. However, adverse impacts significantly and demonstrably outweigh the benefits of the proposal.

The proposal would have a negative effect on the character and setting of the category C Listed Fordoun Schoolhouse. The scale, massing, layout and design of the dwellinghouse proposed, would become a dominant feature within the wider setting resulting in the overcrowding and loss of prominence from public views of the Schoolhouse. 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.

02. The proposal fails to demonstrate that the proposed development would preserve or enhance the character of the Auchenblae Conservation Area. The scale, massing, layout and design of the dwellinghouse proposed in conjunction with the loss of trees proposed to facilitate the development would detrimentally alter the low-key rural character of this area of the conservation area. The proposal would not therefore respect the individual characteristics for which the conservation area was designated, contrary to Policy HE2 Protecting historic and cultural areas of the Aberdeenshire Local Development Plan 2017.
03. It has not been demonstrated that the public, economic and social benefits of the loss of trees proposed to facilitate the development would clearly outweigh the value of the site to the local community in the form of the woodland character of this part of the Auchenblae Conservation Area. 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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