



## Garioch Area Committee Report - 23 April 2024

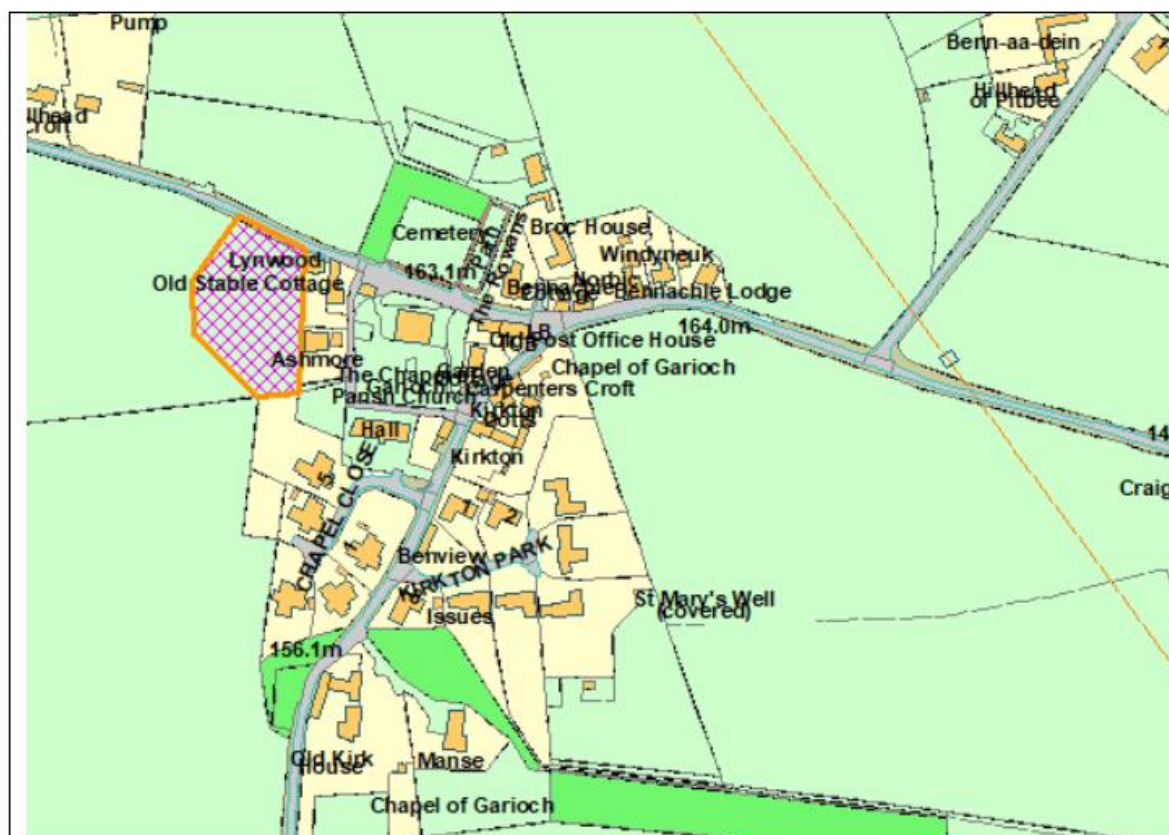
Reference No: APP/2024/0077

**Full Planning Permission for Erection of 2 Dwellinghouses and Formation of Vehicular Access, at Site West to Lynwood, Chapel of Garioch, Inverurie, Aberdeenshire**

**Applicant:**  
**Agent:**

**Cairnrowan Custom Homes**  
**Cairnrowan Custom Homes Ltd**

Grid Ref:	E:371535 N:824177
Ward No. and Name:	W10 - West Garioch
Application Type:	Full Planning Permission
Representations:	0
Consultations:	4
Relevant Proposals Map Designations:	Accessible Rural Area
Complies with Development Plans:	No
Main Recommendation:	Grant



