

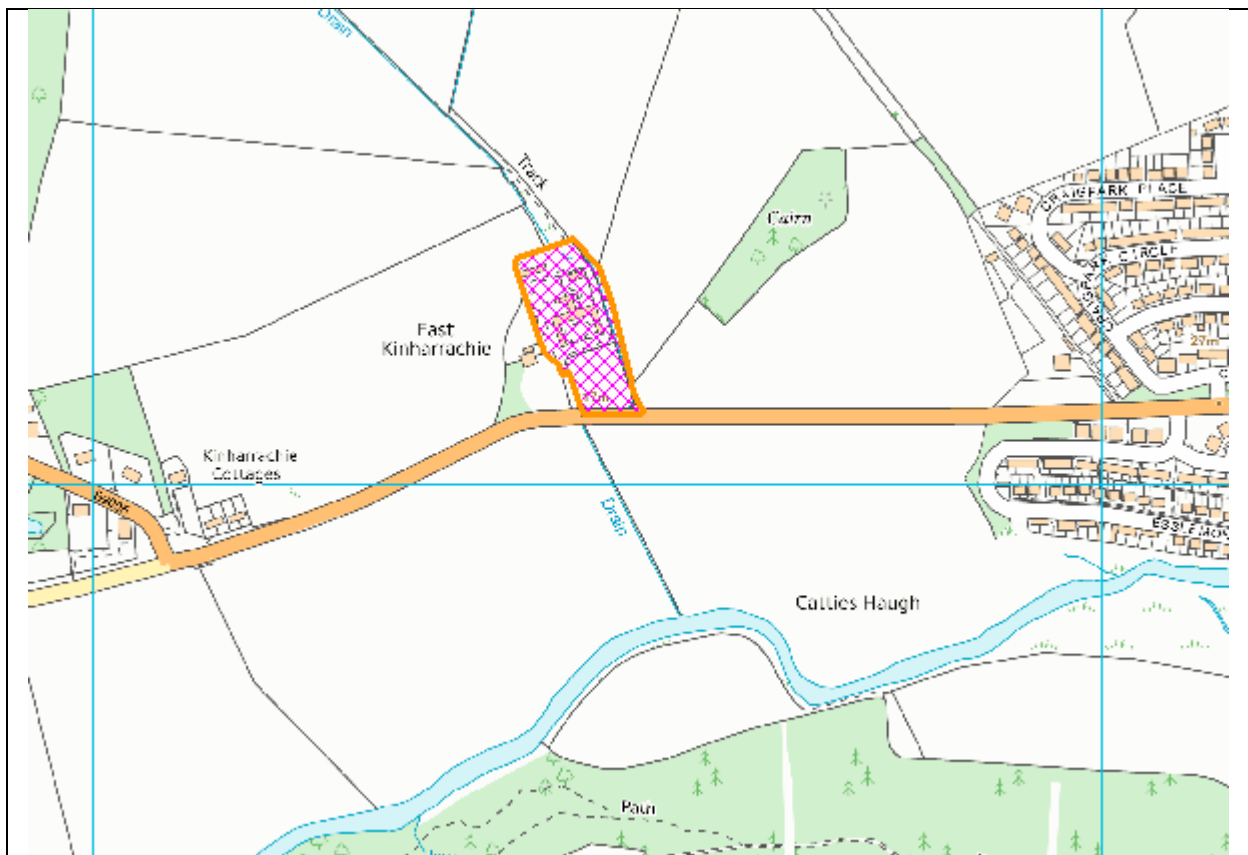
Formartine Area Committee Report - 4 September 2018

Reference No: APP/2017/2718

Full Planning Permission for Erection of 5 Dwellinghouses at Land to the North East of East Kinharrachie Farm, Kinharrachie, Ellon, Aberdeenshire, AB41 8PQ

