



UN-SCANNED
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TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Application Reference: KM/APP/2012/0807

TO: Ryden LLP
25 Albyn Place
Aberdeen
AB10 1YL

FOR: Mrs L Pirie

In pursuance of the powers exercised by them as Planning Authority, this Council having considered your application to carry out the following development:

Full Planning Permission for Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions) and 12 Dwellinghouses (Enabling Development) and Formation of Access Roads and SUDS at Land to East of Rothnick, Netherley, Stonehaven

and in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, do hereby give notice of their decision to **REFUSE Full Planning Permission** for the following reasons:

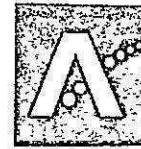
1. The site is not located within a regeneration priority area, and the proposal is not considered to be an exceptional circumstance requiring enabling development. It is therefore contrary to Policy 10 (SG Enabling Development 1) of the Aberdeenshire LDP 2012.
2. The houses do not form an appropriate addition to an existing group of at least 5 houses, nor are they for an essential worker in an enterprise which itself is appropriate to the countryside. The proposal is therefore contrary to Policies Hou\4 and Hou\5 of the Aberdeenshire Local Plan (2006), and Policy 3 (SG Rural Development 1) of the Aberdeenshire LDP 2012.
3. The modest local economic and social benefits do not outweigh the adverse environmental impacts of 12 houses and a large nursery on undeveloped land within the countryside. The impact on landscape and visual amenity are far wider reaching than the small scale localised social and economic benefits. The proposal is in a remote location and not located close to the existing population. The proposal is therefore contrary to Policy Emp\3 of the Aberdeenshire Local Plan (2006), and Policy 3 (SG Rural Development 1) of the Aberdeenshire LDP 2012.
4. The proposal does not demonstrate sufficient visibility at the access with the public road. As such the proposal does not include a safe and convenient access, and is contrary to Policy Inf\1 of the Aberdeenshire Local Plan (2006), and Policy 9 (SG Developer Contributions 2) of the Aberdeenshire LDP 2012.

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5. The proposal does not demonstrate that the site can be accessed conveniently by walkers and cyclists, or is close to existing public transport. As such the proposal is therefore contrary to Policy Inf2 of the Aberdeenshire Local Plan (2006), and Policy 9 (SG Developer Contributions 2) of the Aberdeenshire LDP 2012.
6. No refuse or recycling facility has been proposed for the nursery, therefore the proposal is contrary to Policy Inf6B of the Aberdeenshire Local Plan (2006), and Policy 10 (SG Developer Contributions 4) of the Aberdeenshire LDP 2012.
7. The proposed site is immediately adjacent to the proposed route of the Aberdeen Western Peripheral Route (AWPR). The land within the development site is required for environmental mitigation of the route. The proposal is therefore contrary to Policy Inf12 of the Aberdeenshire Local Plan (2006), and Policy 14 (SG Safeguarding 4) of the Aberdeenshire LDP 2012.
8. The site is within the Kincardine Plateau Landscape Character area, as defined in Appendix 1 of SG Landscape 1 in the Aberdeenshire LDP 2012, where clusters of houses are not an existing feature. In addition the character and design of the dwellinghouses and nursery are unsympathetic to the rural area. The proposal would therefore be out of character with the surrounding area, and be to the detriment of the visual amenity of the flat roaming landscape. The proposal is therefore considered to be contrary to Policies Gen\1 and Gen\2 of the Aberdeenshire Local Plan (2006), and Policy 13 (SG Landscape 1) and Policy 8 (SG LSD2) of the Aberdeenshire LDP 2012.
9. No design statement has been provided, taking account of appropriate standards for design, open space provision, accessibility, safety, sustainability and provision of services. The proposal therefore fails to meet the requirements of SG LSD2, and is therefore contrary to Policy 8 of the Aberdeenshire LDP 2012.
10. No energy statement has been provided to demonstrate compliance with SG LSD11, which requires an energy statement to identify how the proposal shall be energy efficient and include low carbon generating technologies. The proposal is therefore contrary to Policy Gen\1 of the Aberdeenshire Local Plan (2006), and Policy 8 (SG LSD11) of the Aberdeenshire LDP 2012.

Dated: 25/05/2012

Head of Planning and Building Standards

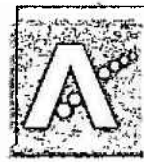
List of Plans and Drawings

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List of Plans and Drawings

77129/201 B
1733-S-003 A
1733-S-002 A
1733-S-001 B
SF17331-A1-001
SF17331-A1-002
SF17331-A1-001H
SF17331-A1-002H
SF17331-A2-001
SF17331-A2-002
SF17331-A3-001
SF17331-A4-001
SF17331-A4-002
SF17331-A4-001H
SF17331-A4-002H
1733-S-004 A
HB2500TE
1733-S-006
1733-S-005
SF17331-A2-001
SF17331-N-001 B
SF17331-N-002 C

For details of how to request a review of this decision by the Planning Authority
please see attached notes.

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Corporate Services

Aberdeenshire Council Local Review Body

Reference LRB 142 KM/APP/2012/0807

Review Decision Notice

Decision by Aberdeenshire Council Local Review Body (LRB)

- Site address: East of Rothnick, Netherley, Stonehaven
- Application for review by Mrs L Pirie against the decision by an appointed officer
- Application reference KM/APP/2012/0807 for full planning permission for erection of children's day care nursery (Class 10 non-residential institutions) and 12 dwellinghouses (enabling development) and formation of access roads and SUDS refused by decision notice dated 25 May 2012
- Application drawings: Site Location Plan @ 1/5000 scale and Site Plan @ 1/500 scale (Drawing No 1733-S-001revB); Sections through site @ 1/200 scale (Drawing Nos 1733-S-002revA & 1733-S-003revA); Conceptual Drainage Layout Plan @ 1/500 scale (Drawing No 77129/201revB); Nursery building Floor Plan @ 1/50 scale (Drawing No SF17331-N-001revB); Nursery building Elevations and Section @ 1/100 & 1/50 scales respectively (Drawing No SF17331-N-002 revC); House-type 'A1' Ground Floor Plan & Elevations @ 1/50 & 1/100 scales respectively (Drawing No SF17331-A1-001); House-type 'A1'(handed) Ground Floor Plan & Elevations @ 1/50 & 1/100 scales respectively (Drawing No SF17331-A1-001H); House-type 'A1'(handed) First Floor Plan @ 1/50 scale (Drawing No SF17331-A1-002H); House-type 'A1' First Floor Plan & Section @ 1/50 scale (Drawing No SF17331-A1-002); House-type 'A2' Ground Floor Plan & Elevations @ 1/50 & 1/100 scales respectively (Drawing No SF17331-A2-001); House-type 'A2' First Floor Plan & Section @ 1/50 & 1/100 scales respectively (Drawing No SF17331-A2-002); House-type 'A3' Plan & Elevations @ 1/50 & 1/100 scales respectively (Drawing No SF17331-A3-001revA); House-type 'A4' Ground & First Floor Plans @ 1/50 scale (Drawing No SF17331-A4-001); House-type 'A4' Elevations & Sections @ 1/100 & 1/50 scales respectively (Drawing No SF17331-A4-002); House-type 'A4'(handed) Ground & First Floor Plans @ 1/50 scale (Drawing No SF17331-A4-001H); House-type 'A4'(handed) Elevations & Sections @ 1/100 & 1/50 scales respectively (Drawing No SF17331-A4-002H); Acoustic Fence Section & Plan @ 1/5 scale (Drawing No 1733-S-004); Fence (between plots) Elevation @ 1/5 scale (Drawing No 1733-S-005); Plot 12 Garage Plan & Elevations @ 1/100 scale (Drawing No 1733-S-006); 'Balmoral' tank details (dimensioned) (Drawing No HB2500TE)
- No site inspection took place

Date of Decision: 11 April, 2013

Decision

The Local Review Body (LRB) agrees with the determination reviewed by it and refuses Full Planning Permission in accordance with the Appointed Officer's decision duly modified to omit reference to the superseded Aberdeenshire Local Plan 2006 and Reason 4.

1.0 Preliminary

- 1.1 This Notice constitutes the formal decision notice of the Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.
- 1.2 The LRB reviewed the determination of the above application for planning permission at its meeting held on 26 October 2012. The LRB was attended by Councillors R J Merson (Chair), E Chapman, G J Clark, R Cowling, J J Strathdee and I Tait.
- 1.3 The LRB was shown projected plans and photographs by the Planning Adviser. These showed the application site and its relationship to the surroundings.
- 1.4 The LRB agreed that there was sufficient information before it in order to consider the application and that no further information was required.

2.0 Proposal

- 2.1 The application proposal is for the erection of a children's day care nursery and 12 houses, together with associated infrastructure on a 1.93 hectare site adjacent to Rothnick Croft, Netherley. The site is located some 9km north of Stonehaven and 1½ km east of Lairhillock primary school. A 'T' junction formed by two minor roads lies within 75m of the site. The dwellinghouse known as 'Rothnick Croft' lies to the immediate south-west boundary of the site. The surrounding landscape is defined in landscape character terms as the 'Kincardine Plateau' – a gently undulating landform that is predominantly agricultural in terms of land use and relatively sparsely populated.
- 2.2 The proposal envisages a site access road that would divide the site along an east-west axis. The nursery and two pairs of affordable houses would be sited on the north side of this road. On the opposite side, a row of eight detached dwellinghouses would occupy feus fronting the minor public road which links the B979 and the A90 trunk road. This route would be upgraded as part of the AWPR.

- 2.3 The planning application attracted a total of 19 representations (17 pro; 2 anti). A precis of points made by representees appears in the Report of Handling. The AWPR Managing Agent Team maintained its representation as an 'Interested Party'.

3.0 Reasoning

- 3.1 The main determining issue in this review was whether the perceived social and economic benefits of the proposed development decisively outweigh disbenefits relating to the relatively remote location of the site and conflict with AWPR route mitigation measures.

- 3.2 The LRB agreed that the Planning Officer had identified the relevant Aberdeenshire Local Plan 2006 policies which were valid at the time of determination and these were as follows:

Policy Hou\4: New Housing in the Countryside including the Aberdeenshire part of the Cairngorms National Park
 Policy Hou\5: Cohesive Groups in the Rural Housing Market Area
 Policy Hou\8: Affordable Housing
 Policy Emp\3: Employment Development in the Countryside
 Policy Inf\1: Roads and Accesses
 Policy Inf\2: Parking, Servicing and Accessibility
 Policy Inf\3: Access for the Less Mobile
 Policy Inf\4A: Foul Drainage Standards
 Policy Inf\4B: Surface Water Drainage Standards:Sustainable Urban Drainage Systems (SUDS)
 Policy Inf\5: Water Supply
 Policy Inf\6B: Waste Management Requirements for New Development
 Policy Inf\12: Safeguarding Land for the Modern Transport System
 Policy Gen\1: Sustainability Principles
 Policy Gen\2: The Layout, Siting and Design of New Development
 Policy Gen\3: Developer Contributions

- 3.3 The LRB agreed that the Planning Officer had also identified the relevant policies of the Aberdeenshire Local Development Plan 2012, which at the time of determination was a significant material consideration. (This Plan was adopted in June 2012 and supersedes the 2006 Plan.) These policies are as follows:

Policy 3 Development in the countryside and
 SG Rural Development1: Housing and business development in the countryside
 Policy 6 Affordable housing and
 SG Affordable Housing1: Affordable housing
 Policy 8 Layout, siting and design of new development and
 SG LSD2: Layout, siting and design of new development
 SG LSD6: Public access
 SG LSD11: Carbon neutrality in new development
 Policy 9 Developer contributions and

SG Developer Contributions1: Developer contributions
SG Developer Contributions2: Access to new development
SG Developer Contributions3: Waste and waste water drainage infrastructure
SG Developer Contributions4: Waste management requirements for new development
Policy 10 Enabling development and
SG Enabling Development1: Enabling development
Policy 11 Natural heritage and
SG Natural Environment2: Protection of the wider biodiversity and geodiversity
Policy 12 Landscape conservation and
SG Landscape1: Landscape character
Policy 14 Safeguarding of resources and areas of search and
SG Safeguarding4: Safeguarding transportation facilities

- 3.4 The LRB acknowledged that the Applicant's case was comprehensive and well-presented in its efforts to address the 10 reasons for refusal of planning permission. The conclusion contained in the 26 page 'Grounds of Appeal Statement' focussed upon direct and indirect economic benefits, providing employment opportunities and supporting working families in the local area; the lack of availability of conventional funding sources in the prevailing economic climate, and that the economic benefits significantly outweighed any disadvantages, thus justifying a departure from policy.
- 3.5 Having reviewed the 10 reasons for refusal and before going on to discuss the main issues, the LRB accepted that the additional information provided by the Applicant in relation to reason 4 of the decision notice adequately demonstrated that sufficient visibility could be achieved at the site access. Consequently, the LRB agreed to set aside this reason for refusal.
- 3.6 However, in relation to the potential impact upon the route of the Aberdeen Western Peripheral Route (AWPR), the LRB had noted that the AWPR Managing Agent (in representation from 'Interested Party') had maintained an objection to the proposed development, as it is considered to conflict with land required for environmental mitigation of the AWPR route. The LRB considered the Applicant's response to this issue, namely, that the '...development proposals can accommodate this by relocating dwellings to the north where there is sufficient land holdings to do so. This could be addressed via minor alterations to the location plan'. (Para 2.14 of Applicant's Statement). This is supplemented at para 7.12 which states 'The land identified as being required comprises only a small part of the site. In any event this can be overcome by repositioning dwellings and nursery to the north of the site, where there is sufficient land holding to do so'.
- 3.7 This is an application for full planning permission. By the Applicant's own admission, the revisions required to accommodate the AWPR

scheme would entail changes to the layout and site boundary. No such details were before the LRB, and, at any rate, they would necessitate a fresh planning application. In the circumstances, the LRB considered that the proposed development would prejudice the implementation of the approved environmental mitigation measures relating to the AWPR scheme. Consequently, the LRB agreed with the Appointed Officer that the proposed development would be contrary to SG Safeguarding⁴.

- 3.8 In response to the Applicant's case relating to prime policy criteria, the LRB was aware that, unlike the superseded 2006 Local Plan, the current 2012 Local Development Plan permits enabling development in connection with business start-up in certain circumstances. However, the employment venture (in this case, the nursery) should be located in a 'regeneration priority area' (which the site is not), or a rural area, only in exceptional cases. Even if the case had been considered 'exceptional', under the terms of SG Enabling Development¹, the site would require to be located in the 'Rural Housing Market Area' (which it is not). Furthermore, the enabling development element should be the minimum level required, not a substitute for conventional development funding and generate wider public benefits which outweigh any disadvantages of the development.
- 3.9 The Applicant had made reference to a number of 'enabling development' proposals that have been granted planning permission by Aberdeenshire Council, as Departures from the Development Plan. It is asserted that these examples are precedents. The Report of Handling makes it clear that the anticipated social and economic benefits of these approved developments would be far wider than the localised benefits likely to arise from the development in question. The LRB agreed with the assessment of the Appointed Officer, that, in the circumstances, an 'exceptional case' had not been made, bearing in mind that Policy 10 requires that enabling development 'decisively outweighs the disadvantages of breaking the normal policy presumptions of the plan'.
- 3.10 Reference had been made by both the Applicant and the Appointed Officer, to the plan-making process and, in particular, the 'development bid' contained in the Main Issues Report relating to the emerging Local Development Plan. In this connection, the Reporter agreed with the Council not to allocate the site in the Plan, due to its remote siting and disconnection with services. In particular, the LRB had noted that the Reporter had stated that 'The community and employment benefits of providing a nursery school at Rothnick Croft would not be sufficient to warrant the construction of 10 houses in this remote countryside location'.
- 3.11 In light of the aforementioned circumstances, the Review Body resolved to uphold the decision of the Appointed Officer, subject to the omission of Reason 4 and reference to the superseded 2006 Plan,

thereby refusing Full Planning Permission for the nine reasons cited below.

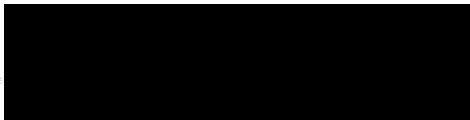
4.0 Reasons for refusal

1. The site is not located within a regeneration priority area, and the proposal is not considered to be an exceptional circumstance requiring enabling development. It is therefore contrary to Policy 10 (SG Enabling Development 1) of the Aberdeenshire LDP 2012.
2. The houses do not form an appropriate addition to an existing group of at least 5 houses, nor are they for an essential worker in an enterprise which itself is appropriate to the countryside. The proposal is therefore contrary to Policy 3 (SG Rural Development 1) of the Aberdeenshire LDP 2012.
3. The modest local economic and social benefits do not outweigh the adverse environmental impacts of 12 houses and a large nursery on undeveloped land within the countryside. The impact on landscape and visual amenity are far wider reaching than the small scale localised social and economic benefits. The proposal is in a remote location and not located close to the existing population. The proposal is therefore contrary to Policy 3 (SG Rural Development 1) of the Aberdeenshire LDP 2012.
4. The proposal does not demonstrate that the site can be accessed conveniently by walkers and cyclists, or is close to existing public transport. As such the proposal is therefore contrary to Policy 9 (SG Developer Contributions 2) of the Aberdeenshire LDP 2012.
5. No refuse or recycling facility has been proposed for the nursery, therefore the proposal is contrary to Policy 10 (SG Developer Contributions 4) of the Aberdeenshire LDP 2012.
6. The proposed site is immediately adjacent to the proposed route of the Aberdeen Western Peripheral Route (AWPR). The land within the development site is required for environmental mitigation of the route. The proposal is therefore contrary to Policy 14 (SG Safeguarding 4) of the Aberdeenshire LDP 2012.
7. The site is within the Kincardine Plateau Landscape Character area, as defined in Appendix 1 of SG Landscape 1 in the Aberdeenshire LDP 2012, where clusters of houses are not an existing feature. In addition the character and design of the dwellinghouses and nursery are unsympathetic to the rural area. The proposal would therefore be out of character with the surrounding area, and be to the detriment of the visual amenity of the flat roaming landscape. The proposal is therefore considered to be contrary to Policy 13 (SG Landscape 1) and Policy 8 (SG LSD2) of the Aberdeenshire LDP 2012.

8. No design statement has been provided, taking account of appropriate standards for design, open space provision, accessibility, safety, sustainability and provision of services. The proposal therefore fails to meet the requirements of SG LSD2, and is therefore contrary to Policy 8 of the Aberdeenshire LDP 2012.
9. No energy statement has been provided to demonstrate compliance with SG LSD11, which requires an energy statement to identify how the proposal shall be energy efficient and include low carbon generating technologies. The proposal is therefore contrary to Policy 8 (SG LSD11) of the Aberdeenshire LDP 2012.

Karen Wiles
Head of Legal and Governance

8. No design statement has been provided, taking account of appropriate standards for design, open space provision, accessibility, safety, sustainability and provision of services. The proposal therefore fails to meet the requirements of SG LSD2, and is therefore contrary to Policy 8 of the Aberdeenshire LDP 2012.
9. No energy statement has been provided to demonstrate compliance with SG LSD11, which requires an energy statement to identify how the proposal shall be energy efficient and include low carbon generating technologies. The proposal is therefore contrary to Policy 8 (SG LSD11) of the Aberdeenshire LDP 2012.



Karen Wiles
Head of Legal and Governance

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)

Notice Under Regulation 21 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

- 1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

- 2 If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

REPORT OF HANDLING

Application Reference: APP/2012/0807

Proposal: Full Planning Permission for Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions) and 12 Dwellinghouses (Enabling Development) and Formation of Access Roads and SUDS

Address: Land to East of Rothnick Netherley Stonehaven

1. Description of proposal

This proposal is for the erection of 12 dwellinghouses to enable the development of a nursery business, at land adjacent to Rothnick Croft, Netherley.

The site is approximately 1km to the east of Lairhillock Primary school, and sits adjacent to a junction in the public road network. The site at present is a mix of mature trees to the eastern side, open grassland for the most part, with some scrubland and bushes at the western edge.

The site sits immediately to the north of the public road network which is proposed to be upgraded to form part of the Aberdeen Western Peripheral Route.

The proposed site layout shows access coming from the eastern edge of the site, through the existing tree belt. The SUDS pond would be sited adjacent to the access road, which leads into the centre of the site where 8 large detached dwellings would be sited along the southern boundary of the site, with 2 sets of semi-detached dwellings to the north of the proposed road. The nursery would be sited to the north of the semi-detached dwellings.

The house types are a mix of 3 different 4 and 5 bedroom detached properties, along with the semi-detached units. The house types can be summarised as follows; A1 – large storey and half twin gabled front elevation, A2 – large storey and half L shaped footprint with dormers and rear gable feature, A3 – single storey semi-detached bungalow, A4 – large storey and ¾ house, L shaped footprint with storey and half element to front.

The proposed nursery building is a large single storey building, with an L shaped footprint. The elevations are quite linear and broken up by floor length windows/French doors, hopper windows, and more standard looking windows. The floorplan for the nursery shows defined rooms for babies, toddlers and 3-5 year olds, as well as a reception area, office, staff room, kitchen and laundry room.

The finishing materials for all buildings propose champagne drydash, gold fyfestone quoins, grey concrete roof tiles for the house roofs, green profiled steel sheeting for the nursery roof, uPVC windows and doors, and black uPVC rainwater goods.

2. Variation

None

3. Supporting Information

A supporting document has been submitted from the applicant's agent, which includes;

The planning application form,

A description and appraisal of the site at present,

An overview of the proposal, addressing issues such as connectivity, education,

history, the need for such a facility, and the types of houses being proposed. An overview of the relevant national and local planning policies,

The supporting document then goes on to highlight material considerations in support of the proposal, and highlights the relevant policies within the Aberdeenshire Local Plan 2006. It then goes on to state site was promoted as a bid for consideration in the Main Issues Report for the LDP. The site was not given an allocation in the LDP.

The document then goes on to appraise the proposal against relevant policies contained within the LDP.

The supporting document also discusses, and includes as appendices, a business plan, winter walkover habitat survey, a noise survey, drainage assessment.

The supporting document, in its section 6, then goes on to attempt to justify the proposal. It states the minimum investment required to develop the nursery can be provided through the sale of the 12 dwellings. There is a significant need for a nursery in the area, with the school only providing 2.5 hours of pre-school nursery per day during school term time. The applicant has a good reputation in the area for a high standard of childcare service from their existing childcare business in Stonehaven, and this will allow her to expand her established business and provide further childcare to meet the needs of the community. The applicant does provide an Out of School Club at Lairhillock Primary from a classroom which is rented, however this restricts the quality and frequency of service that can be offered. The school has indicated to the applicant that they will require the classroom in the near future, therefore she will no longer be able to provide this service. The business plan projects that the proposal will provide jobs for the equivalent of 11.5 people in the first year of operation, with 21.5 employed by year 5. Due to the current economic situation, the applicant has been unable to secure finance for a nursery, therefore is seeking to secure this through enabling development moneys from 12 houses. Comparisons are made to Menie House, Blairs College, Ury House and Inchmarlo.

