

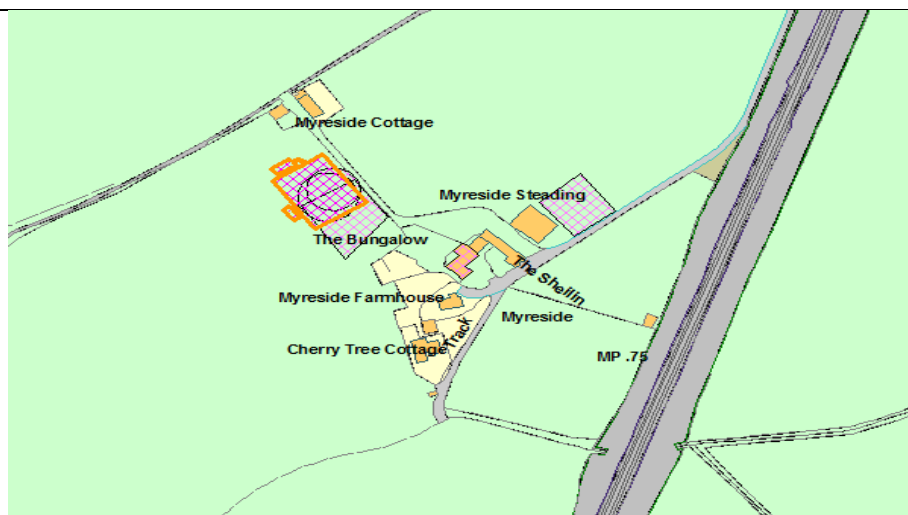
## Kincardine & Mearns Area Committee Report 4 September 2018

Reference No: APP/2018/1165

**Full Planning Permission For Erection of Dwellinghouse and Double Garage at Land To The South of Myreside Cottage, Marykirk, Laurencekirk, Aberdeenshire,**

**Applicant:** Mr & Mrs Steven And Katrina Suer, Myreside Farm, Marykirk, Laurencekirk, AB30 1XN  
**Agent:** John D. Crawford Ltd, 72 New Wynd, Montrose, DD10 8RF

Grid Ref: E:368327 N:766827  
Ward No. and Name: W19 - Mearns  
Application Type: Full Planning Permission  
Representations: 0  
Consultations: 8  
Relevant Proposals: Aberdeenshire Local Development Plan  
Map  
Designations: Rural Housing Market Area  
Complies with: Yes  
Development Plans:  
Main Recommendation: Grant with Conditions



### **NOT TO SCALE**

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## **1. Reason for Report**

- 1.1 The Committee is able to consider and take a decision on this item in terms of Section B.9.1 of Part 2A List of Committee Powers and Section C.3.1g of Part 2C Planning Delegations of the Scheme of Governance as there is an unresolved objection from a consultee.
- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

## **2. Background and Proposal**

- 2.1 The application site is located approximately 800m north of Marykirk settlement and was granted planning permission in principle in 2017 (APP/2017/0892) for the erection of a dwelling house and garage. The application was approved as it was considered to be a suitable addition to an existing cohesive group of at least five houses.
- 2.2 The site is a flat piece of ground covering 0.1ha situated within a group of five residential properties and an agricultural shed. The group is accessed from the public road (A937) via a straight section of private track measuring approximately 110m which runs parallel to the railway line. The track splits in a north-westerly direction heading towards Myreside Cottage, approximately 132m north of the main cluster of four dwelling houses.
- 2.3 With the exception of Cherry Tree Cottage (a modern bungalow) existing dwelling houses are of fairly traditional design and notably includes a steading converted into two dwelling houses (the Sheilin and The Bungalow) a two storey farmhouse and a single storey dwelling house (Myreside Cottage). The majority of houses display traditional materials notably stone, slate and render. The plot sizes of existing dwelling houses vary from around 1000sqm to 2482sqm. The footprint of existing dwelling houses varies from 146sqm to 220sqm approximately.
- 2.4 Full planning permission is sought to erect a one and three quarter, 4 bedroom dwelling house with a footprint of approximately 210sqm and a site area of 1044sqm (0.1ha). The proposed design is a contemporary interpretation of the local vernacular displaying clipped eaves, a pitched roof and a section of flat sedum roof. The house would be finished with natural stone, composite wood cladding (no colour is specified in the drawings), aluminium clad windows and doors and an anthracite grey metal roof. The house would be approximately 4.2m high to the eaves and 7m to the apex. It is also proposed to erect a flat roof double garage. It would be finished in cladding (matching the house) and a metal sheet roof.
- 2.5 Drainage would be by means of a private system.

### 3. Representations

3.1 No valid letters of representation have been received.

### 4. Consultations

#### Internal

4.1 **Business Services (Developer Obligations)** has commented that no additional contributions will be sought from this development as contributions have been previously secured under a previous consent.