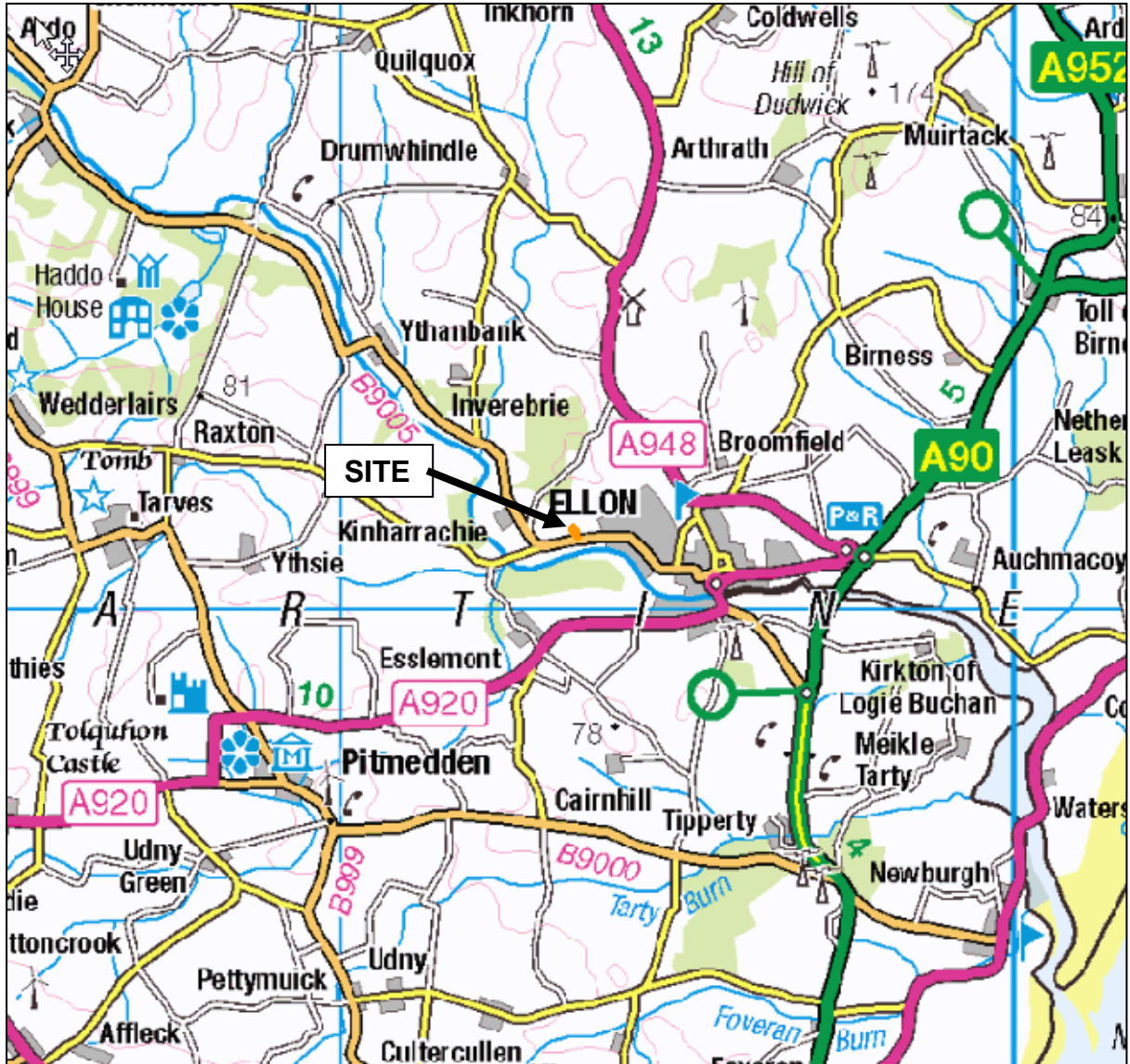
Applicant: Annie Kenyon Architects Ltd
Agent: Annie Kenyon Architects Ltd