The statement then goes on to look at more site specific matters, such as the layout is a cluster of houses similar to those already in existence in the Lairhillock/Netherley area, and that the houses have been designed to ensure they fit in with the landscape and natural features of the site.

The report concludes by stating the proposal is compliant with a number of national and local planning policies and has been designed to be sympathetic to its setting. The proposal will create a number of economic benefits and will greatly assist parents residing in the local area. This, coupled with the high quality design, is considered to be a sufficient material consideration worthy of departing from the development plan.

4. Relevant Planning History

ENQ/2008/0104 – an enquiry for a nursery with 10 houses as enabling development. This proposal went through Aberdeenshire Council's Pre-Major Applications Process, where a round the table meeting was held with the applicant and key consultees, which was followed up with a formal note of the meeting. The feedback from the meeting included comments from consultees, and also made the applicant aware that the proposal did not comply with the

development plan at that time.

5. Representations

A total of 19 representations have been received, 17 in support and 2 objecting to the proposal. The points raised in the representations are summarised as follows;

Support (17)

The proposal will benefit the local community and provide jobs.

Proposal will allow people to continue to work whilst their children attend local childcare.

There are site specific benefits to a nursery at this location, the nearby wetlands and woodlands are extremely beneficial to children.

Proposal will be a benefit to local parents who need childcare.

There is a need for a childcare facility in the area.

The Croft, in Stonehaven, is a good facility and this will allow even better childcare in the area.

Lairhillock Primary has no preschool care, therefore this facility is needed to provide it.

The limits of The Croft not providing morning care would be overcome with this proposal.

Objection (2)

There is no demand for a nursery in this location.

Most residents in the area use childcare services near their place of work to allow easy collection in the event of illness or emergency.

The location is isolated, therefore in bad weather potentially inaccessible.

There is no justification for houses to fund the development; if it is a viable business then banks would provide funding.

The land is not allocated for housing.

6. Consultations

Infrastructure Services (Planning Policy) state the proposal would not conform with Policy 3: Development in the Countryside, Policy 8: Layout, Siting and Design of New Development, Policy 10: Enabling Development, Policy 11: Natural Heritage, and Policy 14: Safeguarding of Resources and Area of Search, of the Aberdeenshire Local Development Plan 2012.

Infrastructure Services (Roads Development) confirm that 2 car parking spaces shall be required for the houses with 3 or less bedrooms, and 3 spaces shall be required for the larger houses. They also confirm 20 spaces shall be required for the nursery. They do however raise concern that the junction at the site access with the public road (62k) does not provide the required visibility, and it would seem land outwith the applicants control would be required to provide this. They also state that whilst a full Transport Assessment is not required, a brief Transport Statement/Travel Plan must be provided to assess how peak hour traffic generation shall function.

Infrastructure Services (Environmental Health) provide the following comments; all plant and machinery shall not be above existing background noise levels, mitigation should be in place to minimise the noise from children playing outwith the nursery, details of floodlighting should be provided, and evidence should be provided to demonstrate that noise from the AWPR can be attenuated to

suitable levels.

Infrastructure Services (Waste Management) provide standard comments relating to bin space provision at each dwelling, refuse collection, and accessibility. They do comment that no details of the refuse/recycling facilities for the nursery have been provided.

Infrastructure Services (Flood Prevention Unit) have no record of flooding or drainage issues at this site. Whilst they approve the use of the proposed SUDS device, they require supporting documentation in the form of a Drainage Impact Assessment, along with calculations to confirm the run off rates.

Infrastructure Services (Contaminated Land Unit) have received information on the former use of the land and have no concerns relating to this proposal.

Infrastructure Services (Economic Development) provided a detailed response to the Planning Service, which contained references to the confidential business plan supporting information submitted by the applicant. A public response has also been provided by Economic Development, and both responses come to the same conclusion.

It is noted that the proposal expects to create a number of jobs over time. The proposal does not appear to offer direct additional economic benefit as it will deliver a service to a local market. However, indirectly some additional economic benefit may result where it improves access to job opportunities for those wishing to return to work or training and in need of (paid) nursery support to do so.

Corporate Services (Planning Gain) have sent a report to the applicant seeking contributions towards affordable housing, library facilities, and recreational facilities.

Education, Learning and Leisure Service (Education) confirm that there is sufficient capacity in the local school network to accommodate the pupils generated from the proposed housing.

Housing and Social Work Service (Affordable Housing) have confirmed that 4 of the houses should be available for low cost home ownership, and these should be 2 x 2 bedroom units and 2 x 3 bedroom units.

Aberdeen Western Peripheral Route object to the proposal due to the site being included in land required for environmental mitigation as part of the approved Aberdeen Western Peripheral Route (AWPR) scheme. Due to this the proposal would be contrary to the structure plan, Policy Inf12 of the Aberdeenshire Local Plan (2006), and Policy 14 (SG Safeguarding 4) of the Aberdeenshire LDP 2010.

Transport Scotland advises that planning permission be refused due to part of the proposed site being required for the AWPR route.

Scottish Water do not object to this proposal.

Aberdeenshire South Access Panel comment that two disabled parking bays should be provided, and that automatic doors would assist with access.

North Kincardine Rural Community Council did not respond to their consultation.

7. Relevant Policies

Policy Hou\4: New Housing in the Countryside Including the Aberdeenshire part of the Cairngorms National Park

Policy Hou\4 states that the erection of a new house in the countryside will be approved in principle if it is for a full time worker in an enterprise which itself is appropriate to the countryside, the presence of that worker on site is essential to the efficient operation of that enterprise, and there is no suitable alternative residential accommodation available, the proposed house is within the immediate vicinity of the workers place of employment, and it conforms with appendix 1.

Policy Hou\5: Cohesive Groups in the Rural Housing Market Area

Policy 5 states housing in the RHMA will be approved in principle if the site would enable the new house to form an appropriate addition to an existing group of at least 5 houses and the site is accessible to local services by public transport, foot or bicycle.

Policy Hou\8: Affordable Housing

Policy Hou\8 states that all development, in particular housing development, can support a strategy to provide more affordable housing.

Policy Emp\3: Employment Development in the Countryside

New employment development and the conversion of an existing building for employment use in the Countryside will be approved, in principle, if: a) the developer demonstrates there is an economic need and that benefits to the community outweigh any adverse environmental impacts of the development; b) the development respects the natural and built environment and protects the character and amenity of the surrounding area ensuring there is no significant adverse impact upon the nature conservation, landscape character or amenity value of the countryside; c) the proposal is located as close as possible to the existing population in order to provide employment opportunities for people close to their homes and help promote social inclusion; d) the proposal takes account of the availability of, and the need for, access and infrastructure; e) the proposal has regard to the proximity of existing and potential public transport corridors, where available; f) reasonable account has been taken by the developer of the possibility of using disused/derelict buildings or of locating a new building either on brownfield or on allocated employment land; g) new development is designed in accordance with the provisions of Appendix 1; h) where conversion of a traditional building is concerned the developer, when requested, submits a structural survey undertaken by an appropriate professional demonstrating the building is capable of conversion, and that this

would not involve extensive demolition and rebuilding; AND i) where the conversion includes a proposed extension, in the case of traditional vernacular buildings it complies with Appendix 2. The expansion or intensification of an existing employment use will be approved, in principle, where the use and scale of development are appropriate to the rural character of the area.

Policy Inf1: Roads and Accesses

Policy Inf1 states a new access will be approved in principle if, amongst other things, it is designed to be safe, convenient for pedestrians, cyclists and public transport, and cause minimal impact on the character of the site and surrounding area.

Policy Inf2: Parking, Servicing and Accessibility

Policy Inf2 states development will be approved in principle if, amongst other things, it complies with the Council's Maximum parking standards, it can be accessed conveniently by walkers and cyclists, and is close to existing public transport services, where available, and the access is designed to be safe, convenient and cause minimal impact on the character of the site and surrounding area.

Policy Inf3: Access for the Less Mobile

Development to which the public will have access will be approved, in principle, if provision is made for ease of access by wheelchair users, people with sensory disabilities, the elderly, those accompanied by small children and other less mobile groups.

Inf4a: Foul Drainage Standards

Policy Inf4a sets out the criteria for foul drainage and states, amongst other things, that where connection to public sewers is unfeasible it should be demonstrated that private drainage infrastructure can be provided without negative impacts on amenity, public health and the environment.

Inf4b: Surface Water Drainage Standards: Sustainable Urban Drainage Systems (SUDS)

Policy Inf4b sets out the criteria for surface water drainage and seeks the use sustainable methods of disposing surface water from the site.

Inf5: Water Supply

Policy Inf5 states that development will be approved if it can be satisfactorily served by mains water supply, or if the developer can demonstrate an alternative adequate supply.

Policy Inf6B: Waste Management Requirements for New Development

New development will be approved, in principle, if adequate space for facilities

to collect and store source segregated waste is provided in the layout and design; and adequate space is made available for kerbside collection of source segregated waste. Sufficient space for home composting should be provided, where appropriate.

Policy Inf\12: Safeguarding Land for the Modern Transport System

Proposals for development which would prejudice implementation of such projects will be refused unless a better alternative demonstrating compliance with the "best environmental option not entailing excessive cost" is identified.

Gen\1: Sustainability Principles

Policy Gen\1 seeks to make all development as sustainable as possible through, amongst other things, long term sustainable use and management of land, relating new development with existing settlements and avoiding dispersed patterns of development, not prejudicing future development opportunities nor create a precedent for inappropriate development patterns.

Gen\2: The Layout, Siting and Design of New Development

Policy Gen\2 states new development will be approved in principle if, amongst other things, it respects the character and amenity of the surrounding area and landscape in which it will be situated. Conformance with appendix 1 is also required.

Gen\3: Developer Contributions

Policy Gen\3 states that development will be approved in principle if the developer makes a fair and reasonable contribution, in cash or kind, towards the cost of public services, facilities and infrastructure and the mitigation of adverse environmental impacts.

8. Other Material Considerations

On 26 April 2012 Aberdeenshire Council agreed to the final adopted content of the Local Development Plan (LDP). Aberdeenshire Council resolved to adopt the Local Development Plan as modified, to replace the Aberdeenshire Local Plan 2006, on 1 June 2012, unless otherwise directed by the Scottish Ministers following notification to them of intention to so adopt. Also to adopt the Supplementary Guidance, (as modified) on 1 June 2012 subsequent to adoption of the Local Development Plan. The LDP and associated supplementary guidance is now a very strong material consideration in the determination of planning applications. The relevant policies within the LDP are;

Policy 3: Development in the Countryside

SG Rural Development1: Housing and Business Development in the Countryside

Aberdeenshire Council will support development in the countryside where it meets the needs of a rural community by contributing to its overall social and

economic wellbeing, and by promoting vigorous and prosperous rural settlements.

As a result, we will manage development in a way that recognises the special character of different types of rural area. We will generally exercise greater control of development in the Aberdeen Housing Market Area, and promote small-scale development, especially business development, in the Rural Housing Market Area.

SG Rural Development 1 states that in the Aberdeen Housing Market Area new small scale development in the countryside will be approved, subject to other policies, where, amongst other things, it is for the refurbishment or replacement of an existing or disused building, or it is on a site which has previously been developed and is now redundant, or where it is for a single dwelling associated with a farming enterprise, or development of no more than 3 houses that contributes towards the organic growth of a settlement identified in Appendix 1 of the SG.

Policy 6: Affordable Housing

SG Affordable Housing 1: Affordable Housing

This policy states there is support for proposals that help meet the needs of the whole community by providing appropriate levels and types of affordable housing. New housing must contain at least 25% of affordable housing, unless agreed otherwise in schedule 4 or the settlement statements, the way in which this shall be done is set out in SG Affordable Housing 1.

SG Affordable Housing 1 states that development will be approved, in principle, if an appropriate contribution is made towards the provision of affordable housing. In order to meet the need, new housing developments must contain at least 25% of affordable housing, unless agreed otherwise in schedule 4 or the settlement statements. The specific contribution required by development will be assessed at the time of the application or pre-application enquiry. In all but exceptional circumstances the contribution shall be in the form of serviced land within the development site, to which public subsidy can be applied, or in the form of houses on the development site that are affordable without subsidy.

Policy 8: The Layout, Siting and Design of New Development

SG LSD2: Layout, Siting and Design of New Development

SG LSD6: Public Access

SG LSD11: Carbon Neutrality in New Development

Policy 8 states new development on sites allocated within this plan will be supported, subject to other policies, where they conform with a previously agreed development framework, masterplan or development brief.

Development will be assessed using a process that includes public consultation and appropriate standards for design, open space, accessibility, safety, sustainability, and the provision of associated services.

SG LSD2 states development will be approved, subject to other policies, where it complies with the approved masterplan, development brief, design statement or design code, where applicable, and where it successfully combines responses to the following design issues; local climate, respect for its setting,

resource efficiency, functional, and the creation of identity through design. SG LSD6 states new development will be approved, subject to other policies, where it is accompanied by an access plan that shows non-motorised public access can be achieved during and after construction.

SG LSD 11 states new development will be approved, subject to other policies, where carbon dioxide emissions are reduced by at least 30% beyond the 2007 Building Regulations' carbon dioxide emissions standard.

Policy 9: Developer Contributions

SG Developer Contributions 1: Developer Contributions

SG Developer Contributions 2: Access to New Development

SG Developer Contributions 3: Waste and Waste Water Infrastructure

SG Developer Contributions 4: Waste Management Requirements for New Development

Policy 9 states development will be supported, subject to other policies, if the developer makes a fair and reasonable contribution towards public services, facilities and infrastructure, and the mitigation of negative effects on the environment as a result of the development.

SG Developer Contributions 1 states new development will be approved, subject to other policies, if the developer makes a fair and reasonable contribution towards public services, facilities and infrastructure, and the mitigation of negative effects on the environment as a result of the development.

SG Developer Contributions 2 states new development will be approved, subject to other policies, if it is well related to existing settlements, is close to existing public transport, where required a TA shows any mitigation measures required and these are accounted for, it can be safely and conveniently accessed by service, delivery and goods vehicles, where it requires a new access this is design to be safe and convenient for all users, provision is included for access by wheelchair users, and subsequent maintenance of the access facility is in place.

SG Developer Contributions 3 states new development will be approved, subject to other policies, where it is satisfactorily serviced by mains or private water supply, it can be serviced by public waste water infrastructure or by a private drainage system, and surface water can be dealt with in a sustainable matter.

SG Developer Contributions 4 states new development will be approved, subject to other policies, where the applicant has agreed a Site Waste Management Plan for the site with Aberdeenshire Council, and adequate space has been provided within the development for the efficient handling of waste.

Policy 10: Enabling Development

SG Enabling Development 1: Enabling Development

This policy supports development where it is the only means of enabling the start-up of an employment, leisure or tourism activity within a regeneration priority area or, in exceptional cases, within a rural area (as defined in the proposals maps). In all cases, we will only approve this kind of enabling mechanism if the public benefit from its use decisively outweighs the disadvantages of breaking the normal presumptions of the plan.

SG Enabling Development 1 states proposals will be accepted, subject to other policies, where it is essential to enable a regeneration or rural economic diversification opportunity which could not otherwise be achieved; and the level of housing must be the minimum necessary to achieve the use (enabling development of no more than 5 houses in all but exceptional cases); and, if required, this has been demonstrated through an independent professional survey. The wider public benefits of securing enabling development significantly outweigh the disadvantages of the development.

Policy 11: Natural Heritage

SG Natural Environment2: Protection of the Wider Biodiversity and Geodiversity

This policy states where there is uncertainty over the impacts of a proposed development, we will adopt an approach based on the precautionary principle. SG Natural Environment2 requires developers to identify measures that will be taken to enhance biodiversity and geodiversity in proportion to the potential opportunities available and the scale of the development in line with good practice (this should include habitat creation and management, and the restoration of habitats and wildlife networks, where possible, incorporating existing habitats).

Policy 13: Protecting improving and Conserving the Historic Environment

SG Landscape 1: Landscape Character

This policy states there will be a presumption against development that would have a negative effect on the quality of the historic environment and its assets. Different parts of the historic environment require to be subject to specific guidance and controls to make sure that we maintain and improve their value. SG Landscape1 state development will be approved, subject to other policies, where its scale, location and design are appropriate to the landscape character of the area, as identified in Appendix 1. Appendix 1 identifies this site is within the Kincardine Plateau Landscape Character Area, which is characterised as a transitional area between moorland and coast. Dwellings should generally be screened with woodland/trees. Although cohesive groups are a feature in some parts of the character area, groups of houses are not a feature in this part of the character area.

Policy 14:Safeguarding of Resources and Areas of Search

SG Safeguarding 4: Safeguarding of transportation facilities

This policy states Aberdeenshire Council will not support developments that sterilise sites which may be reasonably required in the future for the delivery of transportation improvements.

SG Safeguarding 4 states we will not approve any safeguarded site that has been identified on a settlement statement for a transport infrastructure project or that has been identified in the local or regional transport strategy or in the Strategic Transport Projects Review.

A further material consideration is that this proposal was submitted for inclusion in the LDP as 10 houses to enable the development of a nursery. The Council

did not allocate the site, and the applicant made representation to the examination process of the LDP. The Reporter agreed with the Council that the site is too remote and detached from any services. The Reporter stated, *"The community and employment benefits of providing a nursery school at Rothnick Croft would not be sufficient to warrant the construction of 10 houses in this remote countryside location."*

9. Directions by Scottish Ministers

None

10. Discussion

The key consideration in determining this planning application is whether it complies with the development plan, in terms of principle of development, accessibility, landscape impact, building design, and economic benefits. Further considerations are whether there are any material considerations which merit departing from the plan.

The proposal is for 12 houses to enable the development of a nursery. The Aberdeenshire Local Plan (2006) (ALP) does not have a policy for enabling development relating to businesses, however the LDP does. Policy 10 of the LDP states business led enabling should be in a regeneration priority area, or in exceptional cases within a rural area. The accompanying supplementary guidance (SG) states the enabling should be the minimum amount required, and of no more than 5 houses. This proposal is clearly at odds with this policy due to not being in a regeneration area, and being for more than 5 houses specified in the SG.

The consultation with Economic Development highlighted that the social and economic benefits will be localised, therefore the proposal can not be said to be an exceptional circumstance to merit departure from Policy 10 of the LDP. The supporting statement from the applicant's agent makes comparisons to enabling works at Blairs College, Ury Estate, Menie Estate and Inchmarlo. Each of these proposals were for leisure and tourism developments which have a far wider social and economic benefit than just the immediate locality. This proposal is therefore not an exceptional case as referred to in Policy 10, therefore is contrary to Policy 10 of the LDP.

In terms of ALP Policy, the housing would not comply with either Policies Hou\4 of Hou\5 in that the houses do not form an appropriate addition to an existing group of at least 5 houses, nor are they for an essential worker in an enterprise which itself is appropriate to the countryside. These reasons would also be contrary to Policy 3 (SG Rural Development 1) of the LDP. The applicant is not pursuing the proposal as an addition to a cohesive group, or essential workers house, but for completeness the issue has been addressed.

The nursery element to the proposal would not comply with Policy Emp\3 of ALP, in that whilst there is an identified local economic and social benefit, this does not outweigh the adverse environmental impacts of 12 houses and a large nursery on undeveloped land within the countryside. It is fair to say the impacts of the development, in terms of landscape and visual amenity, are far wider reaching than the small scale localised social and economic benefits. The proposal is in a remote location, and therefore not located as close as possible to the existing population. The proposal is therefore contrary to Policy Emp\3 of

ALP, and Policy 3 (SG Rural Development 1) of the LDP.

The Council's Roads Development Team have objected to the proposal due to insufficient visibility at the access with the public road. Therefore the proposal does not include a safe and convenient access, and is contrary to Policy Inf1 of ALP, and Policy 9 (SG Developer Contributions 2) of the LDP.

It has also not been demonstrated that the site can be accessed conveniently by walkers and cyclists, or is close to existing public transport, and is therefore contrary to Policy Inf2 of ALP, and Policy 9 (SG Developer Contributions 2) of the LDP.

The site plan does not show provision at each dwelling for waste bins, however it is accepted that it is a relatively small area required and this could easily be accommodated on site. However, the nursery also requires waste and recycling facilities, and this will need to be more substantial. No refuse or recycling facility has been proposed, therefore the proposal is contrary to Policy Inf6B of ALP, and Policy 10 (SG Developer Contributions 4) of the LDP.

The proposed site is immediately adjacent to the proposed route of the AWPR. The land within the development site is required for environmental mitigation of the route. The proposal is therefore contrary to Policy Inf12 of ALP, and Policy 14 (SG Safeguarding 4) of the LDP.

The proposed layout is of a relatively large cluster of houses, adjacent to a sizeable business unit. The site is within the Kincardine Plateau Landscape Character area, as defined in Appendix 1 of SG Landscape 1 in the LDP. In the landscape around the site, clusters of houses are not an existing feature, therefore this proposal would be out of character with surrounding area, to the detriment of the visual amenity the flat roaming landscape provides. The large houses and the nursery building are of unsympathetic and suburban design and would also be out of character with the surrounding area and have a significant visual impact. The proposal is therefore considered to be contrary to Policies Gen1 and Gen2 of ALP, and Policy 13 (SG Landscape 1) and Policy 8 (SG LSD2) of the LDP.

Furthermore, Policy 8 of the LDP required development of this scale to go through a design process. No design statement has been produced, therefore the proposal fails to meet the requirements of SG LSD2, and is therefore also contrary to Policy 8 of the LDP.

No energy statement has been provided to demonstrate compliance with SG LSD11, which requires an energy statement to identify how the proposal shall be energy efficient and include low carbon generating technologies. The proposal is therefore contrary to Policy Gen1 of ALP, and Policy 8 (SG LSD11) of the LDP.

Of the points raised in the representations, the points of objection have been covered through the above discussion and assessment of the proposal against the Development Plan. The points in support of the proposal state there is a

need for such a nursery facility and it would benefit the local community. This is acknowledged by the Planning Service, however the level of housing associated with the nursery is not something the Planning Service can support. The location of the proposed nursery, and means of access, are not appropriate. Therefore whilst there may be a desire for such a facility to benefit the local community, it should be in a more accessible and less visually intrusive location.

The proposal is therefore contrary to the current Aberdeenshire Local Plan (2006), and is also significantly contrary to the LDP, which shall be the adopted plan as of 1st June 2012. The LDP has recently been through examination, and the Reporter considered this site and agreed with the Council to not allocate it for development in the LDP. The reasons for not allocating it in the LDP were due to the remote siting and disconnection with any services, and these issues relate directly to Policies within the development plan. There is no sufficient material consideration to merit departing from the plan, the social and economic benefits of the nursery are small scale and would be localised, and the impact on the landscape and surrounding area from 12 houses would be significant. Furthermore the LDP has recently gone through examination, where this proposal was considered and excluded from the plan, therefore it would set a dangerous precedent to depart from the LDP for this proposal.