4.2 **Infrastructure Services (Archaeology)** does not object to the proposed development subject to a condition requiring the submission and approval of an archaeological written scheme of investigation.

4.3 **Infrastructure Services (Contaminated Land)** does not object to the proposal.

4.4 **Infrastructure Services (Roads Development)** has commented that although the visibility to the east of the junction is obscured by a masonry railway arch, there is not much the applicant can do to improve the visibility at this location. As the proposal is only for one house this will not significantly increase the volume of traffic and as such, the Service does not object to the proposed development subject to planning conditions relating to the provision of off street car parking spaces, a passing place and refuse bin uplift store.

#### External

4.5 **INEOS FPS Ltd** does not object to the proposed development.

4.6 **Mearns Community Council** objects to the proposed development on the grounds that it is against policy and there are concerns about access. It is concerned that the development will be part of a 'settlement by stealth', where addition will be made to what is claimed to be a cohesive group. It is concerned that the access track has virtually no visibility splays where it joins the public road and that the proposed design is out of keeping with the appearance and scale of nearby dwelling houses.

4.7 **National Grid** does not object to the proposed development.

4.8 **Scottish Water** does not object to the proposed development and advises that there is no Scottish Water waste water infrastructure within the vicinity of the site.

## 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 2014

The purpose of this Plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. 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.

### 5.3 Aberdeenshire Local Development Plan 2017

Policy R2: Housing and employment development elsewhere in the countryside

Policy P1: Layout, siting and design

Policy C1 Using resources in buildings

Policy E2: Landscape

Policy RD2: Providing suitable services

#### 5.4 Other Material Considerations

Not applicable

### **6. Discussion**

6.1 The key issues relating to the proposed development are:

- The principle of the development
- Layout, siting and design
- Technical matters (access and drainage)

#### Development principle

6.2 The principle of the development has been established through the grant of 'planning permission in principle' for the erection of a dwelling house and garage. That application was considered to be a suitable addition to a group of at least 5 houses in accordance with Policy R2: Housing and employment development elsewhere in the countryside. The planning permission is still extant.

6.3 Although Mearns Community Council is concerned that this would lead to more development in the future ('a settlement by stealth') any future development proposal would be assessed on its own merit against all relevant planning policies applicable at the time the application is made.

#### Layout, siting and design

6.4 Policy P1 Layout, siting and design seeks to ensure that new development is distinctive with a sense of local identity.

6.5 As stated in Section 2, the size of the plot, footprint and height of the proposed development is commensurate with existing development within the group. The submitted design (which was the result of extensive pre-application discussions) is a contemporary take on a traditional steading which generally reflects the design details and proportions of the Aberdeenshire vernacular and would add to the mix of house designs currently located within the group thus having no adverse impacts on its character.

6.6 Policy E2 Landscape seeks to ensure that new development does not have a significant detrimental impact on the character of the surrounding landscape. The Planning Service is satisfied that the proposal is in keeping with the character of the surrounding local and wider landscape and therefore complies with planning policy.

6.7 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 most current energy efficiency standards, the matter could be

controlled through appropriate conditions. The design includes solar and panel array made of a mix of photovoltaic and thermal panels.

### Technical matters

- 6.8 Policy RD1 seeks to ensure that new accesses are designed to be safe. Although the visibility to east of the junction is obscured by the masonry railway arch, Infrastructure Services (Roads Development) acknowledges that there not much the applicant can do to improve the visibility in this location and, as the proposal is only for 1 house, it will not significantly increase the volume of traffic.
- 6.9 Policy RD1 seeks to ensure that new development can be drained to avoid flooding and pollution. The drainage report submitted with the planning application confirms that the site can be satisfactorily drained in accordance with planning policy. The drainage report submitted with the application for planning permission in principle demonstrates that the ground conditions are suitable for subsurface soakaways. Although the soakaways would be outwith the site for which planning permission was granted in principle, these would be within 5m of the site and as such, it is not expected that the soil conditions would be significantly different.

### Conclusion

- 6.10 The principle of erecting a dwelling house on the site was established through the grant of planning permission in principle and the proposed layout, siting and design of the dwelling house would have no adverse impacts on the character of the group or surrounding landscape. As such, it is considered the development complies with Policy R2: Housing and employment development elsewhere in the countryside, Policy P1: Layout, siting and design and Policy E2: Landscape of the Aberdeenshire Local Development Plan (2017).

## **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 Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.
- 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.

## **9. Sustainability Implications**

- 9.1 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.

## **10. Departures, Notifications and Referrals**

### **10.1 Strategic Development Plan Departures**

None

### **10.2 Local Development Plan Departures**

None

- 10.3 The application is not a Departure from the Local Development Plan and no departure procedures apply.

