

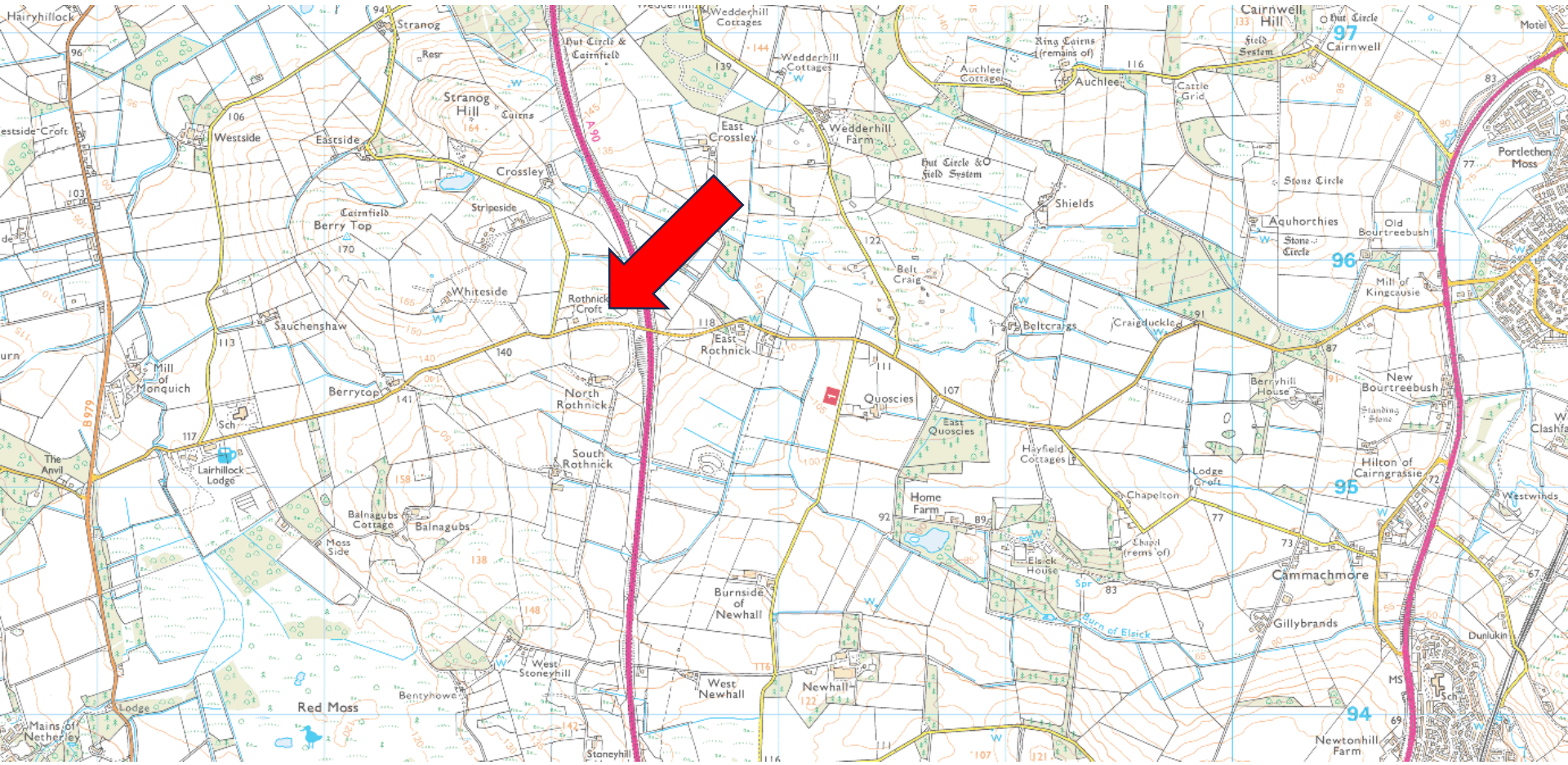


From mountain to sea

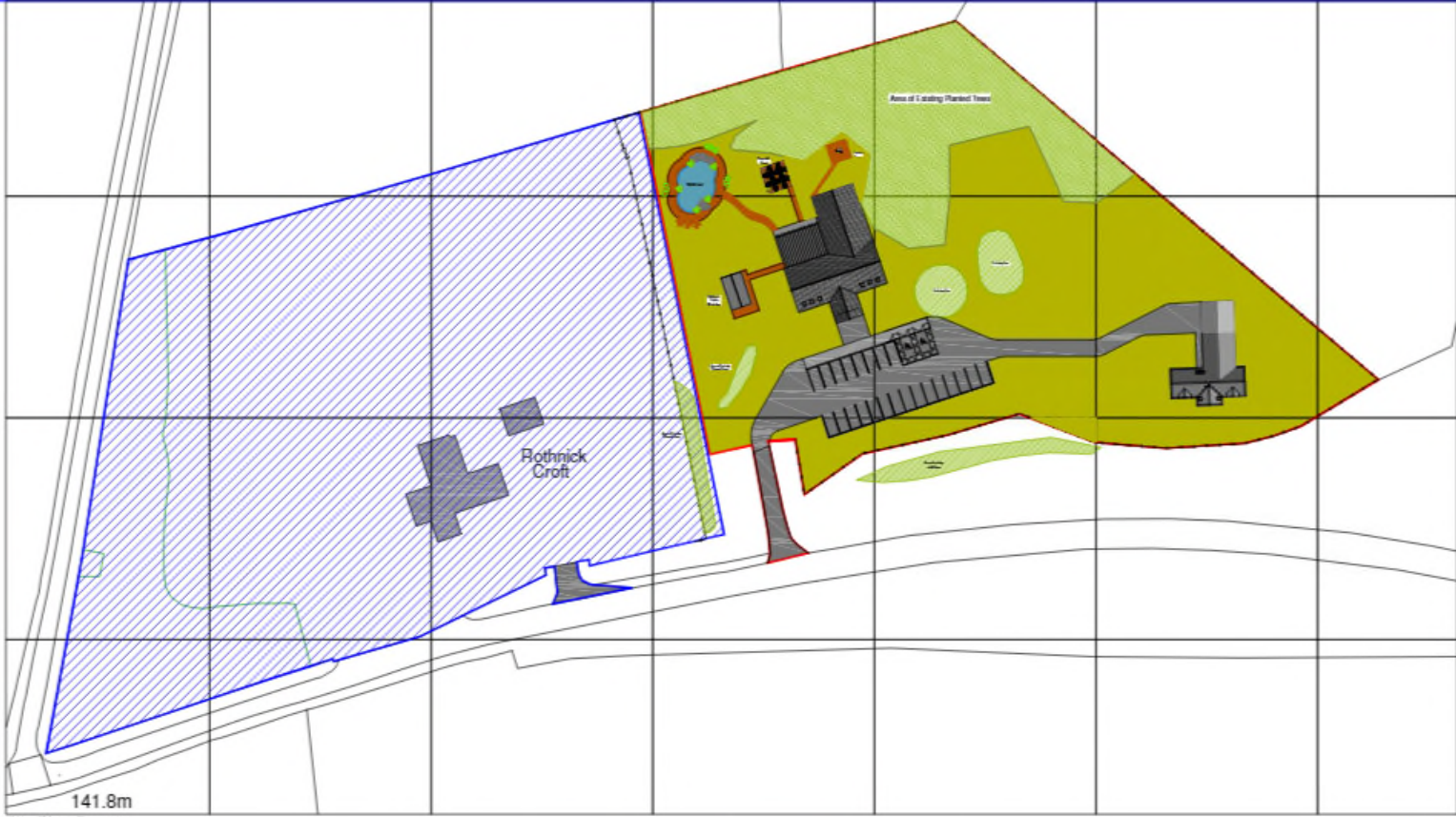
LRB 604 - APP/2022/1845

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) at Land Adjacent To Rothnick Croft Netherley, Stonehaven