11. **Recommendation**
Refuse
12. **Summary of any terms of any planning obligations and S75 complete or payment made**
13. **Delegated matters following Committee and any additional conditions**



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Application Reference: APP/2018/1279

TO: Inspired Design & Development Ltd
27 Evan Street
Stonehaven
AB39 2EQ

FOR: Mrs Linda Pirie

In pursuance of the powers exercised by them as Planning Authority, this Council having considered your application for the following:

Full Planning Permission for Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse at Land Adjacent To Rothnick Croft, Netherley, Stonehaven, Aberdeenshire, AB39 3QU

and in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, do hereby give notice of their decision to **GRANT Full Planning Permission** for the said development subject to compliance with the following conditions:

- (1) No works in connection with the development hereby approved shall commence unless suitable evidence has been submitted and agreed in writing by the Planning Authority to demonstrate that the existing pipe infrastructure system, located within the field to the north of the application site, is functioning without fault. For the avoidance of doubt, evidence should be provided in the form of a CCTV survey or other method agreed in writing with the Planning Authority. If it is demonstrated to the satisfaction of the Planning Authority that the existing system is functioning, the connection from the new development shall be carried out in accordance with approved drawing no. P11 Rev 02 and the Surface Water Disposal report by S.A. McGregor dated 03 September 2018. If faults within the existing system are encountered, the pipe section must be made good or replaced, and evidence submitted to demonstrate that the infrastructure is working correctly before receiving the new connection as part of the proposed development.

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

- (2) No development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility of 120 metres in both directions along the channel line of the public road has been provided from a point 2.4 metres measured at right angles

**IMPORTANT – THIS IS A LEGAL DOCUMENT PLEASE RETAIN WITH YOUR
TITLE DEEDS**



from the existing edge of the carriageway surface along the centre line of the approved new access in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. 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.

- (3) The development hereby approved shall not be brought into use/occupied unless its turning and parking area has been provided and surfaced in accordance with the details shown on the approved plans, drawing no. P12 Rev 0. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the driveway to an adequate standard to prevent the carriage of loose driveway material on to the public road in the interests of road safety.

- (4) The development hereby approved shall not be occupied/brought into use unless the refuse bin uplift store area has been provided and surfaced in accordance with the details shown on the approved plan, drawing no. P12 Rev 0. 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.

- (5) No individual dwellinghouse or building hereby approved shall be erected unless an Energy Statement applicable to that dwellinghouse or building 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.

- (6) No dwellinghouse or building hereby approved shall be occupied/brought into use unless the proposed foul water drainage system has been provided in accordance with the approved plans and the Ground Assessment and Drainage Recommendation Report by S.A. McGregor dated 16 June 2018. The foul water drainage system shall be permanently retained thereafter in accordance with the approved maintenance scheme.

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

- (7) 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.

Informatives

- (1) 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.
- (2) Notice of the start of development: The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start the development. Failure to do so is a breach of planning control and could result in the planning authority taking enforcement action. [See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)]. Such notification shall contain the information set out in the 'Notification of Initiation of Development' Notice as appended.
- (3) Notice of the completion of the development: As soon as possible after the development is finished, the person who completed the development must write to the planning authority to confirm that the development has been completed. [See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)]. Such notification shall contain the information set out in the 'Notification of Completion of Development' Notice as appended.
- (4) This planning permission has been granted on the basis that the proposed development will be connected to the public water supply. Should the developer wish to connect to a private water supply a fresh planning application would be

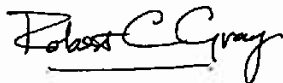


required for the development to allow the planning authority to consider the implications of using a private water supply to service the development.

Reason for Decision

The proposal is considered acceptable as national policy changes regarding day care, early years, is a material consideration to be taken into account when assessing against policies in the Local Development Plan and a rural nursery is needed to be situated in a rural setting and the proposed site was considered to be suitable. Nursery provision would offer local employment opportunities for parents of the children attending nursery and also staff within the nursery and having a member of staff living on-site was seen as important to care for the small animals. Therefore, the proposal is considered acceptable.

Dated: 6 February 2019



Head of Planning and Building Standards

List of Plans and Drawings

Reference Number: P11 Version 02 Site Information - Drainage

Reference Number: P06 Version 1 Proposed Elevations

Reference Number: P07 Version 1 Proposed Sections

Reference Number: Location Plan

Reference Number: P08 Existing and Proposed Site Sections

Reference Number: P03 Proposed Elevations

Reference Number: P04 Proposed Elevations and Sections

Reference Number: P02 Proposed First Floor Plan

Reference Number: P01 Proposed Ground Floor

Reference Number: P05 Proposed Floor Plans

Reference Number: P09 Site Information

Reference Number: P12 Site Information- Roads Information

Reference Number: P09 Various Site Features Information



NOTICE OF REQUIREMENT FOR NOTICES

Notification of Initiation of Development

The person who intends to implement the development must inform the Planning Authority of the date they intend to start work on the development as soon as it is practicable using the enclosed Notice of Initiation of Development. This Notice must be submitted before starting work. Failure to do so would be a breach of planning control under Section 123(1) of the Town and Country Planning Act 1997 and the Planning Authority may take enforcement action.

The Permission may contain pre-conditions that require specific matters to be approved before development can commence. This means that a lawful commencement of the approved development cannot be made until the particular requirements of the condition(s) have been met. The person who intends to start development must ensure that all conditions are properly complied with. If you are in any doubt about the meaning or implications of any of the conditions you should contact the Planning Authority or seek professional advice. If you do not comply fully with the conditions the Planning Authority may serve a Breach of Condition notice on you or take enforcement action and you may be prosecuted or fined. Please note, there is no right of appeal against a Breach of Condition Notice.

Notification of Completion of Development

The person who completes the development must, as soon as practicable after doing so, give notice of completion to the Planning Authority using the enclosed Notice of Completion.

Please note, the Planning Authority may take enforcement action where such notice is not given.

PLEASE NOTE – THE ABOVE REQUIREMENTS ARE IN ADDITION TO ANY SIMILAR REQUIREMENTS UNDER THE BUILDING REGULATIONS OR ANY OTHER LEGISLATION



**NOTIFICATION OF INITIATION OF DEVELOPMENT
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, SECTION 27A(1)**

APPLICATION REFERENCE NUMBER: APP/2018/1279

Full Planning Permission for Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse at Land Adjacent To Rothnick Croft, Netherley, Stonehaven, Aberdeenshire, AB39 3QU

Dated: 6 February 2019

I hereby confirm that the above development is expected to commence on:

Date:

The person intending to carry out the development is:

Name:

Address:

.....

.....

.....

Postcode:

Telephone no:

***Please delete as appropriate**

*The above person is the owner of the land to which the development relates

*The landowner is (if different from the person above):

Name:

Address:

.....

.....

.....

Postcode:



The person appointed to oversee the carrying out of the development is (if applicable):

Name:

Address:

.....

.....

Postcode:

Telephone no:

Signed Date

On Behalf of

Please return this form, duly completed to:

Head of Planning and Building Standards
Aberdeenshire Council
Viewmount,
Arduathie Road,
Stonehaven,
AB39 2DQ

IMPORTANT:

1. Failure to submit this Notice before commencement of development would be a breach of planning control under Section 123(1) of the Town and Country Planning Act 1997 and the Planning Authority may take enforcement action.
2. Any planning conditions imposed which necessitate action prior to the commencement of development, must be complied with to prevent a Breach of Planning Conditions and the subsequent service of a Breach of Condition Notice or other enforcement action.
3. Any planning conditions imposed relative to this planning application will be the subject of our planning condition monitoring policy which will entail a visit(s) to the site.



**NOTIFICATION OF COMPLETION OF DEVELOPMENT
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, SECTION 27B(1)**

APPLICATION REFERENCE NUMBER: APP/2018/1279

Full Planning Permission for Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse at Land Adjacent To Rothnick Croft, Netherley, Stonehaven, Aberdeenshire, AB39 3QU

Dated: 6 February 2019

I hereby confirm that the above development was completed on:

Date:

The person who completed the development is:

Name:

Address:

.....

.....

.....

Postcode:

Telephone no:

Signed Date

On Behalf of

Please return this form, duly completed to:

Head of Planning and Building Standards
Aberdeenshire Council
Viewmount,
Arduthie Road,
Stonehaven,
AB39 2DQ



REPORT OF HANDLING

Application Reference: APP/2018/1279

Proposal: Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse

Address: Land Adjacent To Rothnick Croft, Netherley, Stonehaven, Aberdeenshire, AB39 3QU

1. Description of proposal

Full planning permission is sought for the erection of a children's day care nursery (Class 10 non-residential institutions), erection of a children's workshop, formation of a wildlife pond and erection of a dwellinghouse at land adjacent to Rothnick Croft Netherley.

The site is located approximately 1km to the east of Lairhillock Primary School and bounded by the public road to the south, an existing dwellinghouse to the west and open land to the north and east, with the AWPR approximately 100m further to the east. The site at present has a large number of young trees planted around the north and eastern area of the site. The remainder of the site is predominantly open grassland with some shrubs and there are two trees in the centre of the site. Existing boundary treatments are post and wire fencing and there is an existing tarmacked access from the public road.

The proposal seeks to erect a children's day care nursery within the site which would be 1S storeys in height at around 7.8m and finished in a mixture of roughcast render, timber linings and a dark grey metal roof. This would be located in the western half of the site. A car park area with 25 spaces would be created to the south of the nursery. The existing access would be extended to lead to the car park and then this would continue onto a proposed dwellinghouse for a worker at the nursery. The dwellinghouse would be for a similar scale property to the exiting dwellinghouse at Rothnick Croft and finished in roughcast render, timber linings and slate roof tiles.

Also within the site, a timber workshop measuring 4.3m by 7.3m with a height of 3.8m is proposed and would be located to the west of the nursery. A wildlife/detention pond would be to the northwest and a vegetable patch and chicken coup to the north.

A drainage report outlines that the surface water would be directed towards the wildlife/detention pond and the disposal of foul waters would be via a septic tank and soakaway.

2. Relevant Planning History

APP/2012/0807 Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions) and 12 Dwellinghouses (Enabling Development) and Formation of Access Roads and SUDS – Refused

LRB 142 KM/APP/2012/0807 – Appeal dismissed

3. Supporting Information

Design Statements for the nursery and dwellinghouse (Inspired Design & Development) – Design statements for the nursery and dwellinghouse have been submitted. These reports covers a site appraisal, design principles, concepts and the solutions considered acceptable for the proposed development. Inspiration for both designs were taken from existing rural design for new development in the countryside.

Ground Assessment & Drainage Recommendation Report (S.A. McGregor) – Report submitted with the application covering details of the site, ground conditions, percolation test results and proposed drainage infrastructure for the site. It is recommended that the surface water runoff will be directed to a pond/wetland area to provide biodiversity and habitat for wildlife. An updated surface water report outlines that an overflow outlet pipe from the detention pond would be installed, which would join onto the existing drainage infrastructure on the adjacent site (under ownership of the applicant) which discharges to a watercourse to the north of the site. The foul waters would be disposed of via a septic tank and foul water sub-surface soakaway.

Justification Report for dwellinghouse (Inspired Design & Development) – The justification report for the dwellinghouse sets out the history on the site and provides a background to the business, houses for sale in the area in addition to attempting to justify the requirement for a manager's house on the site. The report concludes that it is considered a requirement for a permanent presence on the site and feel a departure from policy is justified.

Justification Report for nursery (Inspired Design & Development) – The report for the nursery outlines what it is aimed to be a 'forest school' is and gives a brief history of the nurse business run by the applicants. Details of the proposed activities on the site are outlined and the report attempts to justify the importance of this through supporting web links to information on outdoor learning. The report concludes that forest schools are beneficial, such as health and wellbeing benefits in addition to providing positive physical, cognitive and social development. This report considers that the site lends itself to the proposal and it is an opportunity to provide a facility to meet government guidelines and practice on childcare.

4. Variations & Amendments

Revised drawings were submitted following comments from internal Services, drawing no. P12 relates to roads details and P11 02 relates to drainage information.

5. Representations

A total of 51 valid representations (51 support) have been received as defined in the Scheme of Delegation. This does not include multiple representations from the same household which equate to 57 letters in total. All issues raised have been considered. The letters raise the following material issues:

The letters all generally support the principle of the children's nursery and feel it would be of benefit to the children who use the nursery to have a permanent shelter at this location to experience and explore the outdoors as well as developing children self-esteem, confidence and health benefits. In addition, comments feel it would benefit the wider area and support the new business venture.

6. Consultations

Internal

Business Development (Developer Obligations) has carried out an assessment and can confirm that Lairhillock Primary and Mackie Academy are currently operating within capacity, therefore in this instance no contribution is required towards education. The proposed development does not engage the Developer Obligations and Affordable Housing policies or associated supplementary guidance of the Aberdeenshire Local Development Plan 2017. Therefore, in this instance no contributions are required.

Education Learning and Leisure (Education & Children's Services) has no objection to this application.

Infrastructure Services (Environmental Health) has no observation to make on these proposals and consequently, has no objection.

Infrastructure Services (Flood Risk and Coast Protection) has reviewed the submitted information in relation to the surface water drainage infrastructure. It is noted that an outlet from the pond to any watercourse has not been included and therefore, this Service has some concern over the longer term appropriateness of the current design. As it has been shown that the adjoining site is under ownership of the applicant, this may present an opportunity to connect with the outfall included within that site for the disposal of surface waters. This response was received 16 August 2018.

A further response received on 25 September 2018 stated it would be the preference of this Service that further investigation is carried out in relation to the provision of an outlet from the detention pond. An additional drainage

report was submitted to propose this method of surface water disposal. Within this response, this Service suggests a condition to ensure that appropriate evidence is submitted to demonstrate that the existing surface water drainage system is working effectively to allow the additional connection from the detention pond.

Revised proposals were submitted which removed the detention pond but contained the drainage disposal within the site, however this demonstrated that the ground was not suitable for this method of disposal. Therefore, Infrastructure Services (Flood Risk and Coast Protection) objected to this amendment on 1 November 2018.

The applicant reverted to the previous design with the detention pond. The proposal seeks to install a new surface water discharge connection from the pond to the existing pipe infrastructure in the land to the west of the site. The existing infrastructure then crosses the field to the north and outfalls to a watercourse. As per the response received from this Service on 25 September, a condition to ensure that no development commences until such a time that the applicant is able to evidence that the existing drainage infrastructure is working without fault, through an appropriate method would be acceptable, should the Planning Service be minded to approve the application.

Infrastructure Services (Roads Development) initially objected to the proposal on the basis of a lack of information being provided. It was requested that the following details were submitted for further comments: road widths and materials for the access road and car park; parking provision clarification; visibility splays shown on a plan; gradients and drainage proposals; location of turning provision for larger vehicles; and bin store location. Upon receipt of further information, this service is satisfied with the information submitted and has no objection to the application subject to conditions relating to: parking spaces; turning area; visibility splays, and; a refuse bin uplift store area.

Infrastructure Services (Transportation) has appraised the nature of this application and have no comment to make at this time.

Infrastructure Services (Waste Management) has no objection subject to conditions being met and the proposed layout being designed to the satisfaction of Roads Development. It is requested that the bin store is located on the left side of the road entrance and the bins are enclosed on at least 3 sides and located behind the visibility splays.

External

Scottish Gas Network (SGN) initially objected to the proposal until such time as a detailed consultation had taken place. Following a site visit, SGN no longer object to the proposal.

Scottish Water has no objection to this application, however advise that this does not confirm that the proposed development can currently be serviced

and further investigations may be required once a formal application has been submitted.

7. Relevant Policies

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.

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.

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 RD1: Providing suitable services
Policy RD2: Developers' obligations

8. Other Material Considerations

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.

9. Implications and Risk

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.

10. Directions by Scottish Ministers

None.

11. Discussion

The main issues to consider in the determination of this application include the acceptability in principle of the erection of a children's nursery and dwellinghouse at this location, whether the design and scale is appropriate and whether all technical matters can be addressed.

Principle of development

The site is located within the Aberdeen Housing Market Area (AHMA) and as such, the main policy to establish the principle of the development is Policy R2 Housing and employment development elsewhere in the countryside. This policy states that small scale development may be permissible where it would:

- be appropriate in the greenbelt;
- involve the refurbishment or replacement, on the same site, of an existing house or disused building; or
- involve remediation of redundant brownfield land opportunities.

Policy R1 Special rural areas relates to development which may be acceptable in the greenbelt, however the proposal fails to meet any of the criteria outlined in this policy. The proposed site is an area of grassland which has been planted with trees to the north and east. There are no existing buildings on the site and no evidence that any buildings were present in recent history. As the proposal would not be considered acceptable under the greenbelt policy and does not comply with the criteria noted above, the principle of the development fails to accord with Policy R2 Housing and employment development elsewhere in the countryside. Whilst the submitted statement aims to justify the proposal in terms of meeting government guidelines for forest schools, this in itself is not justification enough to warrant a recommendation against local planning policy.

The submitted statement for the dwellinghouse attempts to justify that the dwellinghouse would be for a worker of a significant employer in the area, however acknowledge that this does not comply with Policy R2 Housing and employment development elsewhere in the countryside. There is not a requirement for a member of staff to be on site 24 hours and as such, no justification for the erection of a manager's dwellinghouse. The Planning Service does not consider that the applicant being a local employer justification enough to warrant a positive recommendation to depart from policy and this element of the proposal also fails to meet the criteria of the aforementioned policy.

Layout, siting and design

6The nursery building is proposed to be located fairly centrally in the site, with parking to the front and a manager's dwellinghouse located further to the east. The nursery would have a general 'L' plan layout, and a covered decking area. The building would have a maximum height of 7.8m and finished in champagne coloured render, dark grey timber cladding and a dark grey metal roof. In terms of layout, siting and design the overall building is generally considered acceptable and would not have a detrimental impact on the character or amenity of the surrounding area.

The proposed dwellinghouse would be of a similar height to the nursery, with the wall finishes also champagne coloured render, timber cladding but the building would have a slate roof. The materials are similar to those on the nearby Rothnick Croft to the west and it is considered that the proposed design and finish is acceptable. Due to the rural nature of the site in addition to the general orientation, there would not be a significant overbearing impact and there would not be adverse impacts in terms of overlooking or overshadowing. Whilst it is acknowledged that there would be an impact on the existing landscape as a result of the erection of two buildings, it is not considered that the impact would have a significant adverse impact to the degree where it would not be considered acceptable.

Access

In terms of access to the proposed site, it would utilise an existing access which would continue on into the site leading to a car park in front of the nursery and then continue to the dwellinghouse. Infrastructure Services (Roads Development) requested further information as noted above in Section 4. Upon receipt this information, this Service has no objection to the proposal subject to conditions. Therefore, the proposal meets the requirements of Policy RD1 Providing suitable services.

Drainage

Policy RD1 Providing suitable services also seeks to ensure that new development can be drained to avoid flooding and pollution. A detention pond is proposed which the surface waters would drain to and a septic tank and

soakaway for the disposal of foul waters. Infrastructure Services (Flood Risk and Coast Protection) has commented on the application and has concerns regarding the disposal of surface waters to the pond as there is no outlet and the pond could overflow and potentially impact on the surrounding area. This Service highlights that there may be an opportunity to install a drainage pipe from the pond to the neighbouring site and connect into the existing soakaway. The neighbouring site is under the ownership of the applicant and confirms this can be done. A revised drawing and updated drainage report outlines that it is proposed that a pipe from the detention pond can be connected into the existing surface water infrastructure in the adjacent site. It has not been possible to evidence this at this time, however Infrastructure Services (Flood Risk and Coast Protection) has suggested that a condition could be attached to any consent granted. It is considered, in this instance, that a condition ensuring that appropriate evidence (such as a CCTV survey) is submitted to demonstrate that the existing infrastructure works effectively and could accommodate the new connection is acceptable.

Other matters

Business Services (Developer Contributions) has confirmed that in this instance no contributions are sought and the proposal is acceptable in terms of Policy RD2 Developers' obligations.

No details have been submitted in regards to energy efficiency, however it is considered that this matter could be controlled via a condition to ensure compliance with Policy C1 Using resources in buildings should the application proceed with a recommendation of approval.

Although a large number of letters of support have been submitted, the matters raised do not carry material weight which would alter the opinion of the Planning Service that the proposal fails to comply in principle with the relevant Policy R2 Housing and employment development elsewhere in the countryside.

Conclusion

The principle of erecting a nursery and dwellinghouse at this location does not accord with Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017. The site is greenfield in nature and there are no brownfield opportunities. The submitted information is not considered to demonstrate that the proposal can be acceptable as a departure from the relevant policy. As such, the principle of the development cannot be supported and is recommended for refusal. Furthermore, it has not been demonstrated that a suitable drainage solution is possible for the disposal of surface waters, and therefore the proposal also fails to comply with Policy RD1 Providing suitable services.

Kincardine and Mearns Area Committee

The application was recommended for refusal but in accordance with the Council's Scheme of Governance, the application was referred to Area Committee for determination as there was considered to be a substantial body of support. The application was considered at the meeting where, on a vote, the Committee agreed to approve the application subject to appropriate planning conditions, including a satisfactory drainage solution. The reasons for approval are:

1. National policy changes regarding day care, early years, is a material consideration to be taken into account when assessing against policies in the Local Development Plan,
2. A rural nursery needed to be situated in a rural setting and the proposed site was considered to be suitable,
3. Nursery provision would offer local employment opportunities for parents of the children attending nursery and also staff within the nursery,
4. Having a member of staff living on-site was seen as important to care for the small animals.

12. Recommendation

REFUSE for the following reasons:

01. The application site is greenfield in nature and there is clearly no brownfield redevelopment opportunity associated with the proposal. Furthermore, no essential reason for the erection of a nursery business and associated dwellinghouse has been demonstrated at this site that would be considered to carry significant enough material weight to set aside the clear policy intentions in this instance. Therefore the proposal fails to comply with Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017.
02. It has not been demonstrated that a suitable drainage solution is possible for the disposal of surface water, and therefore the proposal fails to comply with Policy RD1 Providing suitable services of the Aberdeenshire Local Development Plan 2017.

13. Process of Determination

The application was referred to the Kincardine & Mearns Area Committee Meeting of 4 September 2018.

14. Planning Obligations

No



Viewmount Arduthie Road Stonehaven AB39 2DQ Tel: 01467 534333 Email: planningonline@aberdeenshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100115259-002

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Please provide the application reference no. given to you by your planning authority for your previous application and the date that this was granted.

Application Reference No: *

APP/2018/1279

Date (dd/mm/yyyy): *

06/02/2019

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Full planning permission for the erection of children's day care nursery's, erection of children's workshop, formation of wildlife pond and erection of dwelling house at land adjacent to Rothnick Croft, Netherley, Stonehaven, Aberdeenshire, AB39 3QU

Is this a temporary permission? *

Yes No

If a change of use is to be included in the proposal has it already taken place?