**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.3.1c of Part 2C Planning Delegations of the Scheme of Governance as the application for development is a departure from the Development Plan and is recommended for approval.
- 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 erection of two dwellinghouses and the formation of vehicular access at a site west of Lynwood, Chapel of Garioch, Inverurie.
- 2.2 The site lies west of the existing settlement of Chapel of Garioch and is on the south side of the C120 public road. The site is 0.46ha in extent and is open farmland. There is open agricultural land to the west and south-west of the site. East of the site there are two residential properties, known as Lynwood and Ashmore and to the south of the site there is the rear garden ground of the residential property No.5 Chapel Close. North of the site and across the C120 public road, there is a row of residential properties with modern detached dwellinghouses of differing architectural styles and materials.
- 2.3 The application site benefits from an existing planning permission in principle approval under APP/2014/1362, approved on 3 November 2016 for three dwellinghouses. The matters specified in conditions were approved under APP/2019/2422 on 15 January 2020. The access to the site has been formed and therefore the site benefits from an extant consent. The proposal is to reduce the number of plots from three to two and to change the house type. The proposal retains the 1½ storey house type design and retains the ridge height of the houses at 7.9m. The proposal retains the material finishes being a white K-rend render and natural timber vertical linings for the walls and natural slate roofing for the main pitched roof section of the proposed two dwellinghouses. The proposed design for both dwellinghouses introduces a flat roof link section to a pitched roof garage building with an anthracite grey profile metal sheet roof. The ridge height of the garage building on Plot 1 and Plot 2 would be 6m and 6.6m respectively. The design introduces a number of small rooflights and natural granite finish to the walls mainly on the front elevation of the dwellinghouses and to sections of the side and rear elevations. The windows and doors would be dusty grey alu-clad and the rainwater goods would be Lindab aluminium.
- 2.4 The proposed site layout retains the site access from the C120, the 2m wide footway along the north frontage of the site and the landscaped strip and 1.2m

wide footpath along the east side of the site. The post and wire fence along the west, south and east boundaries are retained in the new layout. It is proposed that the two dwellinghouses will be connected to the public water supply network. Both dwellinghouses would be served by an individual drainage treatment plants with discharge to foul soakaways with surface water soakaways also contained within each plot area. A bin store area would be situated at the entrance to the site.

### Planning history

2.5 The relevant planning history for the site is detailed below.

**APP/2019/2422** Matters Specified in Conditions for condition 1 ((a) Layout and Siting, (b) External Appearance, Finishing Materials, (c) Existing and Proposed Landscaping, (d) Levels Survey, Site Sections, (f) Access, (g) Parking/Turning Area, (h) Boundary Treatments of Planning Permission APP/2014/1362 for Erection of 3no dwellinghouses Including Access, Drainage and Amenity Area, approved 15 January 2020. The access to the site has been formed.

**APP/2014/1362** Planning permission in principle for Erection of 3 No. dwellinghouses, approved 3 November 2016.

### Supporting information

2.6 A range of supporting information has been submitted with the application and is detailed below:

Planning Statement (Deborah Anderson Architect) - January 2024  
Provides an overview of the planning history, site appraisal, precedent, materials, planning policies and material considerations.

Drainage Impact Assessment (Cameron + Ross Consulting Civil and Structural Engineers) - February 2024  
Provides an overview of existing site conditions, proposed development, foul drainage proposals, surface water proposals, assessment of flood risk and future maintenance.

## **3. Representations**

3.1 No valid letters of representation have been received.

## **4. Consultations**

4.1 **Business Services (Developer Obligations)** advises that contributions have been secured for this application via S69 Legal Agreement (Upfront Payment) under APP/2014/1362 which will offset to the current application. Therefore, in this instance, no additional contribution is required.

- 4.2 **Environment and Infrastructure Services (Environmental Health)** has no objection to the application and requires a condition regarding the air source heat pump to be attached to the planning consent.
- 4.3 **Environment and Infrastructure Services (Roads Development)** advises it has no objection to the proposal subject to the relevant conditions and advisories from APP/2014/1362 be included with any planning permission.
- 4.4 **Scottish Water** has no objections to the proposal, however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced.

## 5. Relevant Planning Policies

### 5.1 National Planning Framework 4 (NPF4)

Scotland's fourth National Planning Framework (NPF4) is a long term plan looking to 2045 that guides spatial development, sets out national planning policies, designates national developments and highlights regional spatial priorities. It is part of the development plan, and so influences planning decisions across Scotland.