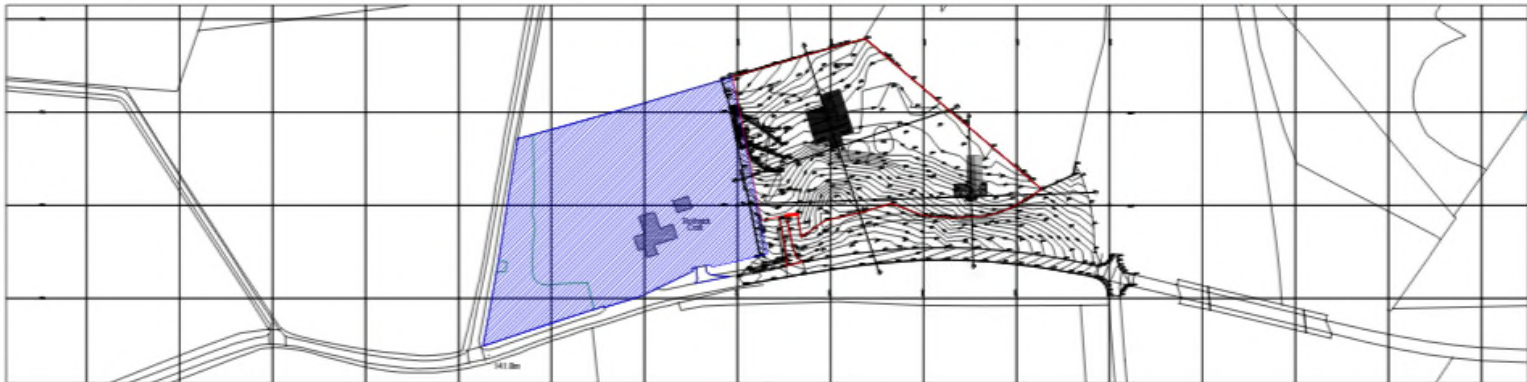




Location



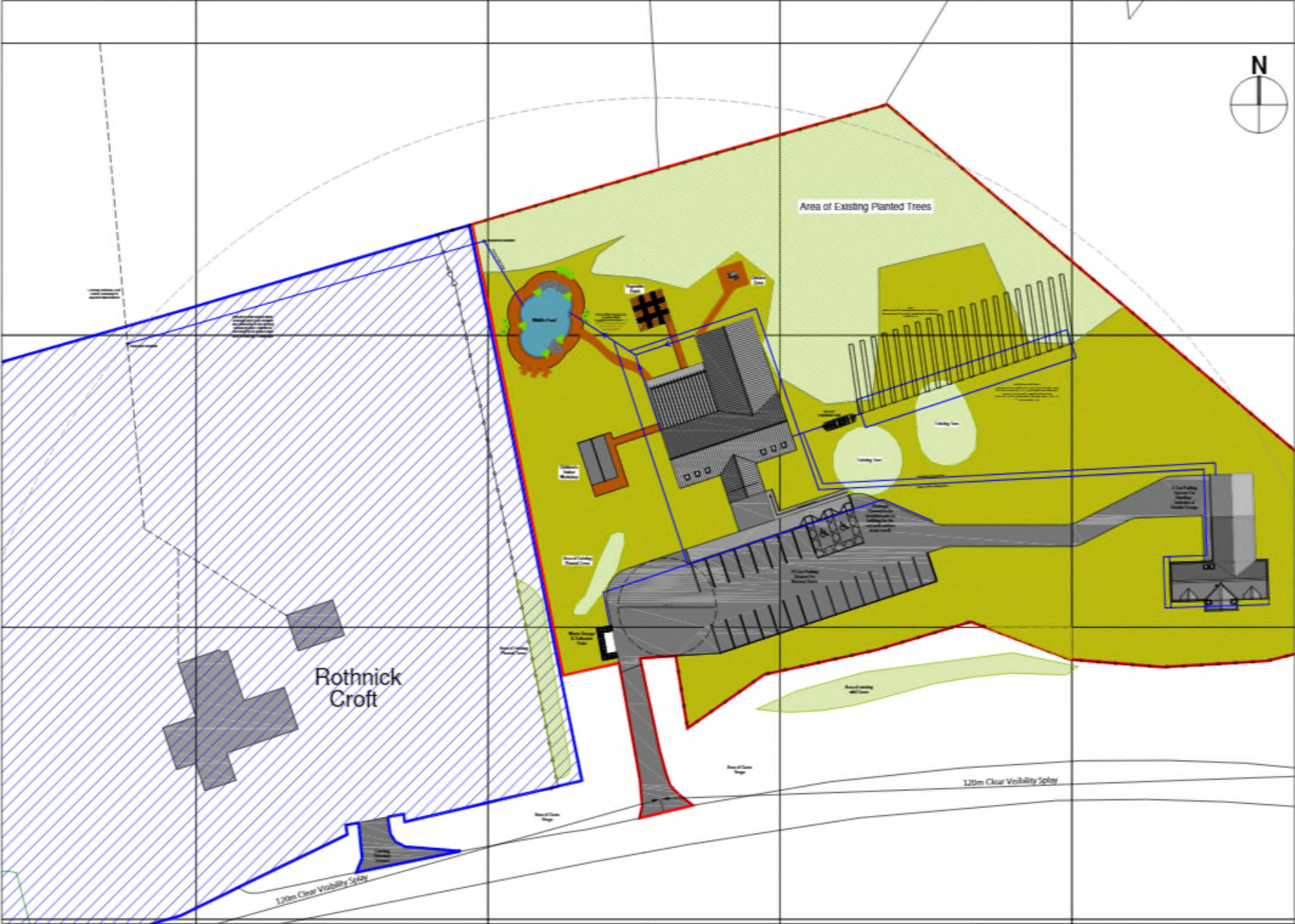
141.8m
Site Plan @ 1:500



141.8m
Location Plan @ 1:1250

Mrs. Linda Pirie Nursery @ land adjacent to Rothnick Croft Site Information	