Grid Ref:	E:393481 N:831159
Ward No. and Name:	Ellon And District
Application Type:	Full Planning Permission
Representations:	0
Consultations:	11
Relevant Proposals Map:	Aberdeenshire Local Development Plan
Designations:	AHMA
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.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 Full planning permission is sought for the replacement of an existing steading, Dutch barn and red brick shed with 5 dwellinghouses. The site is located approximately 400 metres west of Ellon on the B9005 road to Tarves.
- 2.2 The applicant proposes to replace part of the steading building with two new houses (Plot 1 and Plot 5) and convert and extend the "Mill" section to a dwellinghouse. Much of the steading is to be removed with some of the walls to be retained as feature garden walls within Plot 1, Plot 2, Plot 4 and at the entrance to the private driveways. The outbuilding and Dutch barn to be removed in their entirety and replaced with two houses on the same site (Plot 2 and Plot 3). A site plan and house types are attached to this report as Appendices 1 to 6.
- 2.3. Plot 1 is a 1¾ storey dwellinghouse measuring 17.8 metres wide and 18.25 metres in length, at its greatest points, with a ridge height of 7.6 metres. The main body of the house sits within the footprint of the east wing of the steading. The proposed house would be rendered in a smooth wet dash, with Scot-larch horizontal timber clad features on the North, South and East elevations. The house has various sized aluminium clad windows, with a large glazed feature on the east elevation. The 45 degree pitched roof is to be finished in natural slate, however the roof above the double garage and door canopy would be corrugated sheet metal. Internally, the house would accommodate on the ground floor an open plan living room, kitchen and dining area, utility room, plant room, shower room, bedroom and double garage. The upper floor would accommodate a master bedroom with en-suite and walk in wardrobe, two further bedrooms, bathroom and snug.
- 2.4 Plot 2 is also a 1¾ storey dwellinghouse of modern design. The proposed house measures 13.3 metres wide, 23.9 metres in length and 7.8 metres to ridge height, at its greatest points. The house largely sits within the footprint of the existing outbuilding, with the exception of the double garage, the link to the double garage and kitchen/snug element of the house. Much of the proposed house is to be clad in Scot-larch timber cladding, however there are walls on the east, west and south elevation that are to be rendered in a smooth wet dash. The design incorporated new stone features on the west and south elevation. The house has various sized aluminium clad windows,

with a large glazed feature on the east elevation gable. The 45 degree pitched roof is to be finished in natural slate, however the roof above the double garage would be corrugated sheet metal. Internally, the house would accommodate on the ground floor an open plan living room, kitchen and dining area, utility room, plant room, WC, bedroom and double garage. The upper floor would accommodate a master bedroom with en-suite, two further bedrooms, bathroom and snug.

- 2.5 Plot 3 is a 1¾ storey dwelling of modern design, located on the site of the existing Dutch barn at the north west corner of the site. The proposed house would measure approximately 32 metres wide by 10.9 metres in length, at its greatest point. The proposed house would have a ridge height of approximately 7.4 metres. The exterior of the house is to be rendered in a smooth wet dash render and larch timber cladding. The pitched roof is to be finished in natural slate, with corrugated metal sheeting above the double garage, utility room, pantry and plant room. Internally, the house would accommodate a living/kitchen/dining room on open plan, formal dining room, lounge, family room, shower room, bedroom, utility, pantry, plant room and double garage on the ground floor. The upper floor would accommodate a master bedroom with dressing room and en-suite, two further bedrooms and a snug/study.
- 2.6 The applicant proposes to convert and extend the existing building on Plot 4. The structure of the house proposed in Plot 4 incorporates much of the walls of the original steading within the design. Any new elements to the proposed house are to be clad in timber. The proposed house would measure approximately 18 metres wide by 25 metres in length, at the greatest points. The proposed house would have a ridge height of 7.4 metres. Internally the proposed house would accommodate a snug, bedroom, kitchen/dining/living area on open plan, bathroom, utility room and double garage on the ground floor. The upper floor would accommodate a master bedroom with en-suite and two walk-in wardrobes, a study, shower room, and two further bedrooms.
- 2.7 The house proposed on Plot 5 is located on the same site as the west wing of the existing steading. This house would measure approximately 16.5 metres wide by 19 metres in length with a ridge height of 7.4 metres, at the greatest points. Similarly to other houses in this proposed development, the house is to be rendered in a smooth wet dash render with larch timber cladding. The roof is to be finished in natural slate, with corrugated metal sheeting being proposed on the roof of the garage, entrance porch and garden room. Internally the proposed house would accommodate an open plan living room/dining room and kitchen, garden room, shower room, utility room, plant room, bedroom and single garage on the ground floor. The upper floor would accommodate a master bedroom with dressing area and en-suite, two further bedrooms and a shower room.
- 2.8 While the application site has connection to public water supply, there is no public drainage infrastructure within the vicinity. This application is accompanied by a Drainage Recommendation Report carried out by SA McGregor. The report recommends that a package sewage treatment plant