On 13 February 2023 (0900am) Scottish Ministers adopted and published National Planning Framework 4 (NPF4), meaning that it is in force and National Planning Framework 3 and Scottish Planning Policy are superseded from that date and time. This will also have the effect that all strategic development plans and any supplementary guidance issued in connection with them cease to have effect on that date. As such the Aberdeen City and Shire Strategic Development Plan 2020 has now ceased to have effect. The NPF4 now forms part of the development plan along with the Aberdeenshire Local Development Plan 2023.

Policy 11 Energy  
Policy 14 Design, quality and place  
Policy 16 Quality homes  
Policy 17 Rural homes  
Policy 22 Flood risk and water management  
Policy 23 Health and safety

### 5.2 Aberdeenshire Local Development Plan 2023

On 13 January 2023 the Aberdeenshire Local Development Plan 2023 was adopted.

Policy P1 Layout, Siting and Design  
Policy P4 Hazardous and Potentially Polluting Developments and Contaminated Land  
Policy C2 Renewable Energy  
Policy R2 Development Proposals Elsewhere in the Countryside  
Policy RD1 Providing Suitable Services

## Policy RD2 Developer Obligations

### 5.3 Other Material Considerations

Planning advice PA2023-11 Development in the Countryside Policies R1 and R2 including Organic Growth of Settlements  
Appendix 7D - Settlement Statements - Garioch

## 6. Discussion

- 6.1 The key planning issues to be discussed in the determination of this application are the principle of the development, the layout, siting and design of the proposal and its potential impact on the amenity of the surrounding area.

### Principle of development

- 6.2 In considering the principle of this development NPF4 Policy 17 Rural homes and LDP2023 Policy R2 Development Proposals Elsewhere in the Countryside are applicable. Both sets of policies seek to support the delivery of high quality sustainable rural homes in the right location. LDP2023 notes that Policy R2 promotes a pattern of development that is considered to be appropriate to the 'accessible' and 'rural' character of the area and has specific criteria that need to be fulfilled in order for a new dwelling to be supported.
- 6.3 Since the approval of applications APP/2014/1362 and APP/2019/2422, both LDP2023 and NPF4 have been adopted which creates a different Development Plan framework for the determination of applications. In respect of this application, there have been some significant changes to the relevant policies.
- 6.4 It is noted that the site is outwith the settlement boundary of Chapel of Garioch and within the accessible rural area. The previous planning permission in principle was allowed as suitable organic growth which was supportable at the time of determination. In considering this principle again, LDP2023 Policy R2 (para. R2.11) states that we will support small-scale organic growth in identified settlements. Identified settlements are detailed in Table 1 List of Identified Settlements within PA2023-11 Planning Advice Development in the Countryside. Chapel of Garioch is not identified as a settlement suitable for organic growth. It is also noted in Policy R2 when considering organic growth that, 'In the accessible rural area only settlements without an opportunity site for housing will be considered under this policy.' Appendix 7D Settlement Statements - Garioch notes that Chapel of Garioch has an opportunity site (OP1 - Land at Pitbee for 10 homes). As Chapel of Garioch is not an identified settlement suitable for organic growth, it has an opportunity site allocation and is located within the accessible rural area, the principle of the development cannot be supported by LDP2023 Policy R2.

- 6.5 That said the site does benefit from an extant permission for three plots. It is noted in the planning history that planning permission in principle was granted under APP/2014/1362 and the necessary matters specified in condition approvals were granted under APP/2019/2422. As works have started on the implementation these consents this can be continued to be implemented should the applicant wish.
- 6.6 This application seeks to decrease the development to just two plots making these bigger than the three previously approved, hence reducing the visual impact and infrastructure needed to support the two plots. Having regard to the planning history, which includes evidence of a lawful start on the implementation of the approvals, which is a material consideration, the Planning Service is content that this proposal can be treated as an appropriate departure.