193/2017	Planning

Refused Site and Location



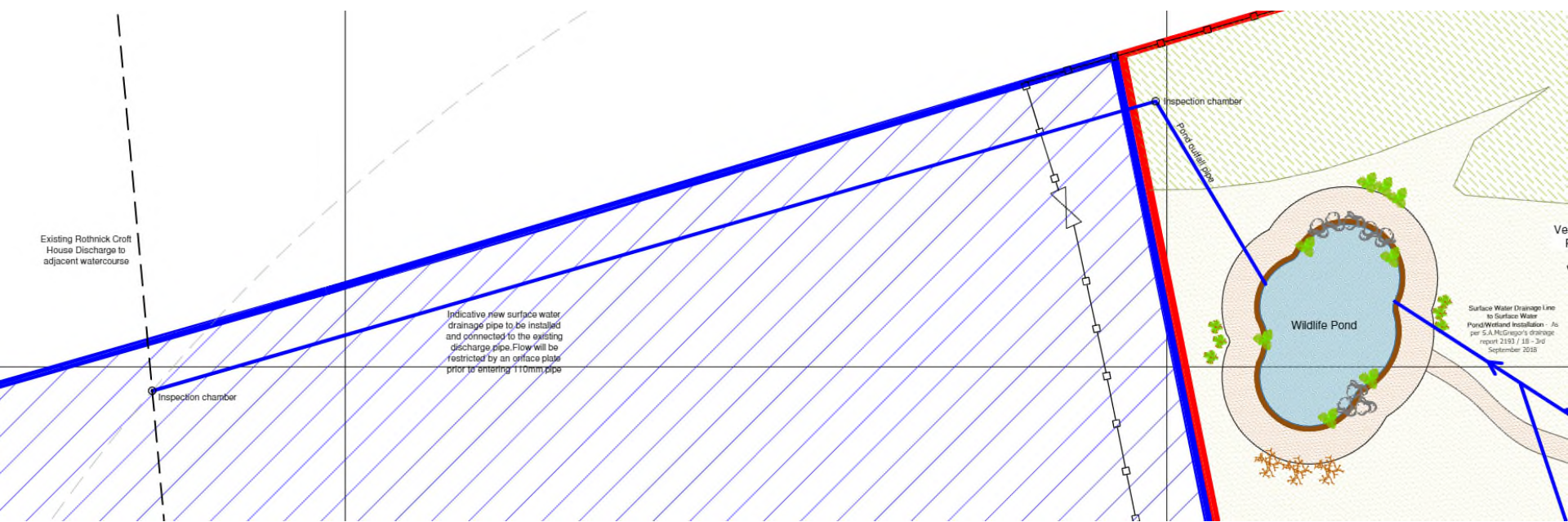
development ltd
 Chartered Surveyors
 RICS

Mrs. Linda Pirie
 Nursery @ land adjacent to Rothenick Croft
 Site Information - Drainage

