

APPENDIX 2

Marr Area Committee Report – 3 May 2011

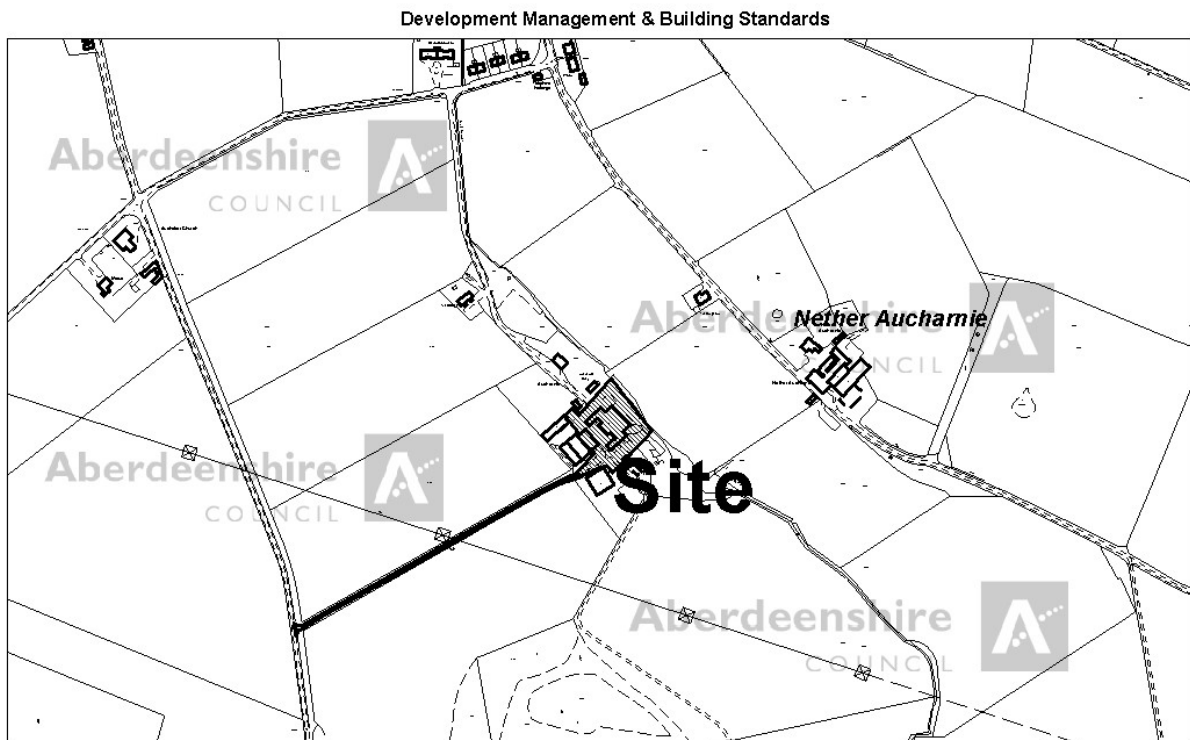
Reference No: M/APP/2010/2825

Full Planning Permission for Conversion of Steading to form 4 No. Residential Units and 1 Business Unit (17.62 sq.m) at Steading at Aucharnie, Largue, Huntly

Applicant: Mr Hal Junker, Per Agent

Agent: Annie Kenyon Architects, South Lediken, Inch

Grid Ref:	363550.5 840782.9
Ward No. and Name:	EWV14 Huntly, Strathbogie and Howe of Alford
Application Type:	Full Planning Permission
Representations:	One
Consultations:	4
Relevant Proposals Map	Local Plan
Designations:	Countryside
Complies with Development Plans:	No
Main Recommendation:	Delegated Grant



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15 April 2011

Aberdeenshire Council

Scale - 1:5000



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1. Reason for Report

- 1.1 This report relates to a planning application for a proposal which would represent a Development Plan Departure but which is being recommended for approval and therefore requires to be determined by the Area Committee.

2. Background and Proposal

2.1 Location and Site Description

The application site comprises a very large U-shape steading located at the top end of a row of residential properties stretching along an access track leading up to the Ythan Road from Aucharnie Place. The site is located approximately one kilometre from Largue.

2.2. Proposed development

The proposal is for the conversion of the steading into four relatively large 3 and 4 bedroom dwelling houses and a business unit. In addition the development involves the erection of 4 single garages grouped into two blocks. Both blocks would include a bin store and would be constructed in timber and natural slate.