#### Layout, siting and design

- 6.7 LDP2023 Policy P1 Layout, Siting and Design and NPF4 Policy 14 Design, quality and place emphasise the importance of good design in developments and aim to ensure that all new developments demonstrate compliance with the six qualities of a successful place and advises that development should be appropriately designed and scaled, with no amenity impacts to others.
- 6.8 The proposal retains the 1½ storey house design of the previously approved house type and there is no change to the ridge height of the houses which remains at 7.9m. The proposed design for both dwellinghouses introduces a flat roof link section to a pitched roof garage building and introduces a number of small rooflights and natural granite finish to the walls mainly on the front elevation of the dwellinghouses and to sections of the side and rear elevations.
- 6.9 The layout, siting and design of the proposed houses on Plots 1 and 2 incorporates both traditional and contemporary features and is considered to be appropriate for the site. The designs would generally align with the scale and mass of the surrounding residential properties and would be sympathetic to the character of the residential neighbourhood. The proposed material finishes, being part traditional natural stone and slate with part render and timber linings, would present visually appealing homes to the residential streetscape. The layouts and house orientation also provide for adequate garden ground to the west and south of the proposed houses which would be commensurate with the amenity needs of houses of this size. Adequate off road car parking is also available for each property.
- 6.10 The proposed site layout retains the site access from the C120, the 2m wide footway along the north frontage of the site and the landscaped strip and 1.2m wide footpath along the east side of the site. The post and wire fence along the west, south and east boundaries are retained in the new layout. It is proposed that the two dwellinghouses will be connected to the public water supply network. Both dwellinghouses would be served by an individual drainage treatment plant with discharge to foul soakaways with surface water

soakaways also contained within each plot area. A bin store area would be situated at the entrance to the site.

- 6.11 With regard to residential amenity, the proposal would not raise any concerns in respect of neighbouring amenity. Due to the position and orientation of the two proposed detached dwellinghouses on the application site and the retention of the landscaped strip and footpath along the east side of the site, there would be an adequate separation distance between the proposed houses and the two existing houses to the east of the site. There is not considered to be any significant additional overlooking or overshadowing as a result of the change in house layout and design when considered against the previous approval.
- 6.12 Overall, the proposal is acceptable in terms of the layout, siting and design and its relation with the neighbouring residential properties and it therefore complies with LDP2023 Policy P1 and NPF4 Policy 14.

#### Renewable energy

- 6.13 The proposal includes the installation of air source heat pumps (ASHP) to both houses. This is welcomed as an appropriate domestic installation to make use of renewable energy. NPF4 Policy 11 Energy and LDP2023 Policy C2 Renewable Energy support renewable energy developments, which are in appropriate sites and of the appropriate design. There are noise emissions associated with an ASHP which need to be assessed when considering residential amenity. LDP2023 Policy P4 Hazardous and Potentially Polluting Developments and Contaminated Land advises that developments that could cause significant pollution, create a significant nuisance (for example through impacts on air quality or noise), would not be supported. NPF4 Policy 23 Health and safety states that development proposals that are likely to raise unacceptable noise issues will not be supported. Environment Health was consulted and following discussions with the applicant has no objection subject to a condition being included on any approval to limit noise from the ASHP.
- 6.14 The proposal complies with LDP2023 Policy C2 and Policy P4 and NPF4 Policy 11 and Policy 23.

#### Technical matters

- 6.15 LDP2023 Policy RD1 Providing Suitable Services advises that we will only allow development that is located and designed to take advantage of or incorporate the services, facilities and infrastructure necessary to support it. These matters include road access, waste management provision, water supply, wastewater connections and treatment, and other elements as may be appropriate in the circumstances.
- 6.16 Roads Development raised no objections to the proposal, subject to standard conditions and advisory notes being attached to any approval given.

- 6.17 LDP2023 Policy RD1 advises that we will support development when the developer satisfactorily meets the required standards for water, wastewater and surface-water drainage servicing in the new development. NPF4 Policy 22 Flood risk and water management advises that development proposals will be supported if they can be connected to the public water mains.
- 6.18 The proposed dwellinghouses would connect to the public water supply network. Scottish Water was consulted and raised no objections to the proposed public water supply connection. Scottish Water advised that there is no public Scottish Water wastewater infrastructure within the vicinity of the development site and the applicant is advised to investigate private treatment options. The dwellinghouses would make private drainage arrangements through the installation of a private treatment plant and foul water soakaway which are shown on the proposed site plan. The application was supported by a suitable drainage report, and therefore, in this instance, private drainage arrangements are acceptable. The development is considered to be able to be adequately serviced in terms of water supply and wastewater in compliance with LDP2023 Policy RD1 and NPF4 Policy 22.