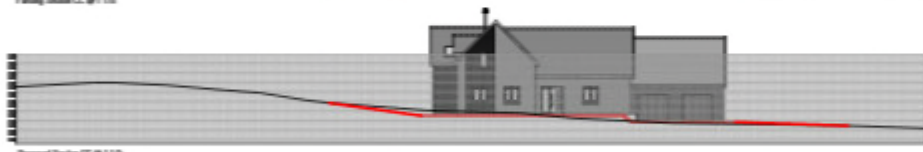
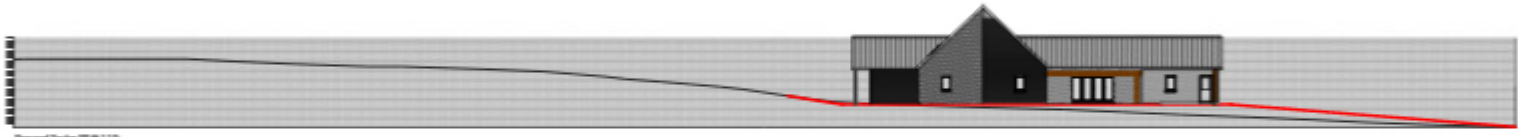
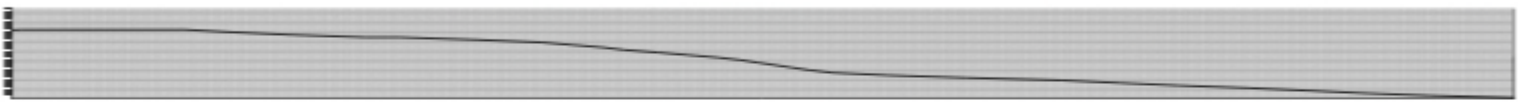
193/2017	P11	B
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Site Plan @ 1:300

Refused Drainage



Refused Drainage (Detail)



Mrs. Linda Pirie	
Nursery @ land adjacent to Rothnick Croft	
Existing & Proposed Site Sections	
193/2017	P08

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Refused Site Sections



END ELEVATION @ 1:50



END ELEVATION @ 1:50



SECTION AA @ 1:50

Development Ltd
RUCS

Mrs. Linda Pire
Nursery @ land adjacent to Rothnick Croft
Proposed Elevations and Sections

193/2017
P04 0

Development Details:

Site:
 Area of 0.15 hectares (0.37 acres) at the corner of
 Tullymore Road and Ballymore Road, Tullymore, Co. Wick

Use:
 Residential (Nursery) - Class 10 - R102
 (Nursery) - Class 10 - R102

Site & Access:
 The site is located on the east side of Tullymore Road, at the corner of Ballymore Road.