Access to the site would be from the Ythan road via a 400m stretch of an existing access track.

3. Representations

- 3.1 One letter of representation have been received raising the following issues and queries
- Potential impact of the development on the existing rights of way
 - How will the Aucharnie Road be blocked off?
 - Why does the Council insist on the provision of a business unit for multiple steading conversions?

4. Consultations

4.1 Infrastructure Services (Roads Development)

The above Service comments that visibility to the right where the shared access road meets the unclassified Aucharnie – Ythanwells road is good but overhanging branches will have to be cut back to improve visibility to the left. However, the Service has no objection to the proposed development subject to planning conditions relating to surfacing, junction geometry, the provision of off-street car parking and the provision of refuse bin uplift store.

4.2 Infrastructure Services (Environmental Health)

Noise/Dust/Odour/Flies

The above Service comments that the proposed development is in close proximity of agricultural buildings and livestock. The applicant has indicated

that livestock will be removed prior to the occupation of the development. Should the Committee be minded to approve the application, it is recommended that a condition be attached to the planning permission requiring the permanent removal of livestock from the buildings prior to occupation of the development.

The noise level during the period of construction/demolition must be carefully controlled. Excessive noise levels at the nearest noise sensitive buildings could result in action being taken by the Local Authority in terms of the Control of Pollution Act 1974.

Water Supply

The application indicates the use of a public water supply. If for any reason a public supply is not used, the applicant will require proving that there is a private supply which is adequate and potable to the satisfaction of the Head of Environmental Health before the property is occupied.

4.3 Corporate Services (Planning Gain)

Contributions are being sought towards affordable housing, community facilities, recreational facilities and library facilities.

4.4 Scottish Water

Aucharnie Housing Sewerage Treatment Works has currently limited capacity to serve the development. The developers should discuss the development directly with Scottish Water.

5. **Relevant Planning Policies**

5.1 Aberdeen City and Shire Structure Plan

The purpose of this Structure plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. All parts of the structure 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.

5.2 Aberdeenshire Local Plan 2006

Policy Hou4: New Housing in the Countryside
Policy Inf1: Roads and Accesses
Policy Inf2: Parking, Servicing and Accessibility
Policy Inf4A: Foul Drainage Standards

Policy Inf4B: Surface Water Drainage Standards: Sustainable Urban Drainage System
Policy Gen2: The Layout, Siting and Design of New Development.

- 5.2.1 Policy Hou4 supports the conversion of a non-residential vernacular building to form up to three dwelling houses providing they are within the building's original structure. Minor alterations may be acceptable if they retain the traditional character and form to the building. For conversion into more than one unit, the provision of a business space being able to function independently will require to be provided.
- 5.2.2 Policy Inf1 states that new accesses will be approved if it is designed to be safe, convenient and resource efficient and causes minimal impact on the character of the site and surrounding area, no new private access is taken directly from a road carrying more than 2000 vehicles per day and satisfactory arrangements are made for its subsequent maintenance. Policy Inf2 states that new development will be approved in principle if it is well related to existing settlements avoids dispersed patterns of settlements and complies with the Council's maximum *parking standards*.
- 5.2.3 Policy Inf4A includes a presumption against private drainage infrastructure unless a connection to the public drainage infrastructure is demonstrated to be unfeasible taking into account costs and/or practicability. In these cases the development will be expected to demonstrate that private drainage infrastructure can be provided without negative impacts on amenity, public health and the environment. Policy Inf4B states that development will be approved in principle if water treatment is dealt with in a sustainable manner in ways that avoid flooding and pollution. Flood risk assessments will be required in those cases where flooding can be expected. Sustainable Urban Drainage Systems will be required as a means of achieving sustainable disposal of surface water. In all cases, the developer will be required to demonstrate how the effectiveness of measures taken will be maintained in perpetuity.
- 5.2.4 Policy Gen2 seeks to ensure that new development is laid out to fit successfully into the site itself and respects the character and amenity of the surrounding area. Its scale massing and height must be appropriate whilst displaying high standards of design and materials that are sensitive to the surrounding area.