Yes No

(Answer 'No' if there is no change of use.) *

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Inspired Design & Development Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Gary	Building Name:	
Last Name: *	Black	Building Number:	27
Telephone Number: *	01569 764183	Address 1 (Street): *	Evan Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Stonehaven
Fax Number:		Country: *	Scotland
		Postcode: *	AB39 2EQ
Email Address: *	iddapplications@gmail.com		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Linda	Building Number:	37
Last Name: *	Pirrie	Address 1 (Street): *	Evan Street
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Stonehaven
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	AB39 2EQ
Fax Number:			
Email Address: *	gary@idd-ltd.co.uk		

Site Address Details

Planning Authority:

Aberdeenshire Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

795780

Easting

387205

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Planning confirmed due to Covid that an extension of the existing consent would be in place until September, and advised that an application to extend the validity of the existing consent should be submitted.

Title:

Mr

Other title:

First Name:

Gregor

Last Name:

Spence

Correspondence Reference
Number:

Date (dd/mm/yyyy):

07/03/2022

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

10644.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Redundant agricultural field

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

30

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- Yes – connecting to public drainage network
 No – proposing to make private drainage arrangements
 Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? *

- New/Altered septic tank.
 Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
 Other private drainage arrangement (such as chemical toilets or composting toilets).

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *

Porosity of the ground is poor with underlying rock, therefore drainage is to be package treatment plant

Do your proposals make provision for sustainable drainage of surface water?? *
(e.g. SUDS arrangements) *

Yes No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? * Yes No

Is any of the land part of an agricultural holding? * Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Gary Black

On behalf of: Mrs Linda Pirrie

Date: 25/08/2022

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement. *

Yes N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Gary Black

Declaration Date: 25/08/2022

Payment Details

Pay Direct

Created: 25/08/2022 12:27

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Application Reference: APP/2022/1845

TO: Inspired Design & Development Ltd
27 Evan Street
Stonehaven
Scotland
AB39 2EQ

FOR: Mrs Linda Pirrie
37 Evan Street
Stonehaven
AB39 2EQ

In pursuance of the powers exercised by them as Planning Authority, this Council having considered your application for the following:

Full Planning Permission for Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse (Renewal of Planning Permission APP/2018/1279) at Land Adjacent to Rothnick Croft, Netherley, Stonehaven, AB39 3QU

and in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, do hereby give notice of their decision to **REFUSE Full Planning Permission** for the following reasons:

- (1) The application is considered by the Planning Authority to not comply with the Development Plan. The proposed nursery (Class 10 Use) is not well related to the population or in a town centre location, with no sequential justification provided for the siting and the location proposed is remote and not sustainably accessible by foot/cycle/public transport resulting in reliance upon the private car, being detrimental to the overarching sustainability targets and tackling the climate crisis, contrary to Policies 1 Tackling the climate and nature crisis, 2 Climate mitigation and adaptation, 13 Sustainable transport, 15 Local Living and 20 minute neighbourhoods and 29 Rural development of National Planning Framework 4, and Policies B1 Town Centre Development, R2 Development Proposals Elsewhere in the Countryside, P1 Layout, Siting and Design, P6 Community Facilities and Public Amenities and RD1 Providing Suitable Services of the Aberdeenshire Local Development Plan 2023.
- (2) The proposed dwelling is not on a previously developed brownfield site and is not associated with a primary industry or viable rural business, and does not comply with Policy 17 Rural homes and 29 Rural development of National Planning Framework 4, or Policy R2 Development Proposals Elsewhere in the Countryside of the Aberdeenshire Local Development Plan 2023

IMPORTANT – THIS IS A LEGAL DOCUMENT PLEASE RETAIN WITH YOUR TITLE DEEDS

- (3) Insufficient information has been provided to demonstrate a functional and deliverable drainage solution to serve the proposed development, resulting in concerns relating to the potential risk of surface water flooding to others and a failure to adequately manage all rain and surface water through a deliverable sustainable urban drainage system that is within the full control of the applicant, contrary to Policy 22 Flood risk and water management of National Planning Framework 4 and Policy C4 Flooding and RD1 Providing Suitable Services of the Aberdeenshire Local Development Plan 2023

Dated: 9 November 2023


Paul Macari
Head of Planning and Economy

List of Plans and Drawings

Reference Number: Location Plan

Reference Number: P03 193/2017 Proposed Elevations

Reference Number: P08 193/2017 Existing And Proposed Site Sections

Reference Number: P06 193/2017 Version 1 Proposed Elevations

Reference Number: P04 193/2017 Proposed Elevation And Sections

Reference Number: P02 193/2017 Proposed First Floor Plan

Reference Number: P01 193/2017 Proposed Ground Floor

Reference Number: P07 193/2017 Version 1 Proposed Sections

Reference Number: P11 193/2017 Site Information- Drainage

Reference Number: P09 193/2017 Site Information

Reference Number: P12 193/2017 Site Information- Roads Information

Stamped copies of any plans and the decision notice associated with your application are available to view and can be downloaded through our Planning - Public Access [Register](#) by searching for your application using the application reference number.

NOTES

- (i) In the case of any permission granted, this does NOT incorporate any building warrant for any operations or change of use which may be required under the Building (Scotland) Act 2003. This must be obtained separately from the Council prior to the start of building operations.
- (ii) Any permission granted does not incorporate any listed building consent which may be required. This must be obtained separately prior to the start of building operations.
- (iii) Any permission granted is without prejudice to any further consents required from Aberdeenshire Council in its role as landowner.
- (iv) If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A Notice of Review form should be obtained from and submitted to:

Head of Legal and People
Aberdeenshire Council
Woodhill House
Westburn Road
Aberdeen
AB16 5GB

Tel: 01467 532862

Email: localreviewbodiesubmissions@aberdeenshire.gov.uk

A form may also be obtained from the Council's website at - [Aberdeenshire Council - Committees and Meetings](#)

- (v) If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



REPORT OF HANDLING

Application Reference: APP/2022/1845

Proposal: Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse (Renewal of Planning Permission APP/2018/1279)

Address: Land Adjacent to Rothnick Croft, Netherley, Stonehaven, AB39 3QU

1. Description of proposal

This application is seeking full planning permission for the erection of a children's day care nursery (Class 10 non-residential institutions), erection of a children's workshop, formation of a wildlife pond and erection of a dwellinghouse at land adjacent to Rothnick Croft, Netherley, which lies in the accessible rural area. This application is seeking a renewal of APP/2018/1279 which was granted permission by the Kincardine and Mearns Area Committee, contrary to the Planning Service's recommendation to refuse, at its meeting on 4th September 2018 with the decision notice being issued on 6th February 2019. Since the renewal, there has been a material change in planning policy through the adoption of the Aberdeenshire Local Development Plan (2023) and National Planning Framework 4, and therefore any renewal must ensure it adheres to the Development Plan, whilst having regard for material planning history and ensuring that all technical information relating to site servicing is appropriate at this current time.

The site is located approximately 1km to the east of Lairhillock Primary School and bounded by the public road to the south, an existing dwellinghouse to the west and open land to the north and east, with the AWPR approximately 100m further to the east. The site at present has a large number of young trees planted around the north and eastern area of the site. The remainder of the site is predominantly open grassland with some shrubs and there are two trees in the centre of the site. Existing boundary treatments are post and wire fencing and there is an existing tarmacked access from the public road.

The proposal seeks to erect a children's day care nursery (class 10 use) within the site which would be 1 & ½ storeys in height, with a ridge height of circa 7.8m and finished in a mixture of roughcast render, timber linings and a dark grey metal roof. This would be located in the western half of the site. A car park area with 25 spaces would be created to the south of the nursery. An existing access would be extended to lead to the car park and then this would continue onto a proposed dwellinghouse for a worker at the nursery. The dwellinghouse (class 9 use) would be for a similar scale (storey and ½) property to the existing dwellinghouse at Rothnick Croft to the west, and finished in roughcast render, timber linings and slate roof tiles.

Also within the site, a timber workshop measuring 4.3m by 7.3m with a height of 3.8m is proposed and would be located to the west of the nursery. A wildlife/detention pond for surface water would be to the northwest and a vegetable patch and chicken coup to the north. The pond shows an outflow for surface water discharging to the west to connect to the outflow from Rothnick Croft, whilst the site plan shows a treatment plant and soakaway to the eastern part of the site for foul drainage. No updated certification for the drainage solutions have been provided, information previous submitted in the 2018 application is now out of date and does not demonstrate compliance with current standards.

2. Relevant Planning History

APP/2018/1279 Erection of Children's Day Care Nursery (Class 10 Non-Residential

Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse – Granted by Kincardine and Mearns Area Committee contrary to recommendation. The application was recommended for refusal by the Planning Service for the following reasons:

- 1. The application site is greenfield in nature and there is clearly no brownfield redevelopment opportunity associated with the proposal. Furthermore, no essential reason for the erection of a nursery business and associated dwellinghouse has been demonstrated at this site that would be considered to carry significant enough material weight to set aside the clear policy intentions in this instance. Therefore the proposal fails to comply with Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017.*
- 2. It has not been demonstrated that a suitable drainage solution is possible for the disposal of surface water, and therefore the proposal fails to comply with Policy RD1 Providing suitable services of the Aberdeenshire Local Development Plan 2017.*

The discussion and decision of approval by the Area Committee focussed on the principle of development, and did not really discuss or resolve the second reason for refusal pertaining to a lack of deliverable drainage. Through the delegated grant the Planning Service added a condition to attempt to facilitate a drainage solution whilst being aware of land ownership constraints and dubiety over the capacity and sizing of the intended outflow pipes. The condition was never met and no solution has been provided.

APP/2012/0807 Erection of Children's Day Care Nursery (Class 10 NonResidential Institutions) and 12 Dwellinghouses (Enabling Development) and Formation of Access Roads and SUDS – Refused, with 10 separate reasons for refusal relating to the siting, scale of development, road safety, accessibility, conflict with AWPR safeguarding, design considerations and sustainability.

LRB 142 KM/APP/2012/0807 – Appeal dismissed, upholding 9 of the 10 reasons for refusal, omitting reason 4 following resolution of access/visibility concerns.

APP/2020/1095 – erection of two composting toilets – Approved.

3. Supporting Information

None within this application. Previous information within APP/2018/1279 remains applicable, however the previous drainage information, now circa 5 years old, is out of date and does not meet current standards and requires updating.

4. Variations & Amendments

None

5. Representations

A total of 8 valid representations (objection) have been received as defined in the Scheme of Governance. All issues raised have been considered. The letters raise the following material issues:

There is no drainage solution to serve the development

There is no capacity in the drainage network for additional development, which is limited by existing CAR Licence with SEPA

Existing flooding/surface water run-off from Rothnick Croft will be worsened
When house at Rothnick Croft was built the drainage capacity of the outflow from the previous building was increased beyond capacity, anything further will pose significant flood risk

Foul water soakaway will not work due to poor ground conditions, adding to flood risk/run-off

Historical use of site and adjoining land raises potential contamination issues
Contamination from the site runs into adjoining fields due to surface water flooding

Previous reason for approval no longer pertinent, Lairhillock Nursery meets demand

No justifiable planning need for a house on site, teachers/childcare employees do not require to live next to their place of work.
Proposed nursery (employment) is not on allocated land or accessibly located, contrary to Policy B1

Unsustainable location relying solely on private car use, not well connected to public transport or the population

Road safety impact due to vehicular movements to/from the site on narrow country roads

Air quality impacts and pollution from increased vehicular movements in rural area

Does not meet Town Centre First Principle

Contrary to national 20 Minute Neighbourhood policy

Planners previously recommended refusal

Proposal will pose a landscape impact

Land already in use for outdoor nursery with composting toilets installed, which suggests there is a drainage problem which can't be sorted

6. Consultations

Infrastructure Services (Roads Development) do not object subject to condition relating to parking, visibility splays, turning areas being provided as per the plans along with the provision of a bin store.

Infrastructure Services (Contaminated Land) have studied the proposal and have no concerns with the development.

Infrastructure Services (Environmental Health) do not object subject to a condition ensuring the proposal connects to the public water supply.

Infrastructure Services (Flood Risk and Coast Protection) initially did not object on the basis of the previous approval and retention of condition 1, however following on from discussions with Planning and having confirmation that the previous condition is no longer deemed competent due to uncertainty over the applicant's ability to comply with it, and the lack of new information and certainty over a deliverable and functional surface water drainage system, this service objects to the application

Infrastructure Services (Waste Management) do not object to the proposal.

Education & Children's Services (Learning Estates) do not object to the proposal.

Legal and People (Developer Obligations) confirm that no contributions are required in this instance.

Scottish Water confirm that capacity for water supply exists, but there is no waste water infrastructure in the vicinity.

7. Relevant Policies

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).

The Policies relevant to this proposal includes;

- Policy 1 Tackling the climate and nature crisis
- Policy 2 Climate mitigation and adaptation
- Policy 3 Biodiversity
- Policy 4 Natural Places
- Policy 13 Sustainable transport
- Policy 14 Design, quality and place
- Policy 15 Local Living and 20 minute neighbourhoods
- Policy 17 Rural homes
- Policy 18 Infrastructure first
- Policy 22 Flood risk and water management
- Policy 23 Health and safety
- Policy 29 Rural development

Aberdeenshire Local Development Plan 2023

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

The Policies relevant to this proposal includes;

- Policy B1 Town Centre Development
- Policy R1 Special Rural Areas
- Policy R2 Development Proposals Elsewhere in the Countryside
- Policy P1 Layout, Siting and Design
- Policy P4 Hazardous and Potentially Polluting Developments and Contaminated Land
- Policy P6 Community Facilities and Public Amenities

Policy E1 Natural Heritage
Policy E2 Landscape
Policy C1 Using Resources in Buildings
Policy C4 Flooding
Policy RD1 Providing Suitable Services
Policy RD2 Developer Obligations

8. Other Material Considerations

Appeal Decision PPA-110-2440 for a residential and commercial development at Old Mill Inn, where the Reporter covered similar locational/accessibility themes and policy considerations that apply to this proposal.

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.

9. Implications and Risk

None.

10. Directions by Scottish Ministers

None.

11. Discussion

The application seeks full planning permission for the erection of a children's day care nursery (Class 10 non-residential institutions), erection of a children's workshop, formation of a wildlife pond and erection of a dwellinghouse (class 9) at land adjacent to Rothnick Croft Netherley. The key considerations relate to the principle of development and planning history, site servicing and accessibility, and potential flood risk.

Planning and Site History

All planning applications are required to be determined against the Development Plan, taking account of all material considerations. In this case the Development Plan consists of the Aberdeenshire Local Development Plan 2023 and NPF4, both of which are new planning policy documents since the previous grant of consent. The planning history of an approval on site is a further material consideration.

The previous approval, which this application seeks to renew, was granted by the Kincardine and Mearns Area Committee contrary to the recommendation of the Planning Service. The Planning Service previously moved to refuse the proposal on the grounds of no justification for the proposed business and dwelling, and a second reason relating to the lack of an appropriate drainage solution. The Area Committee wished to support the principle of

development, and following their delegated grant of consent the Planning Service attached a condition relating to drainage.

Principle of Development

Whilst the principle of development was previously established through the grant of consent by the Area Committee, there has been a material change in planning policy since then, therefore it is appropriate to fully review the application against the new Development Plan. The Planning Service previously held significant concern regarding the principle of development, hence the recommendation to refuse the previous application. The new Development Plan, particularly NPF4, puts much greater emphasis on sustainability and development being located in the right location, with particular focus on uses that attract people/custom being located to town centres.

In relation to this proposal, the previous application was not considered to comply with rural development policies; there was no brownfield opportunity and no other means of support for the principle of development. That remains the case now, with Policy R2 and its reference to Policy R1 in the LDP offering no support for the dwelling or business, which is further enhanced by NPF4 Policies 17 and 29. The two elements, dwelling and nursery, both fail to comply with policy, expanded upon and discussed in full below.

Historically there was no drainage solution identified, and post Committee the Council's Flood Risk and Coast Protection team expressed concern about the intended drainage solution and eventually conceded to attach a condition relating to investigating the functionality of the existing drainage, which has never been met. Given the inability to meet that condition, and due to the passage of time and now out-of-date drainage information in the original application, it is wholly competent and important to revisit the drainage aspect to ensure that the development would have a deliverable and functional drainage solution. This matter is also discussed below, but there is no drainage solution and concern remains in this regard.

Concern is raised in representations in relation to the principle of development, citing the lack of policy compliance, remote location and unsustainable nature of the development, along with local concern relating to a lack of drainage and flood risk of adjacent land.

Principle of Development - Nursery

The proposed nursery, a Class 10 use, should be located in accessible locations within town centres, as set out in Policy P6 of the LDP. No sequential approach has been provided to demonstrate the lack of available sites in nearby centres to justify this remote location. Policy B1 of the LDP also emphasises the need for sequential justification for such proposals to be located outwith town centres. There is no support through Policy R2 for the proposal, employment proposals (noting it is questionable whether a nursery

is strictly an employment use) are not supported in the accessible rural area in any case, and there is no brownfield opportunity on the site either.

NPF4 adds more weight to promoting town centre locations for the proposed Class 10 use, through Policy 15 which promotes connected and compact neighbourhoods where facilities can be accessed within a reasonable distance of people's home, preferably by walking, cycling or via sustainable transport options. This site is remote, with no bus route or footpath connections from any property, therefore any persons using the facility would be solely reliant upon the private car. This is contrary to the 20 minute neighbourhood ideology set out in Policy 15 of NPF4, and does not adhere to tackling the climate crises as required by Policy 1 of NPF4.

Further, Policy 13 of NPF4 requires developments to demonstrate that transport requirements have been considered in line with sustainable travel, and that developments provide easy and safe links to local facilities, be accessible by public transport, and that regard is had for safe cycling and walking connections. There is no means to safely access this site by any of the foregoing, rendering the location unsustainable and largely inaccessible other than by private car, which is contrary to Policy 13 of NPF4, and also contrary to Policy RD1 of the LDP which requires development to be well related to existing developments and sustainably accessible. Policy P1 of the LDP also requires development to be "well connected", which is not achieved by this proposal, and similarly Policy 14 of NPF4 requires development to be *supporting well connected networks that make moving around easy and reduce car dependency*. This proposal is not safely accessible by foot or cycle, there is no nearby bus service, therefore the proposal is solely reliant upon private car use.

The above themes and policies were at the forefront of a recent appeal decision for a garden centre and housing proposed at Old Mill Inn, also within North Kincardine Rural some 4.5km from this application site. That site was located on a more prominent road, with some existing path provision in the locale and bus stops nearby in Peterculter – however for that site/proposal the Reporter expressed concern about pedestrian/cyclist safety, exacerbated by short days in winter and unlit paths/roads, and concluded that the site is not well connected, and would not accord with the requirements of NPF4 Policy 13 and LDP Policies P1 and RD1.

Whilst the scale of development differs in this application, and this site is more remote than the Old Mill Inn appeal site, the same policy principles apply. The proposed nursery is a destination that people visit, and being a Class 10 use should be directed to town centre locations as required by Policy B1 of the LDP, and as a result of the isolated siting with no safe walking or cycling routes and no bus stops nearby the location is unsustainable and contrary to several of the policies of NPF4 and LDP.

Principle of Development - Dwelling

Whilst the nursery is unacceptable as outlined above, the proposed dwelling does not comply with any planning policy either. The site contains no brownfield opportunity, and the proposal is not associated with a primary industry, and fails to meet any of the criteria within Policy 17 and 29 of NPF4 or Policies R2 and R1 of the LDP. Even if the nursery element were approved/existed, that is not a primary industry that merits an associated dwelling for essential on-site occupancy.

The principle of development therefore remains wholly unacceptable to the Planning Service, and whilst there is a previous grant of consent for this proposal due regard must be had for the material change through the adoption of a new LDP and NPF4. The a new Local Development Plan and the introduction of NPF4 provides significant additional strength and focus to ensure developments such as the proposed nursery are located in accessible and sustainable locations, particularly within the accessible rural area where this site lies. The recent appeal decision at Old Mill Inn emphasises the significance of these policy themes, and the Planning Service, whilst having regard to the previous approval, consider the application to be contrary to several fundamental policies of the Development Plan. The Development Plan is the primary material consideration against which planning applications should be determined, and this takes precedence over the previous planning approval. Due to the change in the Development Plan, the application must be considered against the new policies afresh. The previous concerns which formed the Planning Service's recommendation to refuse remain, and are only further emphasised through the new policies within the LDP and NPF4.

The nursery element of the proposal fails to comply with Policies 1, 2, 13, 15 and 29 of NPF4 and Policies B1, P1, R2, P6 and RD1 of the LDP due to the nursery being in an isolated and poorly accessible location, with such uses being encouraged to be in town centre or sustainably accessible locations through local and national policy.

The proposed dwelling fails to comply with Policies 17 and 29 of NPF4, and Policy R2 of the LDP due to the lack of any justification for a dwelling on this site, there is no brownfield opportunity, no relationship to a primary industry and no compliance with any other policy criteria.

Site Servicing - Drainage

Moving beyond the substantial concerns in relation to the principle of development, the previous planning application did not resolve the drainage concerns. A condition was attached but never met, and no information has been forthcoming to provide the Planning Service with any comfort that a deliverable drainage solution within the control of the applicant exists. Furthermore the previous drainage information is now out of date. The applicant has been given significant time to resolve this, with this application valid on 26th August 2022 with over 1 year passing without updated drainage information being provided. Furthermore the previous consent was granted in February 2019 with ample time to address the condition, which was not achieved.

The aforementioned condition imposed on the previous consent relating to drainage appears to be incapable of being met due to the ongoing legal dispute over land ownership/access and the right to discharge via the existing infrastructure serving the adjacent property at Rothnick Croft. Whilst that is largely a civil matter relating to access and rights of use, it leaves the planning considerations relating to drainage unresolved, and as such the application has a significant technical flaw which fails to comply with policy. In the absence of a deliverable drainage solution the application can not be supported.

That was the case historically, there was no certainty over the drainage solution in the previous application, however when supporting the principle of development the Area Committee did not give full consideration to the drainage aspect which resulted in a quite unusual planning condition being imposed by the Planning Service, following correspondence with the Council's Flood Risk and Coast Protection team who, at that time, had reservations about the suitability of the proposed drainage solution. The inability to meet that condition since the consent was granted in February 2019, and inability to provide updated drainage information or offer an alternative drainage solution under cover of this application, leaves the development site with no functional or deliverable drainage solution. The historic drainage information can not be relied upon now in any case, due to passage of time and it not meeting current standards. Updated information was sought but not provided. The proposal therefore does not meet Policy 22 of NPF4 or Policy RD1 of the LPD.

The Council's Flood Risk and Coast Protection team object to the proposal on the basis of there being no certainty of a solution to provide a deliverable or functional drainage system to serve the development.

Representations highlight that the ongoing use of the land for associated outdoor nursery learning has required composting toilets to be installed, which is implied to highlight that lack of proper drainage provision being possible on the site. The Planning Service do not consider this to be particularly material, it is likely that the composting toilets serve a modest and short term/low usage need in a cost-effective manner. However as above there are significant concerns in relation to the lack of a proper drainage solution being identified for the proposed development.