#### Developer Obligations

- 6.19 LDP2023 Policy RD2 Developer Obligations advises that whereby itself or cumulatively, development would give rise to the need for new or improved infrastructure or services, and this is not to be directly provided as an integral part of the development, planning obligations or other appropriate means to secure such provision may need to be put in place. Business Services (Developer Obligations) confirmed that Developer Obligations are not required as contributions have been secured for this application via S69 Legal Agreement (Upfront Payment) under APP/2014/1362 which will be applied to the current application. The proposal therefore complies with LDP2023 Policy RD2.

#### Conclusion

- 6.20 It is noted in para. 6.3 that the Development Plan has changed considerably when dealing with applications for organic growth with LDP2023 Policy R2 no longer supportive of organic growth at sites within the accessible rural area. An outline of these policy changes is given in para. 6.4. Notwithstanding the shift in the position that LDP2023 now takes the site does benefit from an extant planning approval for three dwellings and this demonstrates that the principle of residential development has already been established. This is a material planning consideration, and it would be correct to give weight to this in the determination of this application.
- 6.21 Putting the matter of the principle aside the revised layout and all technical matters are considered to be acceptable and in compliance with LDP2023 Policy P1 Layout, Siting and Design, Policy P4 Hazardous and Potentially Polluting Developments and Contaminated Land, Policy C2 Renewable Energy, Policy RD1 Providing Suitable Services and Policy RD2 Developer Obligations and NPF4 Policy 14 Design, quality and place, Policy 16 Quality



homes, Policy 11 Energy, Policy 22 Flood risk and water management and Policy 23 Health and safety.

- 6.22 Returning to the principle and having regard to the planning history, the extant consent and the fact that all other matters relating to this proposal are acceptable the Planning Service is of the view that the proposal represents a departure that can be supported. It is therefore recommended that planning permission be approved subject to conditions.

## **7. Area Implications**

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

## **8. Implications and Risk**

- 8.1 An integrated impact assessment is not required because the granting or refusing of the application will not have a differential impact on the protected characteristics of the applicant or any third parties.
- 8.2 There are no staffing and financial implications.
- 8.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.
- 8.4 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

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

### **9.1 Development Plan Departures**

LDP2023 Policy R2: Development Proposals Elsewhere in the Countryside  
NPF4 Policy 17: Rural Homes

- 9.2 The application is a Departure from the valid Development Plan and has been advertised as such. The period for receiving representations has expired.
- 9.3 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.

9.4 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 GRANT Full Planning Permission subject to the following conditions:-

01. In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended) this planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development is begun within that period.

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

02. 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 landscape features and vegetation to be retained.
- ii. The location of new trees, shrubs, hedges and grassed areas.
- iii. A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- iv. The location, design and materials of all hard landscaping works including walls, fences and gates.
- v. An indication of existing trees, shrubs and hedges to be removed.
- vi. 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.

03. Prior to the occupation of any of the dwellinghouses hereby approved, a detailed maintenance scheme, including details of who is to be responsible for maintenance of the open space and landscaping throughout the site including the public path / squirrel pathway and

associated landscape strip, shall be provided for the written approval of the Planning Authority. Maintenance works shall thereafter be carried out in accordance with the scheme agreed in perpetuity, unless an amended scheme is first agreed in writing with the Planning Authority.

Reason: To ensure a satisfactory maintenance scheme is implemented for the landscaped areas.

04. That no dwellinghouse in the development hereby approved shall be occupied unless the footpath and public amenity area shown on drawing 23-010-031 F has been provided on site in accordance with the approved plan. The public path shall be surfaced in a material that shall be subject of the prior written approval of the Planning Authority.

Reason: In the interests of amenity of residential properties and the visual amenities of the area.

05. That no residential dwelling in this development shall be occupied unless all roads, footpaths, parking and turning areas within and serving the development have been completed to the level of bottoming and bitmac base course, including the access bellmouth and all turning heads to the current Aberdeenshire Council road construction standards or such other standard that may be subject of the prior agreement in writing with the Planning Authority. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the provision of a means of access and turning space to an adequate standard in the interests of road safety.