5.3 Aberdeenshire Local Development Plan 2010

On 24 June 2010 Aberdeenshire Council agreed to approve the proposed Aberdeenshire Local Development Plan (LDP) as representing the Council's settled view as to what the final adopted content of the plan should be and to authorise the use of the proposed Aberdeenshire Local Development Plan and associated supplementary guidance as a material consideration in the determination of planning applications. In doing so it must be recognised that certain policies and proposals require to be further scrutinised and as a consequence not all aspects of the LDP have equal materiality at this stage in the process.

6. Discussion

6.1 Development principle

6.1.1 Policy Hou\4 of the Aberdeenshire Local Plan supports the conversion of non-residential vernacular building that contributes to the landscape into a maximum of three dwelling houses. Proposals for more than one unit must be incorporate a business unit or alternatively a holiday unit.

6.1.2 The proposed development includes four units and one business unit. Although contrary to planning policy, the original structure of the steading lends is large enough to enable its conversion into two, 4 bedroom and two 3 bedroom units without affecting its overall character. Extensions were originally proposed but have been omitted from the design. Converting the steading into three would result in very large properties which may be difficult to sell.

6.1.3 Although a relatively small part of the roof has collapsed, the majority of the steading is largely intact and a structural survey has confirmed that it is a good state of repair.

6.2 Design

The proposed design generally retains the character of the original structure by re-using all existing openings and minimising the number of new ones.

The design and location of the garage has been amended and is now in keeping with the character of the site. The original proposal incorporated an 8 bay garage block facing onto the steading's courtyard. This was considered to be rather suburban in nature and therefore unsuitable for the location. The amended proposal includes 4 single garages grouped into 2 separate garage blocks constructed in timber and natural slate and located to the either side of the steading.

6.3 Issues raised in the letter of representation

6.3.1 The applicant's agent has confirmed that there was no intention of obstructing any existing right of way that may or may not exist. The amended site plan clearly indicates that the right of way running along the Aucharnie burn would be retained.

6.3.2 The applicant has amended the site plan to indicate that a gate would be installed at the steading end of the existing Aucharnie road.

6.3.3 The proposal does not include the provision of an industrial unit but a Class 4 (Office) business unit. Although the requirement for the provision of a business unit associated with multiple conversions has been omitted from the policies of emerging Local Development Plan (LDP), these policies currently carry very little weight due to the level of unresolved objections attached to them. The application has been assessed against policy Hou\4 of the Aberdeenshire Local Plan which required the provision of a business unit.

6.4 Protected Species

- 6.4.1 A bat survey was submitted, however no evidence was apparent that the steading buildings are used as roosting sites by bats. An appropriate informative ensuring the future protection of any bats found is recommended.

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 Marr Local Community Plan.

8. Financial Implications

- 8.1 There are no financial implications arising from this report.

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 Structure Plan Departures

None

10.2 Local Plan Departures

Policy Hou\4: New Housing in the Countryside

- 10.3 The application is a Departure from the valid Local 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.
- 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 have to be referred to the Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

11. Recommendation

11.1 That authority to GRANT Full Planning Permission is delegated to the Head of Planning and Building Standards subject to:-

- (i) **Completion of a Section 75 relating to planning gain and affordable housing contributions.**

(ii) The following conditions:

1. That the development hereby granted shall be begun on or before the expiration of three years beginning with the date on which the planning permission is granted or deemed to have been granted.

Reason: Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. Prior to the commencement of the development, a notice of the intended date of initiation of development shall be submitted to the Planning Authority and such notification shall contain the information set out in the 'Notification of Initiation of Development' Notice as appended.

Reason: Pursuant to Section 27A(1) of the Town and Country Planning (Scotland) Act 1997.

3. Following the completion of the development, a notification of the completion, shall as soon as practicable, be submitted to the Planning Authority and such notification shall contain the information set out in the 'Notification of Completion of Development' Notice as appended.

Reason: Pursuant to Section 27B(1) of the Town and Country Planning (Scotland) Act 1997.

4. That notwithstanding the provisions of Classes 1, 3 and 7 of Schedule 1 to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order amending, revoking or re-enacting that Order the proposed dwellinghouses shall not be altered in any way nor any building or means of enclosure erected within the curtilage of each dwellinghouse without an express grant of planning permission from the Planning Authority.

Reason: In the interests of the character and appearance of the development.

5. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or the Town and Country Planning (Use Classes) (Scotland) Order 1997 the business unit shall be used only for a purpose within Use Class 4 and shall not be used for any other purpose without an express grant of planning permission from the Planning Authority.