In light of the above lack of a deliverable drainage solution, and giving some weight to the reported flooding issues on adjacent land, the Planning Service have significant concern that the development could subsequently pose a risk of flooding if it were to be approved. Appropriate drainage solutions would remedy this concern and ensure that both foul and surface water solutions were deliverable and functional on the site, but at this time the concern remains and the proposal is not considered to comply with Policy 22 of NPF4 and Policy C4 (part C4.6) of the LDP in relation to potential increase of flood risk to adjoining land.

Site Servicing – Access

The Council's Roads Development team pose no objection to the proposal, with the access being suitable for the development and proportionate parking shown to be provided within the site. No specific road safety concerns arise in terms of the junction functionality, and in this regard the proposal complies with Policy 14 of NPF4 and Policies P1 and RD1 of the LDP. There are however concerns in terms of sustainable travel, as outlined in the principle policy considerations above.

Site Servicing - Other Matters

In relation to water supply, Scottish Water confirm there is capacity and Environmental Health do not object subject to a condition requiring connection to the public supply. Waste Management do not object, which outlines that waste/refuse collection is feasible from the site. Foul drainage details were provided in the previous application, outlining possible soakaway design which hasn't been revisited in this application. These matters are not considered to give rise to any significant policy concerns.

Design

Looking at the design and layout of the site in isolation, whilst noting the overarching concerns relating to the principle of development, the general scale and form of both the dwelling and nursery building are considered to be appropriate for the site and setting. The general scale is not dissimilar to that of Rothnick Croft or nearby properties built/consented to the north west of the application site. The isolated setting prevents any privacy or amenity impacts, and the site is not generally prominent in the landscape which minimises any significant visual impact. The general scale, form and materials poses no concern in terms of local design compatibility or wider landscape impact, complying with Policies 4 and 14 of NPF4, and Policies P1 and E2 of the LDP.

Carbon Neutrality and Sustainability

Noting the unsustainable siting of the development and concerns relating to reliance upon the private car outlined above, consideration of the sustainability of the buildings themselves also forms part of the overall consideration of the proposal. The relatively open setting lends itself to the use of solar panels on the buildings and/or air source heat pumps, both of which could provide sustainable energy to the dwelling and nursery. The submission contains no details of any renewable technology to maximise the energy efficiency of the proposed buildings, however this could easily be resolved via simple amended plans to include such detail, whilst not provided at this time the general form and siting of the proposal lends itself to being able to incorporate renewable/sustainable technology which could help the proposal satisfy relevant aspects of Policies 1 and 2 of NPF4, and Policy C1 of the LDP.

Natural Heritage

The site is undeveloped and naturalised at present, however NESBRec do not show any significant species or habitat on the site. Bats are present in the vicinity, but the proposal is not anticipated to pose any impact. The proposal complies with Policy 3 of NPF4 and Policy E1 of the LDP.

Developer Obligations

The Council's Developer Obligations team confirm that no contributions are required for the proposed dwelling, therefore the proposal raises no issues in relation to Policy 18 of NPF4 or Policy RD2 of the LDP.

Contaminated Land

Objectors raised concern in relation to potential historical blacksmith activity adjacent to the site, with the adjacent Rothnick Croft dwelling being granted as brownfield replacement of a previous building associated with such uses. The Council's Contaminated Land team however have no concerns in this regard, therefore the proposal is considered to comply with Policy 23 of NPF4 and Policy P4 of the LDP. The concerns raised in relation to contaminated run-off from the application site and Rothnick Croft onto adjacent fields, causing harm to animals in those fields, is noted as a potential existing/past issue, however on the basis of the acceptance from the Council's Contaminated Land team the Planning Service are content that this specific proposal is not at risk, nor poses any risk, in relation to contamination.

Conclusion

The proposed application, for a nursery and dwelling on a relatively isolated site in the accessible rural area, is considered to be contrary to a number of policies within the development plan. Whilst a renewal of a previous permission, there has been a material change in planning policy since the previous grant of consent and it is important to assess the application against the current Development Plan and ensure that sufficient supporting information is provided to satisfy the technical site servicing requirements of the development. The proposed location of a nursery, which is a Class 10 Use, is inappropriate and should be directed towards accessible town centre locations, where this proposed site is remote and not sustainably accessible resulting in reliance upon the private car which is detrimental to tackling the climate crisis and it does not promote sustainable travel, both of which are key themes within NPF4. The dwelling is not on a brownfield site nor associated with a primary industry or viable rural business. There is no confirmed and deliverable drainage solution that can suitably manage surface water drainage from the site, rendering the proposal incapable of being supported due to the failure to provide certainty over suitable and necessary site servicing, and the absence of a deliverable and appropriate drainage solution raises concern in relation to potential surface water flooding of adjacent land. The application is therefore recommended for refusal.

12. Recommendation

REFUSE for the following reasons:

01. The application is considered by the Planning Authority to not comply with the Development Plan. The proposed nursery (Class 10 Use) is not well related to the population or in a town centre location, with no sequential justification provided for the siting and the location proposed is remote and not sustainably accessible by foot/cycle/public transport resulting in reliance upon the private car, being detrimental to the overarching sustainability targets and tackling the climate crisis, contrary to Policies 1 Tackling the climate and nature crisis, 2 Climate mitigation and adaptation, 13 Sustainable transport, 15 Local Living and 20 minute neighbourhoods and 29 Rural development of National Planning Framework 4, and Policies B1 Town Centre Development, R2 Development Proposals Elsewhere in the Countryside, P1 Layout, Siting and Design, P6 Community Facilities and Public Amenities and RD1 Providing Suitable Services of the Aberdeenshire Local Development Plan 2023.
02. The proposed dwelling is not on a previously developed brownfield site and is not associated with a primary industry or viable rural business, and does not comply with Policy 17 Rural homes and 29 Rural development of National Planning Framework 4, or Policy R2 Development Proposals Elsewhere in the Countryside of the Aberdeenshire Local Development Plan 2023
03. Insufficient information has been provided to demonstrate a functional and deliverable drainage solution to serve the proposed development, resulting in concerns relating to the potential risk of surface water flooding to others and a failure to adequately manage all rain and surface water through a deliverable sustainable urban drainage system that is within the full control of the applicant, contrary to Policy 22 Flood risk and water management of National Planning Framework 4 and Policy C4 Flooding and RD1 Providing Suitable Services of the Aberdeenshire Local Development Plan 2023

13. Process of Determination

The application was the subject of consultation with Local Members under the Councils Scheme of Governance.

14. Planning Obligations

No



Appeal Decision Notice

Decision by Amanda Chisholm, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-110-2440
- Site address: The Old Mill Inn, Maryculter, Aberdeen, AB12 5FX
- Appeal by Victor Sang, Michael French and Audrey Sang against the decision by Aberdeenshire Council
- Application for planning permission in principle APP/2022/0272 dated 10 February 2022 refused by notice dated 10 February 2023
- The development proposed: Demolition of existing hotel, restoration of old mill building to form retail unit/café, erection of garden centre and erection of five dwellinghouses and associated parking and road improvements (part retrospective)
- Date of site visit by Reporter: 21 June 2023

Date of appeal decision: 19 October 2023

Decision

I dismiss the appeal and refuse planning permission in principle.

Preliminary

The information before me indicates that the proposed demolition of the hotel took place in 2021, as a result of safety concerns after a flood in 2016 and a fire some five years later.

The application form submitted in respect of the above proposal does not include the erection of a garden centre, whereas the supporting planning statement makes reference to a garden centre and/or non-food retail use. However, apart from the planning statement, the appeal submissions specify a garden centre and restrict discussion of possible retail use to the proposed restoration and reuse of the old mill building for retail purposes. Accordingly, I have treated the appeal in accordance with the description provided in the summary above.

The scale and nature of this proposed development is such that it comes within the description of development set out in Class 10 (infrastructure projects) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. It was, however, the subject of a screening opinion issued by the council to the effect that environmental impact assessment was not required.

Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. The development plan comprises National Planning Framework 4 (NPF4), adopted 13 February 2023, and the Aberdeenshire Local Development Plan 2023 (LDP), adopted 13 January 2023.

2. The appeal site includes the Mill Inn - Old Corn Mill, a Category C-listed building. As the proposal includes restoration of this listed building, Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires me to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

3. Having regard to the provisions of the development plan the main issues in this appeal are: the principle of development, in particular development in the green belt; restoration of the listed building; issues of scale and design, including effects on the setting of the listed building; matters of sustainable transport and contaminated land; and whether the proposed housing should be assessed as enabling development.

Principle of development

4. The appeal site is located in the green belt outwith defined settlement boundaries. Policy 8 (Green belts) of NPF4 and Policy R1 (Special Rural Areas) of the LDP restrict development in the green belt to specific circumstances. The appellants assert that the proposed garden centre would constitute a horticultural use, one of the supported development types. While I accept that the production and subsequent sale of garden plants and flowers can be included in the definition of horticultural activities, there is no indication in the information before me that the proposal would include facilities for their production. The appellants have not provided evidence to demonstrate that a building of the size proposed would be required for a horticultural use. A garden centre selling a significant element of produce not grown on the site would be a retail use, which would not enjoy policy support in this location.

5. At the site inspection I observed no trace of the hotel on the ground, other than the resulting demolition material. There is no evidence before me that the appeal site should be regarded as continuing to be in use as a hotel, other than in the representations. However, the council considers it reasonable to consider the proposed garden centre as a replacement for the hotel building, given the fire that necessitated its demolition. I am content to follow the council's approach in this regard.

6. Policy R1 enables the replacement of a single non-vernacular building under certain conditions. Comparison of Drawings 2859(PP2)02 and 2859(PP2)03A shows the curtilage of the proposed garden centre to approximate that of the demolished hotel; the latter indicates the footprints of the hotel and garden centre to be 1066.2 and 900 square metres respectively. To this extent, while not actually a replacement, the proposed garden centre would accord with the requirement in relation to its footprint. However, from the indicative plans provided, I consider that the size and shape of the proposed building would not echo that of the demolished vernacular inn and its modern extension. In particular, I share the council's concerns about the raising of the finished floor level of the proposed building by two metres above the current site level, and that of the adjacent mill building, to minimise risk of flooding. While I note the appellants' reminder that the plans are indicative, I am unconvinced that a condition could secure appropriate design, including scale, massing and materials. In my view this would need to be demonstrated prior to planning permission being granted, given the potential for the building to be inconsistent in scale and more intrusive than the demolished buildings.

7. I do not accept that the proposed garden centre would be for the same previous use, as required by Policy R1. However, the information before me indicates that the appeal site has a long-established tourism function that pre-dates the designation of this area as green belt. While NPF4 (Policy 30 Tourism) and the LDP (Policy B3 Tourist Facilities) require that

existing tourist sites be protected from conversion to other uses, Policy B3 supports shops that will act as a new tourist destination. However, there is no evidence before me to indicate that the garden centre should be considered as a tourist destination. I therefore conclude that the proposed garden centre would not comply with these requirements in regard to use.

8. I am aware of the difficulties involved in reinstating a hotel on this site, given the associated flood risk and the consequent requirements of national and local flooding policy, and I agree with the council and the representations that the appeal site and local area would benefit from redevelopment. In addition, I am also aware that the proposal would involve the reuse of brownfield land, supported by NPF4 Policies 9 and 29 and LDP Policy B3. On balance, however, given the difficulties I have identified, I do not agree with the council that the proposed garden centre could be supported as a departure from both Policies R1 and B3 of the LDP and Policy 30 of NPF4.

9. NPF4 Policy 29 (Rural development) supports development that comprises appropriate use of a historic environment asset. In the green belt NPF4 and the LDP respectively allow for the restoration of historic environment assets and traditional vernacular buildings, with NPF4 setting out specific requirements. I consider that the proposed restoration of the mill building would be compatible with the surrounding countryside and landscape character, and would in consequence not undermine the purpose of the green belt or have significant adverse impacts on its environmental quality. Design and materials could be conditioned to ensure that visual impact on the green belt would be minimised and ensure that the restoration would accord with its listed building status. I am therefore content that the proposal for the restoration of the old mill would accord with the development plan.

10. However, turning to the proposed dwelling houses, I consider that these do not accord with the restriction of residential development in green belts to that associated with essential accommodation for a primary industry worker, set out by both NPF4 and the LDP. The appellants argue that these properties constitute enabling development, and I turn to this matter in later paragraphs.

Listed building restoration

11. Both NPF4 Policy 7 (Historic assets and places) and LDP Policy HE1 (Protecting Listed Buildings, Scheduled Monuments and Archaeological Sites) support the reuse of a listed building that would preserve its character, special architectural, cultural or historic interest and setting. While the details of the listed building's proposed restoration are only indicative at this stage, I consider that matters of design and materials could be secured through condition, including preparation of the Design Statement required by Policy HE1. I therefore conclude that the proposed restoration of the mill building would accord with the development plan.

Scale, design and effects on setting

12. NPF4 Policy 29 requires development in rural areas to be suitably scaled, sited and designed to be in keeping with the area's character. NPF4 Policy 14 (Design, Quality and Place) and LDP Policy P1 (Layout, Siting and Design) encourage well-designed development and support proposals that are consistent with the six qualities of successful places. Scale, built form and density are key design elements. In addition, LDP Policy E2 (Landscape) does not support development that causes unacceptable effects through its scale, location or design on key characteristics, natural landscape elements, features or the

composition or quality of the landscape character. Finally, both NPF4 and the LDP seek to protect the setting of a listed building by requiring that development proposals affecting a listed building's setting should preserve its character and its special architectural or historic interest.

13. At the site inspection I observed that the appeal site is bordered by mature trees, particularly on its northern boundary and to the southwest by the wooded grounds of the neighbouring Elmgrove House, and along the Crynoch Burn. Views to the north are distantly framed by the trees along the River Dee and on the low hills beyond. In contrast, the appeal site's southern boundary is not wooded and the site is thus open to views from the B9077. Residential properties in this locale occur either as isolated dwellings or in small groups of two or three, in a variety of modern and traditional designs.

14. As noted in paragraph 6 above, I consider that, from the plans provided, the design, scale and massing of the proposed garden centre would not echo that of the demolished vernacular building and its modern extension. Given the proposed increase in finished floor level of two metres, I also consider that it would be overly dominant and intrusive in relation to the old mill, adversely affecting the setting of the listed building - concerns raised by the council and in the representations.

15. Turning to the residential proposal, I recognise that, given the characteristics of the flood plain in this area, the proposed houses would need to be restricted to the southwest corner of the site. The plans and visualisations, while indicative, are useful in setting out the houses' potential layout in relation to the existing mill building and the proposed garden centre. While I consider that the height and design of these properties could be controlled by condition to reflect the existing rural vernacular, the limited amount of land available and the number of dwellings proposed would result in a fairly dense layout that, in my view, is out of step with the character of the relatively dispersed housing in this locale and would be readily visible in the landscape. I also consider that the number of properties, their proximity and the density of their layout would be out of step with the character of the listed building and would thus have detrimental effects on its setting. I am unconvinced that this issue could be resolved through condition in the same way as matters of design and materials, given the limited space available to vary the residential layout so that it would integrate more readily with the existing landscape character and the setting of the listed building.

16. The appellants point out the extent of development at the neighbouring Deeside Holiday Park, but this commercial development is not particularly obvious in the landscape, given the local topography and woodland. The appellants also contrast the scale and design of the proposed housing with that of the hotel's additional accommodation wing consented in 2014 (KM/APP/2009/2527). However, I do not consider that this creates a precedent, given the difference in circumstances: the proposed wing was subordinate to the existing hotel, replicated its features, and allowed for the appropriate expansion of the then existing business use. In consequence I afford little weight to these arguments.

17. Drawing all of the above together, I find that the proposed houses do not accord with the aforementioned policies of NPF4 and the LDP, given that the density of their layout would be out of step with local landscape character and would present as overdevelopment of this part of the appeal site that would adversely affect their local identity and visual appeal. I consider that the enabling development would not be sympathetic to the listed building or its setting, and would thus conflict with the requirements of NPF4 and LDP Policies HE1 and HE3.

Sustainable transport

18. NPF Policy 13 (Sustainable transport) supports development that is in a location that supports sustainable travel; Policy 30 also identifies the importance of sustainable travel. Policy 29 supports development that will contribute towards local living and takes into account the transport needs of the development as appropriate for the rural location. LDP Policy RD1 (Providing Suitable Services) requires development to be located and designed to take advantage of or incorporate the services, facilities and infrastructure necessary to support it, including sustainable transport linkages. Policy P1 also requires development to be well connected. Supplementary guidance indicates that development should be well connected to surrounding roads and destinations to provide a choice of travel and routes for pedestrians, cyclists and public transport. Paths should be accessible for all and well-lit and overlooked.

19. I note that the site has good road connections, with direct access to the B9077; to Peterculter via the B979 and A93; and to the A90 Aberdeen Western Peripheral Route some two kilometres away. I accept that customers of the garden centre would be likely to purchase heavy and bulky goods that are difficult to transport and that, in consequence, many of the visitors travelling to the site would do so by car. The representations have expressed concerns about increases in vehicle numbers and consequent effects on air quality. I recognise that the predicted number of vehicles would be less than those estimated for the previous hotel use, but it would have been helpful to have an indication of the implications of this increase in vehicle numbers for traffic flows on the road network. Given this likely car use, the proposed garden centre gains little support from NPF4 and LDP sustainable transport policies.

20. There are no bus stops on the B9077; the nearest are on the A93 in Milltimber, some 1.6 kilometres away. I consider that the links to public transport are limited, for both customers and staff of the garden centre and residents of the houses, given the distance of the appeal site from the identified bus stops.

21. While there are pedestrian footways on the B979, there is very little provision on the B9077. Instead the Transport Statement suggests that pedestrians would access the appeal site from the B979 via the informal footpath through Corbie Park. In the absence of dedicated cycle paths, I assume that cyclists would also utilise these paths or use the road. The path through Corbie Park is not overlooked and is not lit and residents would have to continue through the garden centre car park to reach their properties. In consequence I consider that there are potential safety issues arising from this suggestion, exacerbated by the short days in winter when pedestrians would be walking in the dark. Finally, in terms of safe routes to school, the Transport Statement identifies two primary schools within an acceptable walking distance, Culter and Milltimber. However, the council's Learning Estates Team indicates that the proposed residential housing would be zoned for Lairhillock Primary School, transport to which is not addressed by the appellants.

22. NPF4 recognises that, particularly in rural areas where walking and wheeling, cycling and public transport have been judged as unfeasible for day to day travel, low emissions vehicles and shared transport options will play an important role. However, there is little before me in this regard. Taking these points together, I find that the appeal site is not well connected, and would not accord with the requirements of NPF4 Policy 13 and LDP Policies P1 and RD1. In coming to this conclusion, I note the objections from the council's Environment and Infrastructure Services (Roads Development) and the representations.

Contaminated land

23. NPF4 Policy 9 (Brownfield, vacant and derelict land and empty buildings) and LDP Policy P4 (Hazardous and Potentially Polluting Developments and Contaminated Land) address matters of contaminated land. My understanding from the information before me is that petrol pumps and tanks are known to have been located to the southeast of the hotel. According to the council's records, the two underground petrol tanks were taken out of use and made safe in 1972. I note the appellants' argument that a site investigation was not a condition of the planning permission granted for the extension of the hotel in 2014. However, as underground fuel tanks are frequently found to have leaked and caused contamination of the surrounding soils and groundwater, the possibility of contaminated land being encountered was not ruled out. Given that the proposed change of use would constitute a more sensitive land use, I consider it necessary for the development proposals to identify whether or not the land is contaminated and, if so, to demonstrate that it is, or can be made, safe and suitable for the proposed residential use, in accordance with the requirements of NPF4 Policy 9 and LDP Policy P4. In the absence of this information, I find that the proposal does not accord with the development plan.

24. I note the concerns raised in the representations regarding contamination, particularly by asbestos distributed by the fire. The information before me indicates that all asbestos had been removed from the hotel prior to the fire in 2021, and I therefore consider it unlikely that the site has been contaminated in this way.

Enabling development

25. NPF4 defines enabling development as development that would otherwise be unacceptable in planning terms, but is essential to secure the future of a historic environment asset which is at risk of serious deterioration or loss. NPF4 (Policy 7 Historic assets and places and Policy 29 Rural development) and the LDP (Policy HE3 Enabling Development to Safeguard Historic Buildings at Risk) both provide qualified support for appropriate enabling development, and set out the information required to demonstrate that the enabling development is essential to secure the listed building's future.

26. I note that the mill, while listed, is not on the Buildings at Risk Register. However, my understanding is that the mill has lain vacant since 2016, and at the site inspection I observed that the building is in poor condition, e.g. holes in the roof, and at risk of further decay, e.g. through water ingress. My understanding is also that the building has been vandalised and that this could continue in the future.

27. Policy HE3 notes that any enabling development granted should be based on the actual cost of the conservation works required to directly restore the listed building to a wind and watertight condition. The appeal statement complains that the council did not properly consider Policy HE3, and in particular did not seek any further information on the costs required to restore the listed building, nor the minimum amount of development required to meet the restoration costs. While the appellants provide an estimate of restoration costs and submit that the five houses proposed comprise the minimum number of units necessary to fund the restoration and provide an affordable dwelling, this does not demonstrate the Conservation Deficit or support the level of enabling development proposed, for example, the case for the number of dwelling houses and how these would provide the necessary restoration funds. Without this information, whose need is clearly recognised by the appellants, I consider that it is not possible to assess the scale of enabling development that should be permitted. In addition, no evidence has been provided that all other possibilities of funding to secure the conservation and reuse of the building

have been exhausted or that the property has been offered to another group or placed on the open market for sale.

28. Drawing all of the above together, while I recognise that the listed building is not on the Buildings at Risk Register, I consider that this would constitute a minor departure from Policy HE3, given the mill's poor condition. I accept that the restoration of the listed building would be a constituent part of the development. However, while restoration would satisfy the policy intent of both NPF4 and the LDP that redundant or neglected historic buildings are brought back into sustainable and productive uses, the lack of evidence in other respects does not provide the support necessary to demonstrate that the wider public benefits of securing the conservation and reuse of the building through enabling development would significantly outweigh the disadvantages of allowing the development, particularly the inevitable harm to the setting of the listed building. I therefore find that the proposal does not accord with the development plan in this respect.

Assessment against the development plan

29. I have had regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Taking all of the above into account, I find that the proposed restoration of the listed building would accord with the requirements of the development plan, subject to conditions regarding detailed matters of design that would preserve any features of special architectural or historic interest which it possesses.