tested and certified to EN12566 PART 3 is installed. The treatment plant will discharge to the Gormack Burn via a partial soakaway. The treatment plant and partial soakaway to service all 5 proposed houses is to be located to the south of the proposed developed area. Surface water is to be disposed of via a filter pit located within the boundaries of each plot, prior to disposal to the nearby watercourse.

2.9 The applicant proposes a new access directly off the B9005, located approximately 47 metres to the east of the existing access to the site. All 5 proposed houses will gain access from the proposed new track.

2.10 In support of this application, the applicant has provided the following documents:

- Drainage Report
- Design Statement
- Bat Survey Report
- Species Protection Plan
- Development Projects
- Supporting Statement (email)

2.11 The application site does not have an extensive planning history. The site was granted planning permission under reference C95011901 for Full Planning Permission for Change of Use from Agricultural to Commercial / Light Industrial units.

3. Representations

3.1 No valid letters of representation have been received.

4. Consultations

4.1 **Business Services (Developer Obligations)** have issued a Developer Obligation Report to the agent. The applicant has agreed to the heads of terms and looks to enter into a Section 75 Agreement.

4.2 **Education and Children's Services (Education)** are able to support this application as both the Primary and Academy schools have capacity.

4.3 **Infrastructure Services (Archaeology)** has stated that the farmstead and mill date back to the 19th Century or earlier and appear to be in good condition. It is requested that consideration be given to conversion of the extant U-plan steading rather than demolition. However, should the present application be minded for approval, a condition for a Standing Buildings Survey is requested.

4.4 **Infrastructure Services (Contaminated Land)** has commented that according to their records, the site was previously used by a specialist fencing company. Due to possible activities associated with this use such as metal fabrication, storage/use of chemicals, paint and fuels, contaminated land and

materials may be present on site. In addition, the mill dam has been infilled and as a consequence water and contaminated materials may have been deposited. The officer places a holding objection on this application until a site investigation report is submitted.

Following the submission of a report prepared by Evirosurveying, Contaminated Land has advised that it does not provide sufficient information regarding the potential presence of contamination at the site. The extent of the former mill pond has not been accurately identified and subject to appropriate assessment. In addition, the presence of asbestos containing materials has not been fully documented or evaluated. As such, the holding objection is maintained until further information is submitted.

- 4.5 **Infrastructure Services (Environment Team – Natural Heritage)** has confirmed that the bat survey and species mitigation plan are acceptable. Several pipistrelle and one brown long-eared bat were recorded using the building, however the building is not a maternity roost. The surveyor has however recommended mitigation measures in order to address the loss of the roost. As such a bat licence will be required and consultation with SNH should be carried out.
- 4.6 **Infrastructure Services (Flood Risk and Coastal Protection)** has confirmed that the site is outwith the area of fluvial flood risk, however this site has the potential for having an annual probability of surface water flooding that may be equal to or greater than 0.5%. The officer has requested further information regarding SUDS, greenfield run-off rate for the development site, the condition of the drainage ditch and culvert under road and confirmation on who will be responsible for the ongoing maintenance of the surface water drainage network.
- 4.7 **Infrastructure Services (Housing Strategy)** has confirmed that a commuted sum for 1.25 units to address housing need in this locale is sought.
- 4.8 **Infrastructure Services (Roads Development)** initially objected to this application on the grounds of insufficient visibility. However, the applicant has since submitted revised plans (ref PL06 Revision A) showing the required visibility splays. Roads Development have withdrawn their objection, subject to conditions regarding access, onsite car parking, provision of a lay-by, visibility splays and refuse bin uplift storage provision.
- 4.9 **Infrastructure Services (Waste Management)** has not responded at the time of writing this report.
- 4.10 **Scottish Natural Heritage (SNH)** has confirmed that a bat licence will be required if this application is approved. Based on the Bat Survey and Species Protection Plan for this site it is likely that the licensing tests would be met and therefore a licence would be granted.
- 4.11 **Scottish Water** do not object to this application. There is currently sufficient capacity in the Invercarnie 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 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 H2 Affordable housing