Architect Name:
 Mr. John J. O'Connell, Ballymore, Wick

Developer Name:
 Mr. John J. O'Connell, Ballymore, Wick



FRONT ELEVATION @ 1:50



REAR ELEVATION @ 1:50



Mrs. Linda Pirie
 Nursery @ land adjacent to Rothnick Croft
 Proposed Elevations

19/3/2017

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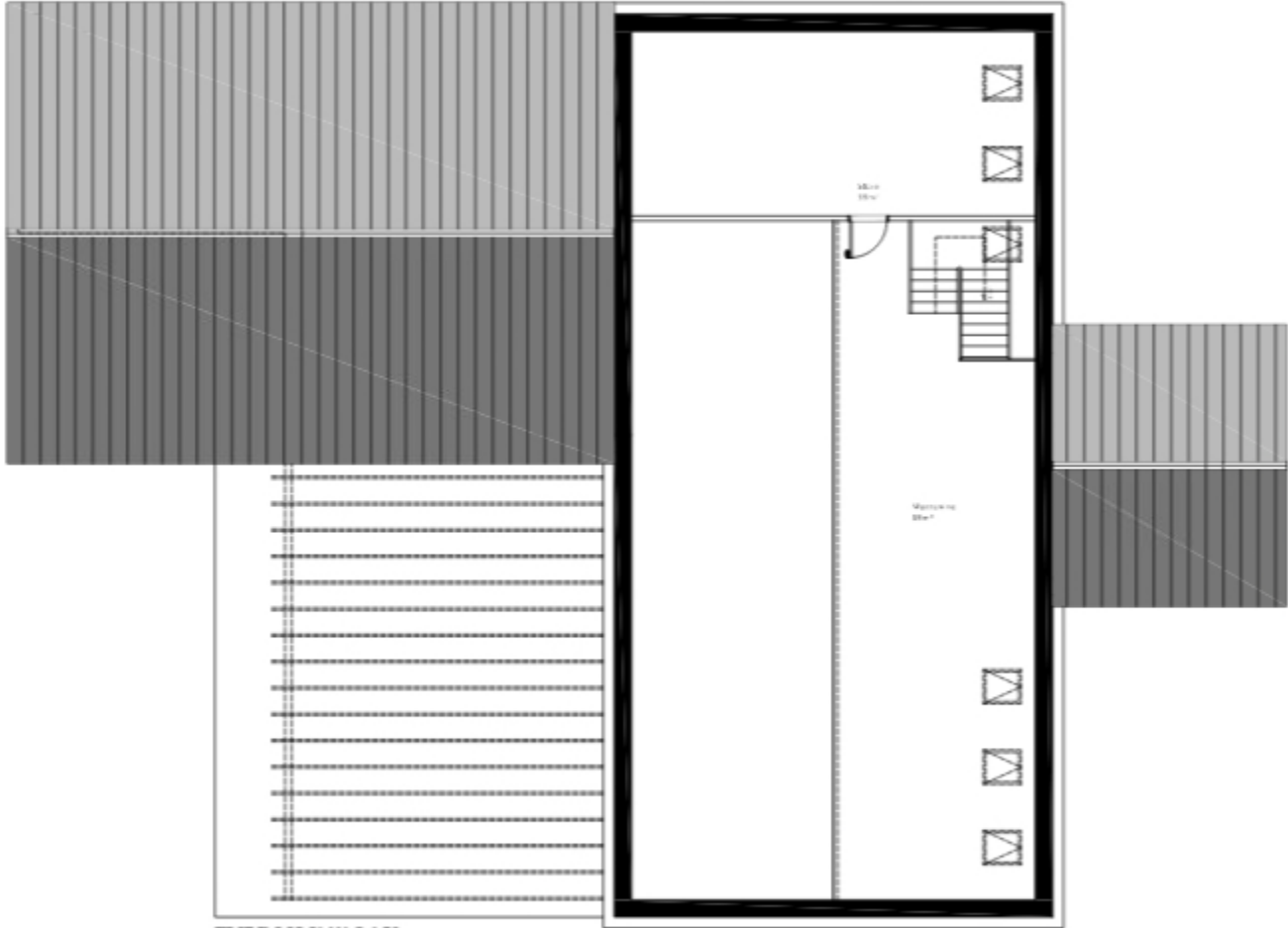


GROUND FLOOR PLAN @ 1:50




Mrs. Linda Pire
 Nursery @ land adjacent to Rothnick Croft
 Proposed Ground Floor

193/2017
 P01 0



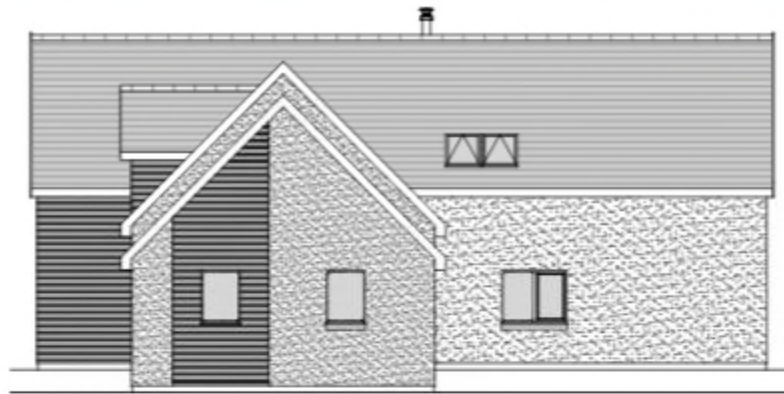
FIRST FLOOR PLAN @ 1:50

	
<p>Mrs. Linda Pife Nursery @ land adjacent to Rothnick Croft Proposed First Floor Plan</p>	
193/2017	
193	0
<p>Planning</p>	

Refused First Floor Plan (Nursery)



NORTH ELEVATION @ 1:50



SOUTH ELEVATION @ 1:100



EAST ELEVATION @ 1:50

Finishing Specifications:

Walls:
 Area of render to 6-inch Champagne
 Painted carbon-coating - dark grey - R4, TC

Roof:
 High quality slate

Soft & Hard:
 Painted timber - dark grey - R4, TC

Windows & Doors:
 To be Aluclad - Dark grey - R4, TC

Roofwater Gutter:
 To be Dark grey UPVC



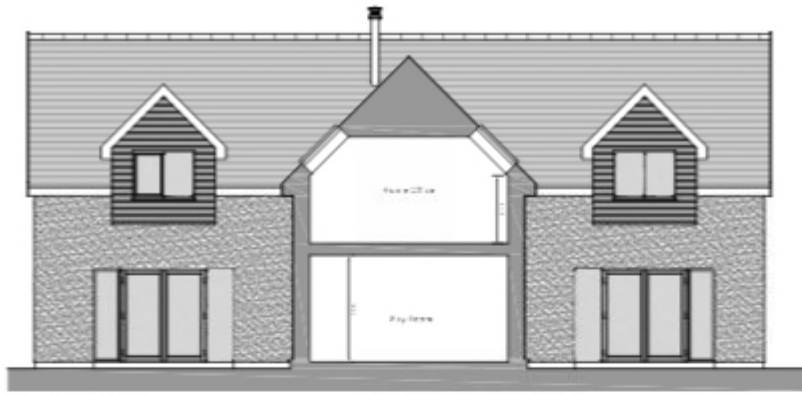
WEST ELEVATION @ 1:50



Mrs. Linda Pirie
 Nursery @ land adjacent to Rothnick Croft
 Proposed Elevations

193/2017
 P06 1
 Planning

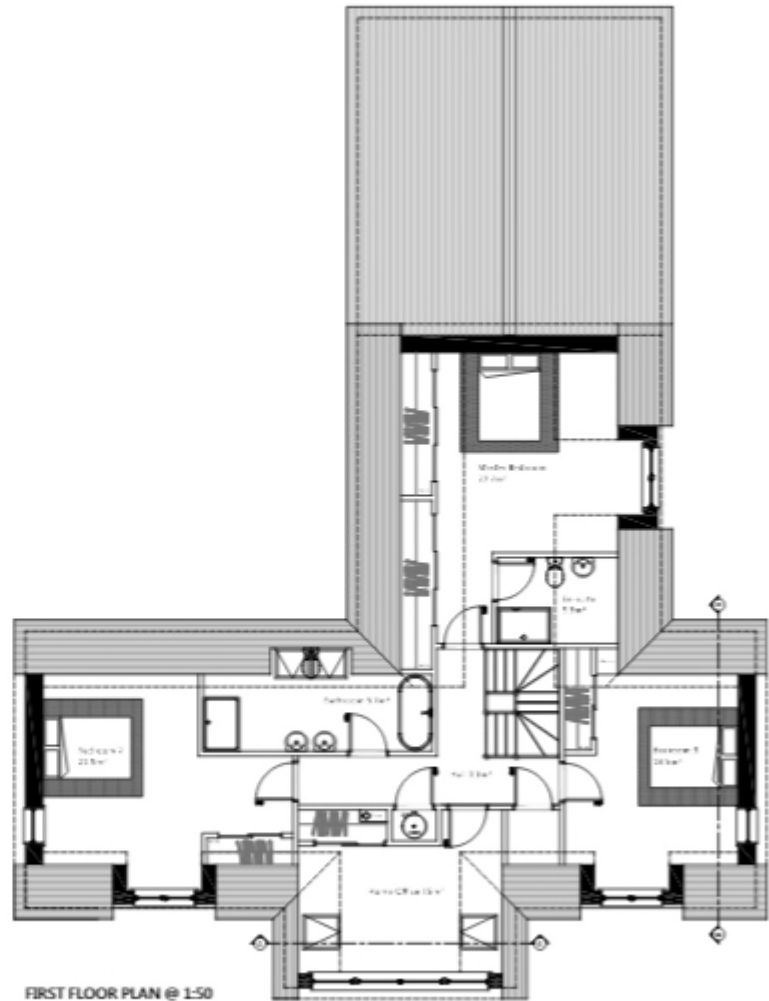
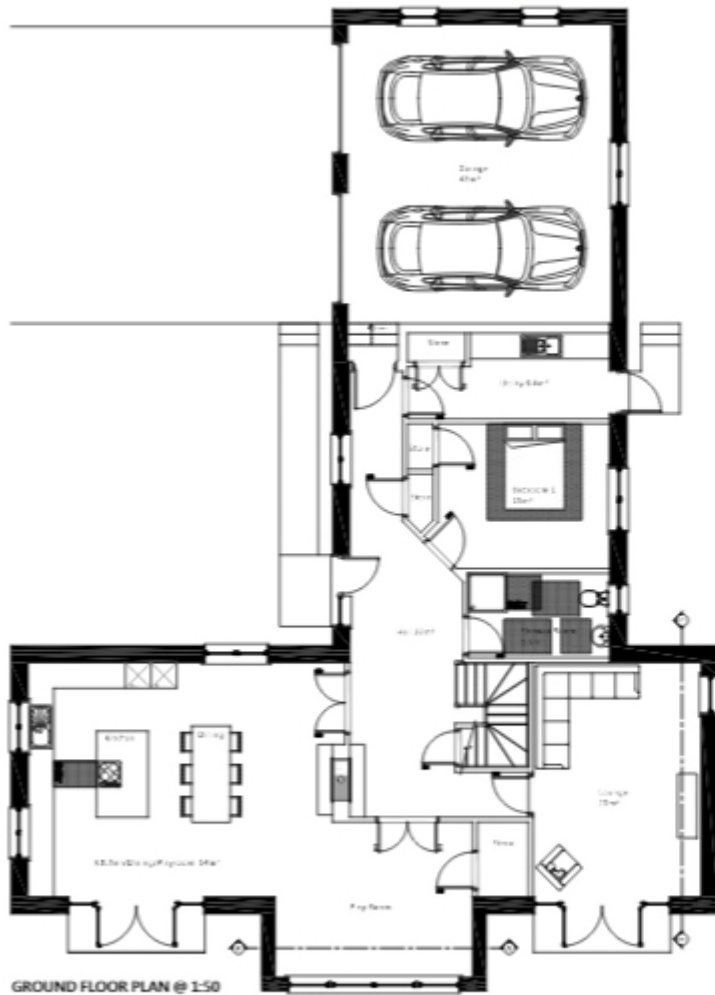
Approved and prepared for delivery to the client by the architect on 19/03/2017. This document is the property of the architect and shall not be used for any other purpose without the written consent of the architect.