Reason: To enable the Planning Authority to consider the implications of any subsequent change of use on the amenities of the area.

6. That the proposed garages shall be used only for purposes incidental to the enjoyment of the dwellinghouse as such.

Reason: In the interests of the residential amenity of the surrounding area.

7. That no works in connection with the development hereby approved shall take place unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:

- (i) Existing and proposed finished ground levels relative to a fixed datum point;
- (ii) Existing landscape features and vegetation to be retained;
- (iii) The location of new trees, shrubs, hedges, grassed areas
- (iv) A schedule of plants to comprise species, plant sizes and proposed numbers and density;
- (v) The location, design and materials of all hard landscaping works
- (vi) An indication of existing trees, shrubs and hedges to be removed;
- (vii) A programme for the completion and subsequent maintenance of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development or such other date as may be agreed in writing with the Planning Authority. 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.

Reason: To ensure the implementation 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.

8. That no works in connection with the permission hereby approved shall take place unless the trees marked for retention on the approved plans have been protected by suitable fencing in accordance with BS5837 2005 (Trees in Relation to Construction). No works shall commence unless details of the protective fencing have been submitted to and agreed in writing by the Planning Authority. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks.

Reason: In order to ensure adequate protection for the trees on the site during the construction of development, in the interests of the visual amenity of the area.

9. Prior to the commencement of development, further detailed drawings of the proposed windows and doors shall be provided for the further written approval of the Planning Authority. For the avoidance of doubt, the windows shall be at least a good mock sash and case design, and constructed from timber (i.e. there must be at least a 50mm step at the horizontal transom). Doors and garage doors must also be timber construction. All woodwork must be either painted or stained with an opaque wood stain, the colour of which shall be uniform throughout the building, and shall be agreed in writing with the Planning Authority.

Reason: In the interests of the character of the building and area.

10. That no other development in connection with the permission hereby approved shall take place and the access hereby approved shall not be brought into use unless visibility of 120 metres in both directions along the public road has been provided from a point 2.4 metres measured at right angles from the existing carriageway surface along the centre line of the approved new access. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

Reason: To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road safety.

11. The first 10 metres of the access, from the edge of the public carriageway, shall be surfaced in hard standing materials to the satisfaction of the Planning Authority prior to the house being occupied.

Reason: In the interests of road and public safety.

12. Prior to any of the dwellinghouses being occupied, 16 off-street car parking spaces shall be provided within the site in accordance with Aberdeenshire Council Car Parking standards and surfaced in hard standing materials.

Reason: In the interests of road and public safety.

13. That the proposed foul and surface water drainage systems detailed in the report by SAC Consulting and dated 26 August 2010 and corresponding drawing reference GE 1553 - 01, shall be carried out in accordance with the approved plans and the dwellinghouses and business unit shall not be occupied unless its approved drainage system has been completed and certified as such by a qualified drainage engineer to the satisfaction of the Planning Service.

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

14. No demolition or development shall take place prior to a photographic survey being undertaken by the developer and approved by the planning authority. All elevations, both internal and external, together with the setting of the building, and any unusual feature/s, shall be photographed and clearly annotated on a plan. Photographs, which should be digital on CD, either jpgs or tiffs, shall be clearly marked with place name for identification, national grid reference and planning reference and deposited in the local Sites and Monuments Record.

Reason: To ensure a historic record of the building.

Informatives

Please note there is a possibility that bats may be present in the property/on the site. All bats and their breeding or resting places (i.e. roosts) are protected by law. It is an offence to disturb, injure or kill any bat or to damage, destroy or obstruct access to a bat roost. Damage does not have to be deliberate to be considered an offence. Work that may impact on bats and their roosts can only be carried out under licence. If evidence of bats is

discovered works must cease immediately and the advice of Scottish Natural Heritage must be sought.

11.2 That the Committee agree the reason for departing from the Aberdeenshire Local Plan.

The proposed development has been assessed in term of its impact on the character of the building and amenity of the surrounding area including neighbouring residential properties. It is considered that the proposal will enable the retention of a traditional building thus retaining its contribution to the character of the area. The Steading is of a size capable of accommodating the four units as proposed.

**pp Head of Planning and Building Standards
Author of Report: Aude Chaiban AC/SN3/AS
05/04/2011**