Policy R2 Housing and employment development elsewhere in the countryside

Policy P1 Layout siting and design

Policy P4 Hazardous and potentially polluting developments and contaminated land

Policy E1 Natural heritage

Policy E2 Landscape

Policy C1 Using resources in buildings

Policy C4 Flooding
Policy RD1 Providing suitable services
Policy RD2 Developers' obligations

6. Discussion

- 6.1 Full planning permission is sought for the erection of 5 houses in place of a steading, Dutch barn and outbuilding at a former farm complex. The main issues to consider are the principles of development, siting and design of the development, access, drainage issues, risk of contaminated land and impact on ecology.

Principle of development

- 6.2 This application site is located in the countryside therefore the principle of development is initially assessed under Policy R2 Housing and employment development elsewhere in the countryside. This policy gives support to small scale development in the countryside that involves the replacement or refurbishment, on the same site, of an existing house or disused building or development that involves the remediation of redundant brownfield land opportunities. Aberdeenshire Local Development Plan 2017 defines small scale development as being up to 3 single houses. Policy R2 is a protective policy aimed at supporting long-term sustainable pattern of development, promoting and incentivise development in our villages and towns that provide public transport, services and shops. This policy makes no allowances for exceptional circumstances to support larger developments. Proposals for larger sites that seek to develop more than 3 units should, in most cases, be sought through a bid in the next Local Development Plan.
- 6.3 Furthermore, the Planning Service considers the Dutch barn as being exempt from the criteria that would permit the replacement of a disused building or the remediation of redundant brownfield land opportunities under Policy R2. Exemptions from this policy includes public gardens; sports and recreational grounds; buildings or sites used for storage purposes; sites with temporary buildings; hardstanding's; wells and pump-houses; site accommodated by chalets or caravans; modern agricultural buildings; former quarries; and domestic garages. Whilst Policy R2 supports the replacement of a disused building, for the purposes of this policy, the definition of a building is a structure with a roof and walls. The existing Dutch barn has a metal frame, with curved corrugated metal roof. The barn does not have walls and the 12 metal beams which support the roof are only fixed to the ground by concrete blocks at the base of each beam. The barn has no hardstanding or substantial foundations. The Dutch barn is located outwith the compound of the fencing business that currently operates at East Kinharrachie, on the edge of an agricultural field. Due to the nature and structure of the existing barn, it could be removed and the land returned back to agriculture to form part of the wider field. As such the Planning Service considers the Dutch barn to be a temporary building and is exempt from the criteria of Policy R2.

- 6.4 As this development exceeds what is defined as small scale development and the temporary nature of the Dutch barn, this application does not comply with Policy R2.

Siting and Design

- 6.5 In all cases, a high quality of design will be expected across Aberdeenshire. Design must reflect local character and contribute to the sense of place using appropriate and where possible local materials.
- 6.6 It is acknowledged that most of the existing buildings are to be removed from the site to make way for the proposed development. However the applicant proposes to retain some of the natural stone walls within the structure of the house at Plot 4 and as feature garden walls within the development. The refurbishment of traditional vernacular buildings are actively encouraged as these types of buildings form an important part of Aberdeenshire's character. The Planning Service commends the agent for the approach taken in the design for this site. The applicant proposes to retain and convert the traditional steading on Plot 4, as well as retaining stone walls of the steading as garden features within the development. While each house has its own design, the development has a unity with the traditional design features such as 45 degree pitch slate roof and narrow gable and a simple palette of materials. This results in a good balance of traditional and contemporary design that is distinctive to this particular architect.
- 6.7 In terms of layout, the existing built pattern has been followed. The layout has retained the appearance of a traditional court yard at Plots 1, 4 and 5 creating a central car parking area. The nearest neighbouring property is East Kinharrachie, located immediately adjacent to proposed Plot 5. Plot 5 has been designed to have minimum windows on the upper floor of the west elevation, in addition to being more than 13 metres from the mutual boundary to prevent a loss of amenity. Each plot can achieve suitable garden space of between 250sqm and 600sqm, but it should be noted that the development would result in the gardens of Plots 4 and 5 being more open due to their orientation. The Planning Service considers that the proposed development will not give rise to significant loss of amenity for the existing and proposed houses.
- 6.8 The Planning Service is satisfied with the overall layout and design of this proposed development and as such the development complies with Policy P1.