06. The development shall be served in accordance with the approved drawings and the following details:
- a) The maximum gradient of the first 5m of the access must not exceed 1 in 20.
  - b) That no dwellinghouse hereby approved shall be occupied unless its driveway, parking and turning area has been provided and surfaced to a standard of not less than 100mm of bottoming and 50mm of bitmac or to such other standard or with such other hard wearing material as shall be first agreed, in writing, with the Planning Authority. No driveway shall exceed a 1:10 gradient and once provided, all parking and turning areas shall thereafter be permanently retained as such.
  - c) Prior to commencement of development, visibility splays measuring 2.4m x 59m to be formed on either side of the junction of the vehicular access with the public road. The visibility splays so formed shall thereafter be kept free of all permanent obstructions above adjacent carriageway level.
  - d) Prior to occupancy of development a refuse bin uplift store area shall be constructed (behind any visibility splay) so as to be

accessible for bin uplift and shall be secure enough to prevent empty bins from being wind blown. Details must be submitted to Roads Development for approval.

- e) The junction that the proposed vehicular access forms with the public road to be kerbed to radii of 5.0m, the minimum width at the throat of the bell mouth so formed to be 4.0m. The area within the bell mouth and for a minimum distance of 5.0m from the public road carriageway, to be constructed in accordance with the Council's Specification appropriate to the type of traffic which will use the access, and shall be surfaced with dense bitumen macadam or asphalt.

Reason: In order to ensure that the development is served by an appropriate standard of access and associated servicing in the interests of road safety.

- 07. That the proposed foul and surface water drainage systems shall be carried out in accordance with the approved plans and no dwellinghouse hereby approved shall be occupied unless the approved drainage system has been implemented in this form, unless otherwise agreed in writing with the Planning Authority. Following provision of the drainage system it shall thereafter be maintained by the developers or their successors in accordance with the approved maintenance scheme.

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

- 08. 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 2023.

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 National Planning Framework 4 Policy 2 and Policy C1 of the Aberdeenshire Local Development Plan 2023.

09. The development hereby approved shall connect to the public water supply and the dwellinghouse shall not be occupied unless the connections is fully operational and accords with the requirements of Scottish Water.

Reason: To ensure that adequate water supply is provided to serve the development in the interest of the amenity of the area.

10. That the route of the former bridle way which runs on an east - west course through the southern portion of the site connecting into the agricultural land over the west boundary shall be safeguarded for future use. Details of the proposed safeguarded route shall be submitted for the approval in writing by the Planning Authority and no dwellinghouse shall be occupied unless the route has been safeguarded to the satisfaction of the Planning Authority.

Reason: To ensure that the development does not restrict potential future access routes to the wider countryside in the interests of amenity.

11. The front boundary onto the C120 public road shall be marked by a natural stone wall, the design of which shall be submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing with the Planning Authority, the agreed design shall be implemented on site prior to the occupation of the first dwellinghouse.

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

12. That from the date of this permission, all stone walls existing along the site perimeters and within the site area shall be retained in their entirety. Stone walls shall only be altered or removed with the prior approval in writing of the Planning Authority.

Reason: In the interests of retaining these important landscape features and in the interests of biodiversity.

13. Noise from air source heat pumps (ASHPs) shall not exceed Noise Rating (NR) Curve 25 when measured over a Leq1min (dB) within any habitable room of any noise sensitive dwelling with an open window for ventilation.

Reason: To ensure that noise from the development does not result in undue loss of amenity for surrounding properties.

**10.2 That the Committee agree the reason for departing from the Development Plan.**

The proposal is contrary to NPF4 Policy 17 Rural Homes and LDP2023 Policy R2: Development Proposals Elsewhere in the Countryside in that it fails to meet any of the policy criteria for new housing in the countryside. However, having regard to the recent planning history and extant planning permission which establishes the principle of development on this site, and the appropriate layout, siting and design the application represents a suitable departure.

**Alan Wood**

**Director of Environment and Infrastructure Services**

**Author of Report: Jane Whytock-Celeste**

**Report Date: 1 April 2024**