- 10.4 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.

- 10.5 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.

## **11. Recommendation**

### **11.1 GRANT subject to the following conditions:-**

01. No individual dwellinghouse hereby approved shall be erected unless an Energy Statement applicable to that dwellinghouse has been submitted to and approved in writing by the planning authority. The Energy Statement shall include the following items:
- a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development;
  - b) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy C1 of the Aberdeenshire Local Development Plan 2017. The development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy

Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and Policy C1 of the Aberdeenshire Local Development Plan 2017.

02. No works in connection with the development hereby approved shall commence unless details of the refuse bin uplift store area have been submitted to and approved in writing by the planning authority. The area shall be constructed behind any visibility splay and shall be designed so as to be accessible for refuse bin uplift and to prevent empty bins from being wind-blown. No dwellinghouse shall be occupied unless the refuse bin uplift store area has been provided and surfaced in accordance with the approved details. Once provided, the refuse bin uplift store area shall thereafter be permanently retained as such.

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

03. No works in connection with the permission hereby granted shall commence unless one passing place measuring 10.0m x 2.5m has been provided and surfaced in accordance with the Council's Standards for Road Construction Consent and Adoption in the location shown on the drawing reference JDC/988/005. Construction shall be of a standard appropriate to the location and must be agreed in advance with Infrastructure Services (Roads Development).

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

04. All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

05. The dwellinghouse hereby approved shall not be occupied unless 3 off street parking space and a turning area have been provided within the site and surface in hard standing materials. Once provided, all parking and turning areas shall thereafter be permanently retained as such.



Reason: To ensure the timely completion of the driveway, turning area and car parking spaces to an adequate standard to prevent the carriage of loose driveway material on to the public road in the interests of road safety.

06. The proposed development shall be connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply without the separate express grant of planning permission by the planning authority.

Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

07. No extraction in connection with any phase of the development hereby approved shall take place unless the proposed foul and surface water drainage systems for the dwelling house has been provided in accordance with the approved plans and the ground assessment and drainage recommendation report by S.A. Mc Gregor dated 28th March 2018. The foul and surface water drainage system[s] shall be permanently retained thereafter in accordance with the approved scheme.

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

08. No works in connection with the development hereby approved shall commence unless a sample and colour of all materials to be used in the external finish for the approved development have been submitted to and approved in writing by the planning authority. The development shall not be occupied/brought into use unless the external finish has been applied in accordance with the approved details.

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

## 11.2 Reason for Decision

The principle of erecting a dwelling house on the site was established through the grant of planning permission in principle and the proposed layout, siting and design of the dwelling house would have no adverse impacts on the character of the group or surrounding landscape. As such, it is considered the development complies with Policy R2: Housing and employment development elsewhere in the countryside, Policy P1: Layout, siting and design and Policy E2: Landscape of the Aberdeenshire Local Development Plan (2017).

**Stephen Archer**  
**Director of Infrastructure Services**  
**Author of Report: Aude Chaiban**  
**Report Date: 16 August 2018**

# Comments for Planning Application APP/2018/1165

## Application Summary

Application Number: APP/2018/1165

Address: Land To The South Of Myreside Cottage Marykirk Laurencekirk Aberdeenshire

Proposal: Erection of Dwellinghouse and Double Garage

Case Officer: Aude Chaiban

## Customer Details

Name: Mrs Susie Brown

Address: Lutherbank House Auchenblae Laurencekirk

## Comment Details

Commenter Type: Community Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Mearns Community Council members wish to object to this application. The application goes against policy and there are concerns about access.

## Aude Chaiban

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**From:** Susie Brown <susie.mearnscc@gmail.com>  
**Sent:** 20 July 2018 22:45  
**To:** Aude Chaiban; Karen McWilliam  
**Subject:** FW: APP/2018/1165 Myreside, Marykirk.

Ladies,

APP/2018/1165

Further to Mearns Community Council's letter of comment on the above, the following comments have been made:

The application is for building in the countryside, on agricultural land outwith the current Local Development Plan. It is feared that this will be part of another "settlement by stealth", where additions will be made to what is claimed to be a cohesive group, ad infinitum. (Policy R2)

It is not clear that there is an existing group of five houses here, as Myreside Cottage is at a considerable distance from other dwellings and accessed by its own road.

The private access track has virtually no visibility splays where it joins the public road.

Due to an administrative error, the drawings of the proposed house have not been available for viewing on the Aberdeenshire Council website until 18th July – despite the website inferring that they've been there since May. This means that the Community Council and others who wished to make comment on the design and size of the house were unable to do so within the defined time.

These drawings appear to show a house which is out of keeping in appearance and scale with nearby dwellings.

I'd appreciate these comments being included in any report to the Area Committee.

Regards

Susie



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