Landscape

- 6.9 As the proposed development replaces an existing cluster of farm buildings, it is considered that this development would not have an adverse impact on the character of the existing landscape, therefore, it is considered that the development complies with Policy E2 Landscape.

Access

- 6.10 Access to the existing buildings is taken by a private track off the B9005 that leads up, between East Kinharrachie house and the steading buildings. The applicant proposed a new access off the B9005, located approximately 47

metres to the east of the existing access that would lead to the proposed 5 houses and the existing house at East Kinharrachie. Infrastructure Services (Roads Development) originally objected to this application on the grounds of insufficient visibility at the proposed new access. However since then plans were submitted showing the required visibility splay, along with a letter confirming that Esslemont Estate have provided the applicant with necessary rights of visibility, which has allowed Roads Development to withdraw their objection, subject to conditions. The Planning Service has no concerns with this aspect of this proposal, therefore the development complies with the "Access to new development" section of Policy RD1.

Drainage

- 6.11 In terms of water supply the applicant intends to connect to the public water supply and this is considered acceptable to the Planning Service.
- 6.12 With regard to foul drainage the application intends to use a private arrangement located within the application boundary. Each proposed house would connect to a communal treatment plant, discharging to the watercourse via a partial soakaway. Surface Water is to be treated by individual filter trenches located within each plot, which would discharge to a drainage ditch running parallel to the eastern boundary of the site. The application is accompanied by a Ground Assessment Summary and Drainage Recommendation Report prepared by S.A. McGregor that demonstrates that the proposed drainage arrangement would be successful on the site.
- 6.13 However, while the site is located outwith an area of fluvial flood risk, the site lies partially within an area indicated as have an annual probability of surface water flooding that may be equal or greater to 0.5%. As such Aberdeenshire Council's Flood Risk and Coastal Protection team have requested the following information:
 - i. Confirmation of any impermeable surfacing (other than roofs) to be created and associated drainage/SuDS (i.e. for internal road and driveways). This aspect is not mentioned in the Drainage Report.
 - ii. Confirmation of the Greenfield run-off rate for the development site, and that the proposed surface water drainage system will limit discharge to the Greenfield run-off rate.
 - iii. Considering the discharge point from the surface water drainage system to the drainage ditch close to the public road, and the topography of the site and surrounding area, we would request that further information is provided on the nature and condition of this drainage ditch and culvert under road. Additionally, photographs would be useful, as well as stating in writing any maintenance and/or repair works to be undertaken as part of the development to the drainage ditch/culvert.
 - iv. As the 5no. proposed dwellinghouses will share some common components of the surface water drainage network, we would like confirmation of who will be responsible for the ongoing maintenance of this system.

- 6.14 While the applicant agreed to address the above issues, they have not provide the details within the agreed timescale. As such the Planning Service cannot make a full assessment of the proposed surface water drainage proposed in terms of surface water flooding. The proposed development is therefore contrary to Policy RD1 and Policy C4.

Contaminated land

- 6.15 The application site has been recently used by a specialised fencing company. Due to the possible activities associated with this use such as metal fabrication and the storage/usage of chemicals, fuels and paints, contaminated ground and materials may be present at the site. In addition, it has been noted that a dam has been infilled and as a consequence, waste and contaminated materials may have been deposited. Policy P4 Hazardous and potentially polluting development and contaminated land will not allow development on land that is known or suspected to be contaminated unless appropriate site investigations have been undertaken to identify any actual or possible risk to public health. As such Aberdeenshire Councils Contaminated Land team requested that a site investigation be carried out in accordance with BS10175:2011+A1-2013 Investigation of Potentially Contaminated Sites - Code of Practice.
- 6.16 The applicant had arranged for a site investigation report by EnviroSurveying to be submitted to the Planning Service in support of their application. The report prepared by EnviroSurveying did not provide sufficient information regarding the potential presence of contamination at the site. The extent of the former mill pond has not been accurately identified and is not subject to appropriate assessment. In addition, the presence of asbestos containing materials has not been fully documented or evaluated. While a revised site investigation report was submitted on 18 June 2018, the content of that report and associated site works does not provide sufficient information relating to the potential presence of contamination at the site. Aberdeenshire Contaminated Land team are unable to fully assess the information provided and as such maintain their objection to this application. The applicant cannot demonstrate that the proposed development would not have a significant detriment impact on public health or the environments and as such this application is contrary to Policy P4.