30. In regard to the garden centre, for the reasons given above, I am not content to support the proposal as a departure from Policies R1 and B3 of the LDP and Policy 30 of NPF4. I doubt that appropriate scale, massing and design could be achieved by conditions such that the proposal would accord with NPF4 Policies 7 and 14 and LDP Policies P1 and HE1. In addition, the lack of connection to sustainable transport options does not gain support from NPF4's Policies 13, 29 and 30 and LDP Policies P1 and RD1. While I recognise the benefits that would accrue from redevelopment of the site, particularly in light of the concerns expressed in the representations that the site as it stands is an eyesore, I consider that these do not outweigh the garden centre's lack of accord with the development plan.

31. Turning to the proposed residential housing, its green belt location and the nature of the housing would not accord with the requirement that residential use in the green belt should be for the accommodation of essential primary industry workers only. The principle of development is therefore not supported. While appropriate design and materials could be secured through condition, the number of properties and the density of their layout would be out of step with the landscape character and the existing pattern of residential settlement in this locale, as well as the character and setting of the listed building. In addition, the appeal site would not be well connected in sustainable transport terms, particularly in regard to schools, and in consequence residents would be over-reliant on the use of private vehicles. Finally, I consider that the information provided does not demonstrate that the proposed housing would constitute enabling development, and I therefore conclude that the potential benefits to the historic environment have not been demonstrated to significantly outweigh the disadvantages of allowing the housing development. Drawing all of the above together, I find that the proposed housing does not comply with the development plan, particularly NPF4 Policies 7, 8, 9, 13, 14, and 29, and LDP Policies R1, HE1, HE3, P1, E2, RD1 and P4.

Material considerations

32. There were 164 representations to the council regarding this proposal, of which two were neutral, 87 objected and 75 provided support. Fifteen representations were made directly to DPEA, one objecting and fourteen in support. While I consider that there is a substantial amount of support for the proposal, this does not outweigh the development plan's requirement that development be directed to the right locations.

33. I consider that the key issues raised in the representations have been addressed in the preceding paragraphs. The council considered that the garden centre would have little or no impact on local businesses. Issues of flood risk, site access, and tree and habitat loss were considered to be resolved by the council, through the submission of additional information by the appellants, revisions to design, and the ability of conditions to appropriately control the details of development. In consequence I have not considered these further.

34. The appellants argue that the proposed development would result in economic benefits to the area, and the potential for employment and increased visitor numbers was echoed in the representations. However, while I agree that such benefits could accrue, there is little detail before me in this regard, making it difficult to take these benefits into consideration.

Conclusions

35. I therefore conclude, for the reasons set out above, that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations which would still justify granting planning permission. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

Amanda Chisholm

Reporter

From: Lauren Mackie
Sent: 01 November 2023 14:59
To: Planning Online
Cc: Neil Mair
Subject: For Consideration: APP/2022/1845

**Full Planning Permission for Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse (Renewal of Planning Permission APP/2018/1279) at Land Adjacent To Rothnick Croft, Netherley, Stonehaven, AB39 3QU
Grid Reference: 387228.795779**

Following on from discussions with Planning we have had confirmation that the previous condition is no longer deemed competent due to uncertainty over the applicant's ability to comply with it, and the lack of new information and certainty over a deliverable and functional surface water drainage system. Therefore, this service objects to the application.

Regards

Lauren Mackie
Civil Engineer/Technician
Flood Risk and Coast Protection
Infrastructure Services
Aberdeenshire Council
Tel: 01467 534452

Beverley Robertson

From: Peter Exon on behalf of Contaminated Land
Sent: 19 October 2022 12:39
To: Planning Online
Cc: David Niven
Subject: RE: Consultation for Application Ref No APP/2022/1845

APP/2022/1845 Full Planning Permission for Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse (Renewal of Planning Permission APP/2018/1279); Land Adjacent To Rothnick Croft Netherley Stonehaven AB39 3QU

Environmental Protection Act 1990: Part IIA Contaminated Land

Thank you for consulting us on the above application. After studying the proposals there do not appear to be any issues of concern under the above legislation in respect of this development and as a consequence, no further information regarding contaminated land is required.

Regards,

Peter.

Peter Exon
Assistant Scientific Officer

Aberdeenshire Council,
Environment and Infrastructure Services,
Environmental Health,
Gordon House,
Blackhall Road,
Inverurie, AB51 3WA

Tel: 01467 538529

-----Original Message-----

From: planning@aberdeenshire.gov.uk planning@aberdeenshire.gov.uk
Sent: 06 October 2022 12:03
To: Contaminated Land contaminated.land@aberdeenshire.gov.uk
Subject: Consultation for Application Ref No APP/2022/1845

Please find attached important correspondence from Aberdeenshire Council, Planning and Economy Service.

Archived: 29 August 2022 14:15:19

From: [Adam Sime](#)

Sent: 29 August 2022 13:56:17

To: [Planning Online](#)

Cc: [Developer Obligations](#)

Subject: APP/2022/1845

Sensitivity: Normal

Planning Application Ref: APP/2022/1845

Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse (Renewal of Planning Permission APP/2018/1279) | Land Adjacent To Rothnick Croft Etherley Stonehaven

Lairhillock Primary School and Mackie Academy are currently operating within capacity. The proposed development does not engage the Developer Obligations and Affordable Housing policies or associated supplementary planning guidance of the Aberdeenshire Local Development Plan 2017. Therefore, in this instance, no contributions are required.

Kind Regards

Adam Sime | Senior Developer Obligations Officer |

Legal and People | Business Services | Aberdeenshire Council | Banchory Town Hall | 1 Kinneskie Lane | Banchory | AB31 5NA

Tel: 01467 539495

email: adam.sime@aberdeenshire.gov.uk

PLANNING CONSULTATION

RECOMMENDATION: No Objection subject to condition
(delete as appropriate)

APPLICATION REF: APP/2022/1845
PROPOSAL: Full Planning Permission for Erection of
Children's Day Care Nursery (Class 10 Non-
Residential Institutions), Erection of Children's
Workshop, Formation of Wildlife
Pond and Erection of Dwellinghouse (Renewal of
Planning Permission
APP/2018/1279)

LOCATION: Land Adjacent To Rothnick Croft
Etherley
Stonehaven
AB39 3QU

AGENT: Inspired Design _ Development Ltd
DATE RECEIVED BY EH: 29 August 2022

Environmental Health Service has considered the following in respect of the above application: (delete as appropriate)

Proposed Water Supply

Please find comments below regarding each of these matters relating to the development proposed.

*Standard comments requesting further information
or*

Model conditions (referencing supporting assessments where appropriate)

1. WATER SUPPLY

0816 Public Water Supply

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.

The Environmental Health Service would recommend the following planning conditions are imposed. Should Development Management not be able to

impose all of these conditions the Service would welcome further discussion on the matter.

Catherine Busson
(Senior) Environmental Health Officer
Date:20/9/22

Please note that the above observations do not include consideration of contaminated land issues. The Scientific Officer, Environment and Infrastructure (Environmental Health) will report separately to the Planning Officer on such matters.

Beverley Robertson

From: Nick Rae
Sent: 01 September 2022 15:25
To: Planning Online
Cc: David Niven
Subject: Consultation Response for Planning Reference APP/2022/1845

Consultee: Flood Risk & Coast Protection
Planning Reference: APP/2022/1845
Planning Case Officer: David Niven

Proposal: Full Planning Permission for Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse (Renewal of Planning Permission APP/2018/1279)
Address: Land Adjacent to, Rothnick Croft, Netherley, Aberdeenshire, AB39 3QU
Grid Reference: 387228.795779

With regard to the above referenced application for renewal of planning permission; we do not object to this renewal on the basis that Condition 1, that was applied to the original grant of permission for application APP/2018/1279, is again applied as a condition to this renewal.

Regards,

Nick Rae
Civil Engineer

Flood Risk & Coast Protection
Environment & Infrastructure Services



E: nick.rae@aberdeenshire.gov.uk
T: 01467 537254
M: 07818 521335
A: Viewmount, Arduthie Road, Stonehaven, AB39 2DQ

www.aberdeenshire.gov.uk

Follow us at:



Reference	APP/2020/1845
Proposal	Full planning permission for erection of Children's Day Care Nursery, Erection of children's workshop, formation of wildlife pond and erection of Dwellinghouse
Location	Land Adjacent to Rothnick Croft, Netherley, Stonehaven AB39 3QU
Date	29 August 2022

Education and Children's Services Response

Primary School Catchment Area: Lairhillock School

Secondary School Catchment Area: Mackie Academy

Education & Children's Services:

~~Object to this application~~ / **do not object to this application**

Additional Comments

The catchment areas are in reference to the location of the dwellinghouse and not the location of the nursery.
--

Completed by: Learning Estates Team, Education & Children's Services

Date: 08/09/22



Technical Consultation No 1 for Planning Application Ref: APP/2022/1845

Application type: **FPP (Full Planning Permission)**

Proposal: **Erection Of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection Of Children's Workshop, Formation Of Wildlife Pond And Erection Of Dwellinghouse**

Location: **Land Adjacent To Rothnick Croft Etherley Stonehaven AB39 3QU**

Date consultation request received: **29/08/2022**

Planning Officer: **DN**

Roads Officer: **MN**

1. Visibility Requirements

Speed Limit at site: **60 mph**

Design speed: **40 mph (assessed for both approaches)**
)

Based on the minimum visibility requirements within Aberdeenshire Council's current standards and on the design speed a visibility of **2.4** metres by **120** metres will be required **In both directions**

Does current application provide this? Yes No

2. Parking Requirements:

Is shown provision of **25 + 5** spaces acceptable Yes No

Note:

Sufficient parking has been provided to accommodate staff parking and drop off provision for customers within the business car park, and 5 parking spaces for the dwelling is acceptable our standards require 3.

3. Road Layout:

- | | | | | |
|--|--------|-------------------------------------|----------|-------------------------------------|
| Is a Traffic Assessment required? | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |
| Access onto Public Road Network? | Direct | <input checked="" type="checkbox"/> | Indirect | <input type="checkbox"/> |
| Will the Shown Layout Require RCC? | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |
| Does the Shown Layout Appear to Comply with RCC? | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |

If No, What are Main Items of Non-Compliance?

4. Other Comments:

5. Recommendations:



This Service does not object to this application subject to the following conditions and advisories being applied should planning permission be granted:-

Conditions (as selected below):

- Prior to occupancy of development, parking as shown on P12 rev 0, surfaced in hard standing materials must be provided within the site.
- Prior to commencement of development, Visibility Splays, measuring 2.4m by 120m 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.
- 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 & shall be secure enough to prevent empty bins from being wind blown. Details must be submitted to Roads Development for approval.
- Prior to occupancy of development a suitable vehicle turning area, as shown on P12 rev 0, must be formed within the site to enable all vehicle movements onto or from the public road to be carried out in a forward gear.

Initialed by:

MN

Date:

14/09/2022

Tuesday, 30 August 2022



Local Planner
Planning and Environment Service
Aberdeenshire Council
Stonehaven
AB39 2DQ

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

Land Adjacent To Rothnick Croft, Etherley, Stonehaven, AB39 3QU
Planning Ref: APP/2022/1845
Our Ref: DSCAS-0071741-CS9
Proposal: Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse (Renewal of Planning Permission APP/2018/1279)

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ This proposed development will be fed from Invercannie Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via [our Customer Portal](#) or contact Development Operations.

Waste Water Capacity Assessment

- ▶ Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Asset Impact Assessment

Scottish Water records indicate that there is live infrastructure in the proximity of your development area that may impact on existing Scottish Water assets.

- ▶ 90mm HPPE water main in the site boundary

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via [our Customer Portal](#) for an appraisal of the proposals.

The applicant should be aware that any conflict with assets identified will be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

Written permission must be obtained before any works are started within the area of our apparatus

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:

- ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
-
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
 - ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
 - ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
 - ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ Trade Effluent Discharge from Non-Domestic Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Angela Allison

Development Services Analyst

PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."



Our Ref:
Your Ref: APP/2022/1845

Infrastructure Services

Waste Management

Unit 7 Harlaw Way

Harlaw Industrial Estate

Inverurie

Aberdeenshire

AB51 4SG

Tel 03456 08 12 07

Fax

www.aberdeenshire.gov.uk

Please ask for: Peter Stanworth
Direct Dial: 01467 533445

Date: 06/09/2022

If you have difficulty reading this document please contact Peter Stanworth on 01467 533445

Dear Sir/Madam

Full Planning Permission for Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse (Renewal of Planning Permission APP/2018/1279) at Land Adjacent To Rothnick Croft, Etherley, Stonehaven, Aberdeenshire, AB39 3QU Grid Reference: 387228.795779

Thank you for submitting the Planning Application to my service for review and comment.

Waste management has no objection subject to the proposed layout being designed to the satisfaction of Roads Development. Please avoid block paved roads as they are not sufficiently robust for the Waste Collection Vehicles to traverse. They also harbour weed growth.

Access

In all cases, vehicular access is of paramount importance. Collection vehicles are generally Large Goods Vehicles (LGV) of approximately 10 metres in length and require adequate space to manoeuvre. They have a turning circle of 21 metres diameter. Where possible the need for these large vehicles to reverse should be negated/minimised. Refuse vehicles should in any case not be required to reverse for a distance greater than 12 metres in accordance with British Standard 5906:2005.

It should be noted that where vehicles are expected to access a private development the road surface should be constructed of adequate quality and maintained to withhold the weight of vehicles up to 32 tonnes Gross Vehicle Weight.

The Council will also not take responsibility for fair wear and tear where access into private developments is requested. In the event that a private road falls below an acceptable standard or that access becomes difficult for any reason for refuse/recycling vehicles the collection point will revert to the nearest public road. Documents outlining the dimensions including turning circles of the refuse collection vehicles currently in service are attached to this letter.

TOTAL BIN STORAGE FOR AT LEAST 3 X 240ltr bins should be provided per house

Refuse Collection

One bin per property is required for non-recyclable waste but each unit should have space for 2 x 240 ltr wheeled bins (to allow for situations where more than one bin is required) The property developer is required to pay for refuse bins.

Communal bins are permitted only if the developer can evidence they will be maintained by a factor. If provided, bin stores should have adequate space for wheeled bins and sited close to the nearest road. There should be a minimum of 100 mm allowed between each bin for ease of manoeuvring the bins.

Recycling

Glass Recycling

Given the size of this development, suitable spaces should be allowed for the provision of glass recycling points within the development for the use of residents. This would most likely consist of a set of up to 3 x 240 litre wheeled bins encased in an aesthetically pleasing casing which would be individually labelled for the collection of brown, blue/green and white glass.

The waste service can assist in determining the best site for such a facility to ensure that it is accessible to both residents and collection crews. It is suggested that this site is as centrally located for the convenience of all residents as possible. The area would require to be on hard standing and could be screened. Would require to be close to the access road for servicing.

Kerbside Recycling Collection

All new developments, in addition to the requirements for refuse collection bins (as above), should now also plan space for 2 x 240 litre bin for recyclables and 1 x food waste container (25 litre) for each house/flat. The same recommendations regarding bin stores, access, etc. will apply as they do for refuse.

The recycling bins are for the collection of cans and foil, paper, cardboard, plastic bottles, plastic pots, tubs and trays and cartons.

The food waste container is collected weekly.

The developer is required to pay for recycling and food waste bins.

Commercial Developments

It is difficult to assess the needs of any commercial development before it is occupied but space should be designated for storage of waste/recycling containers bearing in mind that some establishments may use large industrial type skips. If there is a likelihood of any food premise being installed then it should be noted that this type of business usually generates significant volumes of waste. It is desirable for commercial premises to have some indoor space allocated for storage of waste or recyclables. Outdoor bin storage should be enclosed on 3 sides to prevent receptacles from moving away from their storage points and escape of waste.

Premises with statutory required clean up frontage under the terms of Section 93 of the Environmental Protection Act 1990 will be required to present a litter prevention action plan to Waste Management before any objection is removed.

All businesses will be affected by the Waste (Scotland) Regulations 2012 and we recommend that applicants for commercial developments familiarise themselves with these, more information can be found here:

http://www.sepa.org.uk/waste/moving_towards_zero_waste/zero_waste_regulations.aspx

Yours Faithfully

P Stanworth

Peter Stanworth
Waste Support Leader

attachments:
Mercedes Econic Dimensions
Turning Circles Table 2016
Bin Dimensions

Trade Waste and Trade Recycling Service Containers

We supply 6 different sizes of bin:

- 140L (smaller than a household wheeled bin)
- 240L (same as a household wheeled bin)
- 660L (metal bin with 4 wheels)
- 820L (metal bin with 4 wheels)
- 1100L (metal bin with 4 wheels)
- 1280L (our largest metal bin with 4 wheels – same as a bin at a Recycling Point)



From left to right: 140L wheeled bin, 240L wheeled bin, 660L container, 820L container 1100L container.

Bin Dimensions and Maximum weights - approximate outer dimensions including handles

Bin size (litres)	Height (cm)	Width (cm)	Depth (cm)	Maximum weight capacity (kg)
140	104	50	55	59
240	110	58	74	96
660	131	125	72	264
820	137	123	78	328
1100	157	125	98	440
1280	143	135	100	440

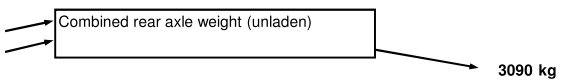
CHASSIS:- MERCEDES ECONIC 2630LL EURO 6 6X2 REAR-STEER 4500mm W/B 1350mm BOGIE
 BODY TYPE:- POWERLINK 16
 TAILGATE:- OPTIMISED
 HOIST:- TERBERG OMNIDEL
 DRAWING:- H1M2C605 Rev0
 DENSITY:- 600 kg/cu.m (COMPACTOR BODY)
 DENSITY:- 500 kg/cu.m (POD BODY)

POD:- 5M POD
 LOAD CELLS:- NOT FITTED
 REVISION:- 0

CHASSIS SPECIFICATION:-
 Permitted (plated) Loading per axle

AXLE 1 -	8000	kg	
AXLE 2 -	11500	kg	
AXLE 3 -	7500	kg	

UNLADEN CHASSIS:-
 Weight of chassis per axle

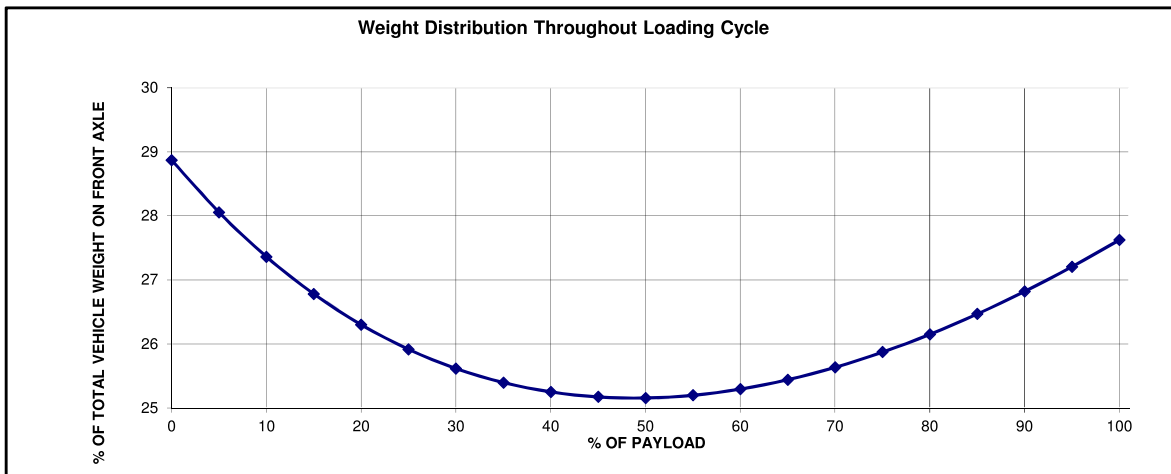
AXLE 1 -	4440	kg	
AXLE 2 -	2200	kg	
AXLE 3 -	890	kg	

WEIGHT OF BODY :- 5195 kg
CoG OF BODY:- 3366 mm
CoG PAYLOAD:- 2257 mm
MOUNT POSITION:- 2400 mm
WEIGHT OF HOIST:- 595 kg
CoG OF HOIST:- 6080 mm
WEIGHT OF TAILGATE:- 0 kg
CoG OF TAILGATE:- 0 mm
WEIGHT OF EJECTOR PLATE:- 395 kg
CoG OF EJECTOR PLATE (RETRACTED):- 300 mm
WEIGHT OF RECYCLING POD:- 1750 kg
CoG OF RECYCLING POD:- 1500 mm
WEIGHT OF RECYCLED MATERIAL:- 2500 kg
CoG OF RECYCLED MATERIAL:- 1500 mm
WEIGHT OF DRIVER:- 80 kg
CoG OF DRIVER:- 0 mm
WEIGHT OF EJECTOR CYLINDER 160 kg
CoG OF EJECTOR CYLINDER (RETRACTED):- 200 mm
DIMENSION AXLE 1 TO AXLE 2 4500 mm
DIMENSION AXLE 1 TO AXLE 3 5850 mm

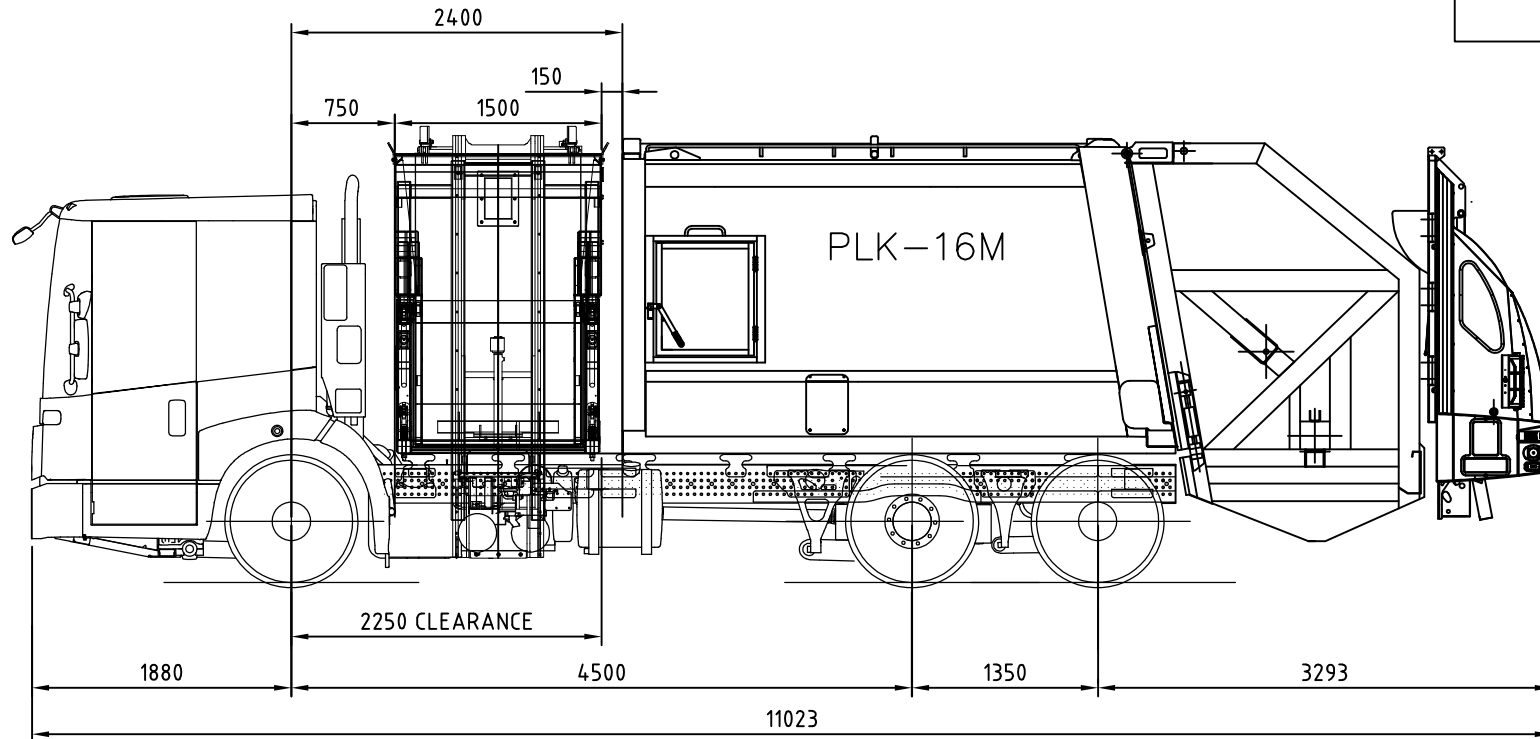
NOTE:
 Mount Position is from front of body
 to centre of front wheel