Protective Species

- 6.17 Development should seek to avoid any detrimental impact on protected species through the carrying out of surveys and submission of protection plans describing appropriate mitigation. A bat survey of the existing buildings was carried out by Black Hill Ecology Ltd. The survey concluded that a single brown long-eared bat and 4 Pipistrellus bats use East Kinharrachie as a roost site and as such a European Protected Species licence would be required to be obtained by Scottish Natural Heritage (SNH), to carry out works at this site. The survey, along with a Species Protection Plan were sent to SNH, who have confirmed that, based on the information provided, it is likely that the 6

licensing tests would be met and therefore a licence would be granted. As such this application would not be in conflict with Policy E1.

Conclusion

- 6.18 While the proposed development has been designed to a high standard, the principle of the development cannot be supported. Policy R2 places protective restrictions on development in the countryside that limits development to up to three units on sites that qualify as redevelopment sites. In this case, there is no justification to support 5 houses within this site and the temporary nature of the Dutch barn would preclude it from consideration under Policy R2. In addition, the applicant has not provided the required information to assess this application under Policy RD1 Providing suitable services, Policy C4 Flooding and Policy P4 Hazardous and potentially polluting developments and contaminated land. This application is therefore recommended for refusal.

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

Policy R2 Housing and employment development elsewhere in the countryside

Policy P4 Hazardous and potentially polluting developments and contaminated land

Policy C4 Flooding

Policy RD1 Providing suitable services

- 10.3 The application is a Departure from the valid Local Development Plan. The application has been advertised in the Johnston Press. 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.
- 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 proposed development is in the opinion of the Head of Planning and Building Standards in significant conflict with Policy R2 Housing and employment development elsewhere in the countryside and if the Committee is minded to approve then the application will have to be referred to Infrastructure Services Committee.

11. **Recommendation**

11.1 **REFUSE for the following reasons:-**

01. The development is contrary to Policy R2 Housing and employment development elsewhere in the countryside contained in the Aberdeenshire Local Development Plan 2017 in that the development exceeds what is defined as small scale residential development (up to 3 single houses) in the countryside. In addition, the Dutch barn which is considered a temporary structure is precluded as a building that could be replaced under this policy.
02. The development is contrary to Policy RD1 Providing suitable services and Policy C4 Flooding contained in the Aberdeenshire Local Development Plan 2017 in that the applicant has not provided the required information to address concerns regarding surface water flooding, the impact the proposed arrangement for surface water drainage would have on the existing drainage ditch and culvert under the public road and identifying who would be responsible for ongoing maintenance of the drainage system.
03. The development is contrary to Policy P4 Hazardous and potentially polluting developments and contaminated land contained within the Aberdeenshire Local Development Plan 2017 in that the applicant has not provided sufficient information relating to the potential presence of contamination at the site. Therefore Aberdeenshire Council are unable to determine that the

development would not have a significant detriment impact on public health or the environment.

For noting:-

Part 2C (Planning Delegations) states at Section C.3.2b for Local Development, that following consultation with the Chair and Vice-Chair of the determining Committee, the Head of Planning and Building Standards can refuse planning applications for which Section 75 Agreements are not completed or Developer Obligations are not paid within four months from the date of the Committee at which the application is determined. Local Ward Members shall be notified of any such refusal.

Please note that this power may be exercised in respect of the application which is the subject of this report if the application is approved by the Committee.”

Stephen Archer
Director of Infrastructure Services
Author of Report: Laura Dingwall
Report Date: 1 August 2018

APP/2017/2718

Appendix 1