NOTE: Recycling Pod full

	FRONT AXLE	REAR AXLE	TOTAL	FRONT AXLE %	REAR AXLE %
CHASSIS	4440	3090	7530		
BODY & TAILGATE	-757	5952	5195		
PRIMARY HOIST	-408	1003	595		
TAILGATE	0	0	0		
EJECTOR PLATE	183	212	395		
RECYCLING POD	1228	522	1750		
RECYCLED MATERIAL	0	0	0		
DRIVER	80	0	80		
EJECTOR CYLINDER	77	83	160		
UNLADEN WEIGHT (EJECTOR RETRACTED)	4845	10860	15705	30.8	69.2
UNLADEN WEIGHT (EJECTOR EXTENDED)	4534	11171	15705	28.9	71.1
PLATED WEIGHT	8000	19000	26000		
BASED ON PAYLOAD DENSITY OF:	600 kg/cu.m				
RCV PAYLOAD	582	7213	7795		
POD PAYLOAD	1755	745	2500		
TOTAL AXLE LOAD	7182	18818	26000	27.6	72.4
BASED ON MAX REAR AXLE LOAD					
RCV PAYLOAD	597	7395	7991		
POD PAYLOAD	1755	745	2500		
TOTAL AXLE LOAD	7196	19000	26196	27.5	72.5
BASED ON GROSS VEHICLE WEIGHT					
RCV PAYLOAD	582	7213	7795		
POD PAYLOAD	1755	745	2500		
TOTAL AXLE LOAD	7182	18818	26000	27.6	72.4




H1M2C605



CHASSIS: MERCEDES-BENZ
 MODEL: ECONIC 2630LL EURO 6 6X2 REAR-STEER
 CAB: 4 MAN CREW
 WHEELBASE: 4500mm + 1350mm
 RCV BODY: POWERLINK 16M
 RCV HOIST: TERBERG OMNIDEL
 POD: 5M W/O PANNIER

OVERALL WIDTH: 2530mm
 OVERALL LENGTH: x
 OVERALL HEIGHT: x
 TURNING CIRCLE (WALL TO WALL): x
 PACKING CYCLE TIME: x
 HOIST CYCLE TIME: x

				TOLERANCES UNLESS OTHERWISE SPECIFIED: LINEAR (mm) X = ± 1 X.X = ± 0.1 LINEAR (Inches) .XX = ± .06 .XXX = ± .030 ANGULAR = ± 1°		NOTICE This print is the property of FARID HILLEND ENGINEERING LTD and is recallable at any time. It must not be copied or used detrimentally to the interests of FARID HILLEND ENGINEERING LTD		DIVISION E	UNITS —	 HILLEND ENGINEERING	
				DATE: 11/09/2018		SCALE: NTS		TITLE: POWERLINK 16M & 5M POD ECONIC EURO 6 6X2RS 4500mm W/B			
MATERIAL:				DRAWN BY:				PART No.			
0	FIRST ISSUE	11/09/18	JD	JD				H1M2C605			
REV.	WAS	DATE	ECO No.								

Mercedes-Benz Econic

Turning Circles

all dimensions in m (tolerance +0.5m)

1830L		
4x2 ** extra cost		
Front Steering Axle to:	kerb to kerb	wall to wall
Second Axle		
3.45	13	15.1
3.9	14.2	16.3
4.2	15	17.2
4.5	15.9	18
5.7	19.2	21.3

		2630L		2630L		2630L	
		26t 6x4		26t 6x2 mid-steer ** extra cost		26t 6x2 rear-steer	
Front Steering Axle to:		kerb to kerb	wall to wall	kerb to kerb	wall to wall	kerb to kerb	wall to wall
Second Axle	Third Axle						
3.45	4.8					13	15.1
3.9	5.25	16.1	18.2	18	20.1	14.2	16.3
4.2	5.55	16.9	19			15	17.2
4.5	5.85					15.9	18
4.8	6.15					16.7	18.8

			3235LL		3235LL	
			8x4 mid-steer		8x4 rear-steer	
Front Steering Axle to:			kerb to kerb	wall to wall	kerb to kerb	wall to wall
Second Axle	Third Axle	Forth Axle				
3.75	1.35	1.35	19.4	21.5	15.7	18

Your planning consultation entitled [Land Adjacent To Rothnick Croft Netherley Stonehaven AB39 3QU](#) for Planning Application Reference APP/2022/1845 on Ward Pages has closed, your proposal for this application to be determined by officers using delegated powers has been Accepted. Full results are shown below:

Councillor	Response	Comments	Interest Declared
Cllr. Mel Sullivan	Agree Officer Delegation		● No Interest Declared
Cllr. Catherine Victor	Agree Officer Delegation		● No Interest Declared
Cllr. Shirley Burnett	No Response		● No Response
Cllr. David Aitchison	Agree Officer Delegation		● No Interest Declared

From: [Alan Innes](#)
To: [Planning Online](#)
Cc: [Kieran Buxton](#); [Alan McMillan](#)
Subject: OBJECTION TO PLANNING APPLICATION APP/2022/1845 FOR LAND ADJACENT TO ROTHNICK CROFT, NETHERLEY, STONEHAVEN, AB39 3QU [BURNESPAULL-ACTIVE.FID28101331]
Date: 29 September 2022 12:11:27
Attachments: [Letter to Aberdeenshire Council.pdf](#)

Dear Planning and Economy Service, Aberdeenshire Council (FAO: David Niven, Case Officer)

**OBJECTION TO PLANNING APPLICATION APP/2022/1845 FOR LAND ADJACENT TO ROTHNICK CROFT, NETHERLEY, STONEHAVEN, AB39 3QU
OUR REF: FOR/1041/00144**

We act on behalf of Forbes Homes Limited. On behalf of our client, please see the attached letter objecting to planning application made under reference APP/2022/1845 for the reasons noted in the letter.

Please note our client's request (at the end of the letter) to be informed of any further submissions made on behalf of the applicant in relation to drainage.

The attached letter is being emailed to you at this address, being the email address listed in the Press and Journal advertisement of 9 September 2022. We would be grateful if you could confirm receipt of this email and attached letter today.

Kind regards

Alan

Alan Innes
Senior Associate
Burness Paull LLP

Direct Dial: +44 (0)131 370 8961
Mobile: +44 (0)7850 004 837
Email: Alan.Innes@burnesspaull.com
LinkedIn: <https://www.linkedin.com/in/alaninnes/>
Pronouns: [He/him/his](#)

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Our Ref FOR/1041/00144/AInnes/ACM
Your ref APP/2022/1845 (FAO: David Niven)

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BY EMAIL ONLY:

planningonline@aberdeenshire.gov.uk

FAO: David Niven (Case Officer)

Planning and Economy Service

Aberdeenshire Council

Viewmount

Arduthie Road

Stonehaven

AB39 2DQ



29 September 2022

Dear Planning and Economy Service, Aberdeenshire Council

FORBES HOMES LIMITED

OBJECTION TO PLANNING APPLICATION APP/2022/1845 FOR LAND ADJACENT TO ROTHNICK CROFT, NETHERLEY, STONEHAVEN, AB39 3QU

We act for Forbes Homes Limited. On behalf of our client, we are instructed to write to you to object to the planning application under reference APP/2022/1845 (the **“2022 Application”**). The 2022 Application is an application to renew the planning permission granted (with conditions) by Aberdeenshire Council, dated 6 February 2019, under reference APP/2018/1279 (the **“2019 Permission”**).

Our client objects to the 2022 Application on the grounds that the applicant has not demonstrated that it can provide a suitable drainage solution for the disposal of surface water. The applicant’s proposed drainage solution would require a connection to allow drainage onto our client’s land. The applicant has no rights to install such a connection and would not be able to deliver the proposed drainage solution.

Background and Legal Position

The land that is the subject of the 2019 Permission (and 2022 Application) is the subjects lying on the east side of Rothnick Croft, Netherley, Stonehaven, being the land registered in the Land Register of Scotland under title number KNC18270 (the **“Development Land”**).

Aberdeen Edinburgh Glasgow

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A list of members is available for inspection at the firm’s registered office.

ACTIVE: 111954047v7

Our client is the heritable proprietor of land to the north of the Development Land, being the land registered in the Land Register of Scotland under Title Number KNC11340 (“**FHL Land**”).

There is an unresolved court action between our client, as Pursuer, and (i) Linda Pirie (the “**Applicant**”) and (ii) George Pirie (the Applicant’s co-owner), at Aberdeen Sheriff Court under reference ABE-A84-19 (the “**Court Action**”).

The Court Action concerns the entitlement that the Applicant and Mr Pirie have in respect of drainage through the FHL Land from the Development Land, and in particular for the development contemplated by the 2019 Permission (or any other proposed development).

Our client’s position is that the Applicant and Mr Pirie have no right or title to use, for the drainage or sewerage in relation to the 2019 Permission (or any other proposed development), any watercourses, pipes, connections, drains and sewers in and under any part of the FHL Land. Our client seeks remedies of declarator and interdict to reflect their position.

By way or further explanation, the Development Land does not benefit from any existing drainage connections through the FHL Land. The Development Land has no rights to install new connections through the FHL Land. Further, the proposals for the Development Land involve a connection from that land, into a newly installed pipe through the adjacent Rothnick Croft, then into an existing pipe through the FHL Land (which pipe does serve Rothnick Croft). That would both (i) use Rothnick Croft as a “bridge” to drain the Development Land and (ii) increase beyond current use and capacity the amount of water flowing through the existing pipe through the FHL Land. Both matters are unlawful, and as such there is no legal basis on which the Development Land can be drained through the FHL Land.

Opposition to the 2022 Application

Our client’s opposition to the 2022 Application relates to (i) the suitability (from a legal and practical perspective) of the FHL Land for drainage of the Development Land (which is a position taken without prejudice to our client’s position in the Court Action); and (ii) unexplained differences between the 2022 Application and the underlying application that led to the 2019 Permission.

(i) The suitability of the FHL Land for drainage

The FHL Land is susceptible to flooding with the existing drainage arrangement. The Applicant previously undertook a development on the adjacent Rothnick Croft subjects involving the demolition of the existing building and construction of a new dwellinghouse and outbuildings. The roof and surface drainage areas were accordingly increased, which has led to an increase of water flowing into the previously mentioned pipe through the FHL Land. That has exceeded the capacity of the existing drainage arrangement, leading to flooding and waterlogging on the FHL Land. A number of horses kept on the FHL Land have either suffered health problems or died, which our client believes is as a result of the waterlogged condition of the land.

The FHL Land does not have capacity to accept further water from the Development Land without further adverse consequences. The Applicant and Mr Pirie admit in the on-going court action that (i)

the drainage system does not operate effectively; and (ii) that the ground in the FHL Land is waterlogged.

For so long as they involve drainage onto and through the FHL Land (via the adjacent Rothnick Croft property), the drainage proposals are not appropriate because they will exacerbate the condition of the FHL Land.

The 2022 Application is therefore contrary to Policy RD1 of the Aberdeenshire Local Development Plan 2017, which provides that surface water drainage must be dealt with in a sustainable manner and in ways that avoid pollution and flooding, and to Policy C4, which provides that the Council will not approve development that may contribute to flooding issues elsewhere.

(ii) Unexplained differences between the 2022 Application and the 2019 Permission

First, the 2022 Application does not go into the same detail as the underlying application for the 2019 Permission in respect of drainage arrangements. The underlying application for the 2019 Permission states: “*Porosity of the ground is poor with underlying rock, therefore drainage is to be by packaged seweraged treatment plant, to partial soakaway within the site with final discharge to watercourse.*” The 2022 Application states: “*Porosity of the ground is poor with underlying rock, therefore drainage is to be package treatment plant*”. There is no reference to the underlined text above in the 2022 Application.

The 2022 Application does not make clear how the Applicant proposes that water being drained from the Development Land is ultimately to be discharged. Our client presumes that the discharge will ultimately be into a watercourse, as detailed in the 2019 Permission. However, our client notes that the only way the Development Land may be drained into a watercourse is through the FHL Land. As we have outlined above, the Development Land does not benefit from such rights.

The 2019 Application was approved despite the concerns of the Council’s Infrastructure Services (Flood Risk and Coast Protection). However, a condition was imposed requiring the submission of appropriate evidence to the Council to demonstrate that the existing drainage pipe infrastructure in the FHL Land is functioning effectively and could accommodate the new connection. The Applicant will not be able to satisfy this condition for the reasons detailed above. The 2022 Application should therefore be refused.

Conclusion

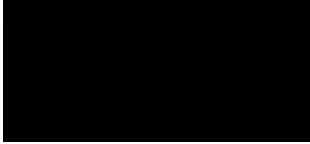
Our client’s position as to the determination of the 2022 Application is as follows:

1. The 2022 Application should be refused because it does not provide for a suitable drainage proposal. A drainage proposal over the FHL Land will not satisfy Condition 1 of the 2019 Permission due to the existing issues with the drainage.
2. Failing which, if the 2022 Application is to be granted and the planning authority considers that it remains appropriate and reasonable (notwithstanding the practical and legal issues noted above), Condition 1 of the 2019 Permission should remain imposed in respect of the

2022 Application. However, we would query whether it is appropriate to permit an application with a condition which there is no legal or practical route to discharge.

We request and would be grateful that should the Applicant make any further submissions in respect of this drainage issue, our client be given the opportunity to comment upon them.

Yours faithfully



for and on behalf of Burness Paull LLP

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E: Alan.Innes@burnesspaull.com

Comments for Planning Application APP/2022/1845

Application Summary

Application Number: APP/2022/1845

Address: Land Adjacent To Rothnick Croft Netherley Stonehaven AB39 3QU

Proposal: Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse (Renewal of Planning Permission APP/2018/1279)

Case Officer: David Niven

Customer Details

Name: Mr Calum MacPherson

Address: 3 Stripeside Netherley Stonehaven AB39 3AB

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:As I understand it, the nursery and house proposed in APP/2022/1845 has no drainage solution. The ground on site is poor, with testing confirming bedrock and poor percolation value and infiltration rates. Soakaways will not work. The applicant has no outfall from the previously approved drainage, and no ability to provide one to the nearby watercourse as they do not own the land nor hold the licence. The existing drainage at Rothnick Croft appears to be failing, and any additional burden on that system will only add to the problems on adjoining land.

The site itself is also poorly located for a nursery, isolated and unsustainably located. There is no justification for a house alongside it. The Committee approval previously should be reviewed and the application rejected this time round.

Comments for Planning Application APP/2022/1845

Application Summary

Application Number: APP/2022/1845

Address: Land Adjacent To Rothnick Croft Netherley Stonehaven AB39 3QU

Proposal: Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse (Renewal of Planning Permission APP/2018/1279)

Case Officer: David Niven

Customer Details

Name: Mr David Pascoe

Address: 1 Stripeside Netherley Stonehaven AB39 3AB

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to object to APP/2022/1845 for a nursery and house at Rothnick Croft, Netherley.

The site is isolated and only accessible by car.

The impact on traffic and road safety in the local area would be significant.

The site has no drainage solution at present, and no ability to provide a solution in the future. There is existing drainage and flooding problems on adjacent fields from Rothnick Croft, any additional development will only worsen this.

The inability to drain the site could be what has prevented the development progressing. The previous approval was against the recommendation of the Planning Authority, and it appears that a condition relating to drainage was added at the 11th hour to ensure that drainage was looked at in more detail.

This repeat application allows further scrutiny, and the reliance of a condition to address such a pivotal matter should not be repeated. A drainage solution, that the applicant can deliver on land that is in their control to a watercourse that they hold the licence for, has to be secured to ensure planning policy is met and that the development can be delivered properly.

If they can not provide that certainty at this stage, the application should be refused.

September 29, 2022

Aberdeenshire Council
ePlanning Team

Sent by email to planning@aberdeenshire.gov.uk

Dear Sir / Madam

Re: Objection to Application APP/2022/1845 Land Adjacent To Rothnick Croft Netherley Stonehaven

This representation has been prepared on behalf of Mr Deryck Forbes of Sunnybrae, Drumoak, Banchory, Aberdeenshire, AB31 5AD. This representation is in response to application APP/2022/1845 for a children's nursery and dwellinghouse. Mr Forbes through his company is the owner of the land directly to the north of the application site and the ownership includes the existing discharge for the former croft at Rothnick and the field drain that discharges to the Burn of Elsick.

The current permission requires that no works can proceed unless evidence of the proposed outfall can be provided. Drainage Report submitted with Application APP/2018/1279 states that it is proposed to install an overflow outlet pipe from the detention pond to join an installed drain located within land owned by Forbes Homes. This drain is providing an outfall for a single house to a water course. The Applicant has no right or title to use, for the drainage or sewerage of the proposed nursery development (or any other proposed development on that land), any watercourses, pipes, connections, drains and sewers in and under any part of Mr Forbes' Land (whether directly or via Rothnick Croft). There is therefore no legal basis on which the proposed nursery development or the land on which it is situated can be drained as proposed.

Access for additional properties will not be permitted as there is no available capacity for any more properties to discharge to this watercourse with a nearby development at Stripeside already discharging into this watercourse under a CAR licence. In these circumstances the application as previously approved for this site (APP/2018/1279) cannot be implemented.

Mr Forbes objects to application APP/2022/1845 and the reasons for objection are set out below.

Drainage

Surface Water run-off from Rothnick Croft increased when the new dwelling house was constructed in place of the old croft (APP/2013/1809) with significant land raising undertaken and increased rainwater run-off from the house and garage roof areas along with the drive, significantly increasing and exceeding the capacity of the existing drainage arrangement within the field to the North, leading to flooding and water logging on the land. The ground assessment / drainage recommendation report and the approved site / location plan for APP/2013/1809 (new dwelling house) notes the drainage for this site connects into an existing drain which discharges to a watercourse to the North. However, there is no evidence to confirm that this is the case. The drainage report and the SEPA registration for the dwelling house (CAR/R/1113648) noted a point of discharge to a watercourse which is on the North boundary of Rothnick Croft (NO 8706 9579), which is a ditch with no flow of water and

nowhere near the watercourse that runs through the fields to the North under Forbes Homes' ownership. The discharge point is as per the grid reference above and not the watercourse running that runs through the fields.

The applicant has investigated drainage solutions at Rothnick Croft and has installed a gully arrangement and pipes on the north boundary of the property. This has created blockages within the existing field drainage. Figure 1 provides an outline of the existing drainage installed at this location.

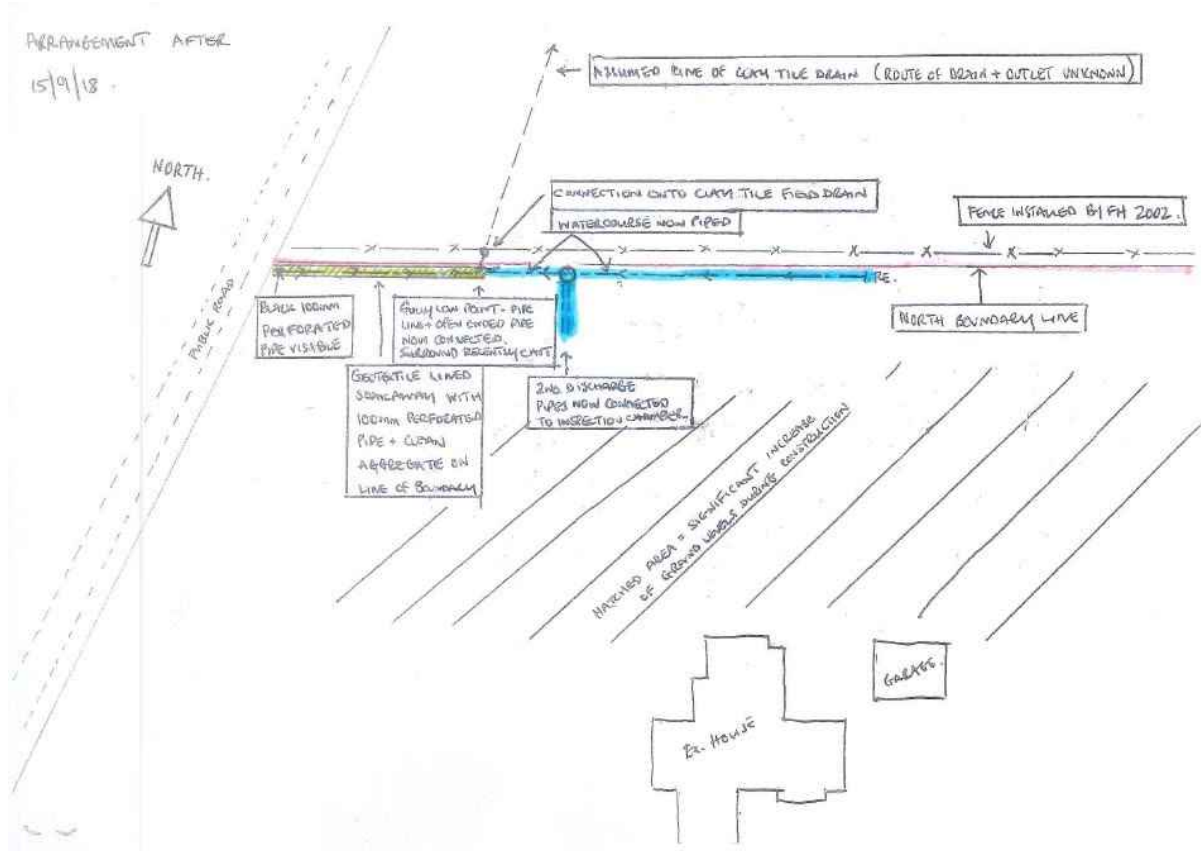


Figure 1 Existing Drainage Arrangements

At times of higher rainfall the water run-off flows down the public road and into Forbes Homes' fields as shown in Figure 2 and 3.



Figure 2 Aerial view of ponding at drainage outfall



Figure 3 View of ponding at drainage outfall

The fields to the north of the application site are used for keeping horses and Forbes Homes' tenant has suffered harm to the horses resulting from flooding. The tenant (Karina Yule) has experienced increased costs from her local vet due to issues with several of the horse's feet (as a result of the wet conditions) including issues such as abscesses and bacterial infections and suffered the loss of 4 horses.

Policy RD1 states "connection to a private drainage infrastructure can be supported, if it is demonstrated satisfactorily that disposal of sewage can be achieved without negative

impacts on public health, amenity or the environment and where cost and practicability show it to be a reasonable alternative. Appropriate supporting evidence should be provided to support using private drainage infrastructure." (RD1.12). Policy RD1 also states that "Surface water drainage must be dealt with in a sustainable manner, in ways that promote its biodiversity value, and in ways that avoid pollution and flooding, through the use of an integrated Sustainable Drainage System." (RD1.13).

The comments on the previous application (APP/2018/1279) confirm that poor infiltration rates exist on the site. The enclosed consultation response from Flood Risk and Coastal Protection state that the poor infiltration would result in water rising to ground and running off the site. No evidence has been submitted with this application that indicates that the foul water soakaway on the site would work or that it would not cause flooding of neighboring land.

The surface water is to discharge into a basin for which there is no detailed design for and it is not clear if it will ensure that water would discharge into the overflow and not onto Forbes Homes' land causing flooding.

Almost 4 years have passed since the original application for this development. During this time the applicant has not been able to provide any details to confirm how drainage will be provided from the site. The limited design and supporting information for both foul and surface water drainage does not demonstrate compliance with Policy RD1.

Historic Use

There was a Blacksmiths located within this area historically as identified on OS from 1868. There have been concerns raised that flood water from the site includes contaminants. A ground contamination report should have been carried out due to the fact there would have been ash disposed of on site, which should have been removed by a licensed contractor and further tests would have been carried out prior to a certificate being issued stating all was clear. The fact that a horse in the fields to the north died due to toxic poisoning suggests there could be ground contamination from the overflow from Rothnick Croft.

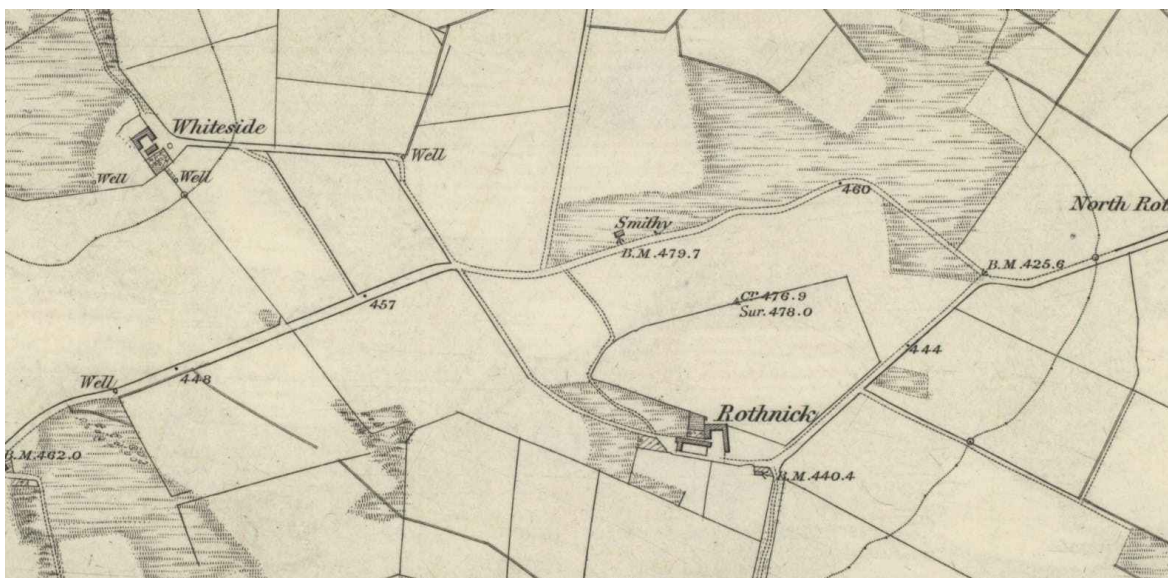


Figure 4 Historic Mapping NLS 1868

Principle of Development

The application is a repeat of APP/2018/1279, which was approved February 2019. Whilst this remains valid it cannot be implemented due to no legal right to utilise the existing drain within Mr Forbes' land as explained. Within the determination of the previous application the Planning Authority acknowledged that the proposal in principle did not comply with Policy R2.

The Planning Committee Decided to approve the application for 4 reasons listed below. Comment is made below setting out reasons why these reasons are no longer adequate to support approval on this site.

1. National policy changes regarding day care, early years, is a material consideration to be taken into account when assessing against policies in the Local Development Plan,

Information published by Aberdeenshire Council¹ lists all of the nurseries available in the Portlethen cluster. There is no evidence presented to suggest that there is insufficient capacity within these nurseries or that there is an unmet demand. Lairhillock Nursery located at the school is located within 1.5km of the application site and would be accessible to residents in the area surrounding the site. It is understood that there is capacity within this nursery.

Previously supporting comments were made on the need for nursery provision, these same comments have not been received in response to this application.

2. A rural nursery needed to be situated in a rural setting and the proposed site was considered to be suitable,

A justification report was previously submitted, but has not been updated for this application. This report previously projected 50 children attending the nursery. As explained in this justification report, transport would then require parents to drop off and pick up at the proposed car park. This is a significant number of trips, with the addition of nursery staff that would be required to drive to the nursery. The catchment suggested would be very wide and it should be questioned whether there is not a more suitable and accessible location that a travel destination use should be located. This also does not fit with emerging policy in National Planning Framework promoting 20 minute walking neighbourhoods or existing policies that promote a town centre first approach for footfall generating uses.

Lairhillock Primary School (which has a nursery) meets the rural need, and they have access to outdoor learning. All schools have early years provision and there are private nurseries in all towns nearby – which are sustainably located. There is no demonstrated need for this facility to meet an educational need in this location.

3. Nursery provision would offer local employment opportunities for parents of the children attending nursery and also staff within the nursery,

Development has not proceeded and none of the benefits outlined relating to jobs in the previous decision have been realised. Without a shortfall in the requirement for

¹ [ELC Admission Booklet \(aberdeenshire.gov.uk\)](http://www.aberdeenshire.gov.uk).

provision of nurseries in the local area the development is unlikely to create new jobs. These jobs will most likely result in a displacement of existing jobs from the surrounding area. Given existing facilities are all more sustainably located this will have a negative impact on the carbon emissions associated with travel in the local area. This is not a sustainable development.

4. Having a member of staff living on-site was seen as important to care for the small animals.

Multiple schools across the country have small animals for learning purposes, they survive without a member of staff living in the school or on school grounds. Animals get tended to during the day, fed, then left overnight. To care for "pets" is not justification for a house.

The justification for the dwellinghouse did rely previously on a comparison of existing property available within close proximity and the costs to build a new dwelling house on the site. The evidence presented was from May 2018 and is no longer of any relevance to this application. Given the departure from policy and the lack of any supporting justification for the dwelling there is no justification for a departure from policy R2 for supporting a dwelling at this location.

Local Development Plan section on Shaping Development in the Countryside states that "We need to recognise the effect that rural living can have on wider aims shared with stakeholders on reducing the need to travel and on the issues of climate change and sustainable development." The emerging Local Development Plan agreed by Aberdeenshire Council to be submitted for adoption identifies that Aberdeenshire is an area that "promotes sustainable development that reduces the need to travel, reduces reliance on private cars and promotes safe and convenient active travel opportunities". This is in response to the response to climate change and balancing economic growth and development with the need to protect and improve the environment.

The proposed development is designed around the use of private car for transport and has no access to more sustainable modes of travel. The Local Development Plan seeks to balance the need for rural development and its sustainability. All aspects of this proposal fail to meet these policy expectations and are significantly contrary to the aims and objectives of the Local Development Plan.

It is respectfully requested that this application is refused.

Faithfully,



Daniel Harrington
Director

T +44 (0) 1224 586277 M +44 (0) 7557238719 | Daniel.Harrington@THE-ap.co.uk

Enc -Comments by Flood Prevention Unit
cc - David Niven

From: [Nick Rae](#)
To: [Planning Online: Jenny Ash](#)
Cc: [Lee Watson](#)
Subject: Consultee Response for Planning Reference APP/2018/1279
Date: 01 November 2018 13:38:19
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[Rothnick Croft Surface Water Sketch.pdf](#)
[Rothnick Croft Surface Water DIA.pdf](#)
[Rothnick Croft Surface Water Calcs.pdf](#)

Consultee: Flood Risk & Coast Protection

Planning Reference: APP/2018/1279

Planning Case Officer: Jenny Ash

Proposal: Full Planning Permission for Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse

Address: Land Adjacent to, Rothnick Croft, Netherley, Stonehaven, Aberdeenshire, AB39 3QU

Grid Reference: 387228.795779

Good afternoon,

With regard to the above referenced application, Flood Risk & Coast Protection has received revised surface water drainage design documents directly from the agent. Please find these attached for your records.

Following our last consultee response, this department has engaged with the agent and applicant's engineer, during which we clarified that if a revised design was to include discharge to ground, rather than a piped outfall to the nearby watercourse, then infiltration testing would be required to be undertaken within the area of the site that the surface water discharge was proposed to take place.

We note that this revised design no longer features the proposed detention pond and use of the existing discharge pipe to a nearby watercourse (for which we had requested demonstration of adequate function, in order to accept the new connection). The revised design consists of attenuation tank and filter trench discharge components.

The revised design has now been reviewed by this department, including the Principal Engineer for Flood Risk & Coast Protection (copied in to this response). It is noted that within the Drainage Impact Assessment document it states that: *"From a visual inspection of the test pits, and a trial infiltration test, it was proved that the ground conditions within the site (brown/grey glacial tills with varying fines content) are not suitable for a purely infiltration based drainage system"*. The revised design, whilst we acknowledge does provide attenuation, would ultimately discharge to the filter trenches and due to the lack of / poor infiltration, result in surface water rising to ground or near-ground level and running off the site.

As the infiltration testing has not proved that such a solution is viable, as well as existing concerns raised by the neighbouring landowner regarding surface water issues within the adjacent land, we unfortunately maintain our stance that we cannot support this application in its current form.

Regards,

Nick Rae

Civil Engineer

Flood Risk & Coast Protection

Infrastructure Services

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M: 07818 521335

A: Carlton House, Arduathie Road, Stonehaven, AB39 2QP

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Comments for Planning Application APP/2022/1845

Application Summary

Application Number: APP/2022/1845

Address: Land Adjacent To Rothnick Croft Netherley Stonehaven AB39 3QU

Proposal: Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse (Renewal of Planning Permission APP/2018/1279)

Case Officer: David Niven

Customer Details

Name: Mrs Jill Thomson

Address: 8 Stripeside Netherley Stonehaven AB39 3AB

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to APP/2022/1845.

We were unaware of the previous application, and whilst approved it is incapable of delivery. There is no drainage solution, the properties at Stripeside hold all capacity. The failure to provide drainage is a clear failing of the development and the application should be refused.

The site is not an appropriate or sustainable location for a facility that will be visited/used by many people. The isolated location is unsustainable. There will be heavy reliance on cars, which will increase traffic, create noise pollution and have a negative impact on air quality in the local area. The development does not meet the Town Centre First Principle, or the 20 Minute Neighbourhood focus of national planning.

There is no justification for a house adjacent to the nursery, a house would not appear to meet any planning policy and there is no essential need to live and stay overnight next to a nursery that would be shut/locked at those times. The precedent of approving a house next to a nursery is extremely worrying, any nursery worker or school teacher that is in need of a home would then want to apply to live next to their place of work. Will housing be approved next to Lairhillock Primary for all their staff? Planning policy for housing is restrictive for a reason, there is no essential need for a house alongside the nursery.

The site is possibly contaminated too due to previous uses on/adjacent to the site, and unsuitable for development without significant ground investigation and remediation.

There are multiple reasons to refuse the application on this site. The previous approval has proven

to be undeliverable, it was recommended for refusal by the planners previously, and the failure to deliver and resolve the drainage issues should see this repeat application refused.

Comments for Planning Application APP/2022/1845

Application Summary

Application Number: APP/2022/1845

Address: Land Adjacent To Rothnick Croft Netherley Stonehaven AB39 3QU

Proposal: Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse (Renewal of Planning Permission APP/2018/1279)

Case Officer: David Niven

Customer Details

Name: Mrs Sarah Walters

Address: 2 Stipeside Netherley Stonehaven AB39 3AB

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the house and nursery at Rothnick Croft APP/2022/1845.

The applicant's site causes water runoff to neighbouring land causing problems with flooding and animal welfare.

The proposal has no drainage solution that is deliverable, with no capacity to discharge to the nearby watercourse remaining, and the development is reliant upon land they do not own or have rights to. The lack of any deliverable drainage solution fails to meet planning policy.

The site is remote and unsustainable for a use with potentially high visitors, causing traffic and safety impacts on local roads.

The application should be refused.

Comments for Planning Application APP/2022/1845

Application Summary

Application Number: APP/2022/1845

Address: Land Adjacent To Rothnick Croft Netherley Stonehaven AB39 3QU

Proposal: Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse (Renewal of Planning Permission APP/2018/1279)

Case Officer: David Niven

Customer Details

Name: Mrs Sylvia Pike

Address: Burnside Farm Maryculter Aberdeen AB12 5GX

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Renewal of Planning Permission APP/2018/1279

This renewal is unwarranted as the applicant has had some 3 plus years to commence building subject to complying with the conditions attached to the grant of permission but has not done so.

The applicants agent in submitting the renewal does reference the rock formation that has prevented an acceptable drainage solution being proven by a suitably qualified professional adept in these matters.

An installation of 2 composting toilets as approved by a subsequent planning application would strongly suggest there is a drainage problem that has yet to be resolved.

The original planning application was recommended by Council planners for refusal and the factors for this opinion are as relevant today as then, perhaps more so as there has been no supporting evidence for justification of developing a greenbelt site or mitigation for private transport to the site in the absence of any public bus service or other means.

Comments for Planning Application APP/2022/1845

Application Summary

Application Number: APP/2022/1845

Address: Land Adjacent To Rothnick Croft Netherley Stonehaven AB39 3QU

Proposal: Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse (Renewal of Planning Permission APP/2018/1279)

Case Officer: David Niven

Customer Details

Name: Mrs Tammy Stevenson

Address: 7 Stripeside Netherley AB39 3AB

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The application is significantly flawed, and fails to comply with -
B1 as the employment use is not accessibly located or on allocated land.

R2 as there is no justification for a house or business.

P1 as the site is not safe and pleasant or well connected; it is remote and isolated and unsustainable.

P4 as the site is contaminated and water run-off from previous uses has spread contamination to adjacent fields.

E2 as the site is prominent and development will harm the green landscape visible from the passing AWPR.

C4 as the site has no drainage solution and already contributes to flooding of adjacent land.

RD1 as the site is not safely accessible and has no drainage solution.

The applicant has not been able to meet the condition added when the Committee approved the previous proposal.

Whilst the applicant obtained some comments in support to that application, suggesting there was perhaps high demand for a nursery which perhaps swayed Councillors on the merits of the application, the support does not appear to remain. If there was such genuine support for a viable business that could be delivered, then it would have happened by now. 4 years have gone by, and the development is no further forward.

The inability to provide a drainage solution, and lack of demand/necessity for a nursery, leaves the proposal undeliverable. The previous approval by Committee overlooked some of the key technical considerations such as contamination, drainage and flood risk. These matters should be

investigated in full during this repeat application before any decision can be made. If there is no certainty over the applicant's ability to provide a proper drainage solution, the application must be refused. To leave this matter to a condition which cannot be met, is not competent.

There is no need for a house alongside the nursery, it is not a function requiring a 24-hour presence or significant safety surveillance at all hours, it is a business that would operate in the day and be locked at night. If a house is approved for a nursery worker, then any employee may have cause to apply for a house near their place of work setting an undesirable precedent.

The lack of a condition on the previous consent to ensure the nursery was built before/in tandem with the house was perhaps an oversight. If there was a genuine case for the full development a condition to secure the nursery before the house should have been attached.

Please refuse the application and stop this development causing flooding and drainage problems for existing local residents.

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REGULATIONS 2015, Regulation 8

The applications listed below together with the plans and other documents submitted with them may be viewed electronically using the Planning Register at <https://upa.aberdeenshire.gov.uk/online-applications/>.

Comments may be made quoting the reference number and stating clearly the grounds for making comment. Comments can be submitted using the Planning Register when viewing the application. Alternatively, comments can be addressed to Aberdeenshire Council, Planning and Economy Service, Viewmount, Arduathie Road, Stonehaven, AB39 2DQ (or emailed to planningonline@aberdeenshire.gov.uk). Please note that any comment made will be published on the Planning Register.

Please note that even if you have made comments to the applicant prior to this application being submitted, or to the Council regarding a similar application that has been made on this site before, you will still need to make your comments to the Council on the current application.

Comments must be received by 29 September 2022

Office dealing with applications listed below:
Viewmount, Arduathie Road, Stonehaven, AB39 2DQ

Address: Ivy Cottage, Cluniebank Road, Braemar, Ballater, AB35 5ZP **Proposal:** Erection of Shed and Fencing – APP/2022/1849

Address: Land to the East of Tannachie Farm Cottage, Stonehaven **Proposal:** Erection of Dwellinghouse and Installation of Air Source Heat Pump – APP/2022/1862

Address: Plots 99, 100 & 101, Phase 4B Tarland Road, Aboynne **Proposal:** Erection of 3 Dwellinghouses (Amendment to Planning Permission Reference APP/2008/3443) – APP/2022/1875

Address: Rothesay Rooms, 3 Netherley Place, Ballater, AB35 5QE **Proposal:** External Alterations and Installation of Extract System, Formation of Bin Store and Gate – APP/2022/1881

Address: Land to South of Wester Waterlair, Fordoun, Laurencekirk, AB30 1JD **Proposal:** Erection of Dwellinghouse – APP/2022/1838

Address: Land Adjacent to Rothnick Croft, Netherley, Stonehaven, AB39 3QU **Proposal:** Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse (Renewal of Planning Permission APP/2018/1279) – APP/2022/1845

Address: 7 Fetteresso Castle, Fetteresso, Stonehaven, AB39 3UR **Proposal:** Installation of Flue and Internal Boiler – APP/2022/1843

Address: Springfield, West Brae, Johnshaven, DD10 0HJ **Proposal:** Part-Removal of a Non-Load Bearing Partition Wall (Retrospective) – APP/2022/1870


Address: Land at Cairnadrochit Road, Cairnadrochit, Braemar **Proposal:** Erection of Staff Welfare Facility – APP/2022/1821

Address: Struan Cottage, 6 Dundarroch Road, Ballater, AB35 5NP **Proposal:** Alterations and Extension to Dwellinghouse and Erection of Car Port/Workshop – APP/2022/1869


Office dealing with applications listed below:
45 Bridge Street, Ellon, AB41 9AA

Address: Longdrum, Whitecairns, AB23 8UP **Proposal:** Change of Use of Agricultural Land to Class 9 (Retrospective) and Alterations and Extension to Dwellinghouse – APP/2022/1669

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TRADE PROPERTY:

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01313700846

TRADE MOTORS:

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The applications listed below together with the plans and other documents submitted with them may be viewed electronically using the Planning Register at <https://upa.aberdeenshire.gov.uk/online-applications/>.

Comments may be made quoting the reference number and stating clearly the grounds for making comment. Comments can be submitted using the Planning Register when viewing the application. Alternatively, comments can be addressed to Aberdeenshire Council, Planning and Economy Service, Viewmount, Arduvie Road, Stonehaven, AB39 2DQ (or emailed to planningonline@aberdeenshire.gov.uk). Please note that any comment made will be published on the Planning Register.

Please note that even if you have made comments to the applicant prior to this application being submitted, or to the Council regarding a similar application that has been made on this site before, you will still need to make your comments to the Council on the current application.
Comments must be received by 29 September 2022

Office dealing with applications listed below: Viewmount, Arduvie Road, Stonehaven, AB39 2DQ

Address: Ivy Cottage, Cluniebank Road, Braemar, Ballater, AB35 5ZP Proposal: Erection of Shed and Fencing - APP/2022/1849

Address: Land to the East of Tannachie Farm Cottage, Stonehaven Proposal: Erection of Dwellinghouse and Installation of Air Source Heat Pump - APP/2022/1862

Address: Plots 99, 100 & 101, Phase 4B Tarland Road, Aboyne Proposal: Erection of 3 Dwellinghouses (Amendment to Planning Permission Reference APP/2008/3443) - APP/2022/1875

Address: Rothessay Rooms, 3 Netherley Place, Ballater, AB35 5QE Proposal: External Alterations and Installation of Extract System, Formation of Bin Store and Gate - APP/2022/1881

Address: Land to South of Wester Waterlair, Fordoun, Laurencekirk, AB30 1JD Proposal: Erection of Dwellinghouse - APP/2022/1838

Address: Land Adjacent to Rothnick Croft, Netherley, Stonehaven, AB39 3QU Proposal: Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse (Renewal of Planning Permission APP/2018/1279) - APP/2022/1845

Address: 7 Fetteresso, Castle, Fetteresso, Stonehaven, AB39 3UR Proposal: Installation of Flue and Internal Boiler - APP/2022/1843

Address: Springfield, West Brae, Johnshaven, DD10 0HJ Proposal: Part-Removal of a Non-Load Bearing Partition Wall (Retrospective) - APP/2022/1870

Address: Land at Cairnadrochit Road, Cairnadrochit, Braemar Proposal: Erection of Staff Welfare Facility - APP/2022/1821

Address: Struan Cottage, 6 Dundarroch Road, Ballater, AB35 5NP Proposal: Alterations and Extension to Dwellinghouse and Erection of Car Port/Workshop - APP/2022/1869

Office dealing with applications listed below: 45 Bridge Street, Elton, AB41 9AA

Address: Longdrum, Whitecairns, AB23 8UP Proposal: Change of Use of Agricultural Land to Class 9 (Retrospective) and Alterations and Extension to Dwellinghouse - APP/2022/1669

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PUBLIC NOTICES

GENERAL NOTICES

Councillor Gillian Owen
(Ward 9 Ellon & District)
 is available for consultation on Tuesday 13th September at Market Street, Ellon – under the cover across the road from Rowlands Pharmacy from 5-5.30pm and on Saturday 24th September at the Farmers Market, Neil Ross Square, Ellon from 10.30-11.30am.

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