Mrs. Linda Pine
 Nursery @ land adjacent to Rothnick Croft
 Proposed Sections

193/2017	1
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Refused Sections (House)





Aerial View



Zoomed in Aerial View





View west to Rothnick Croft





View within site looking east



View within site looking north



View of adjacent field to north



View within site looking south-east



From mountain to sea



Planning History

- APP/2020/1095 – Erection of Two Composting Toilets. Granted 04/08/2020.
- APP/2018/1279 – Erection of Nursery, Workshop, Wildlife Pond and Dwellinghouse. Granted by KMAC 04/09/2018, decision issued 06/02/2019. Expired.
- APP/2012/0807 – Erection of Nursery and 12 Dwellinghouses (Enabling Development). Refused 30/05/2012, dismissed by LRB 142 on 26/10/2012.



From mountain to sea



Representations (8 objections)

- No capacity or right to drain through adjoining land.
- Poor ground conditions in field to north from ponding.
- Concerns about contamination from former use.
- Drainage solution must be confirmed up front.
- If granted, the same drainage condition should be applied again.
- Proposal would generate considerable traffic and is not consistent with 20min neighbourhoods or town centre first principles.
- Impact on road safety.
- Not allocated for business and no justification for a separate dwellinghouse.



From mountain to sea



Consultations

- **Contaminated Land** has no concerns with the proposal.
- **Environmental Health** has no objection subject to a condition for connection to the public water supply.
- **Flood Risk** objects due to lack of information and certainty about a suitable surface water drainage solution.
- **Roads Development** has no objection subject to conditions.
- **Waste Management** has no objection.
- **Education** does not object to the proposal.
- **Developer Obligations** confirm no contributions needed.
- **Scottish Water** advise a water supply exists, but no waste water infrastructure in the vicinity.



From mountain to sea



Report of Handling

- Site is within the accessible rural area.
- Seeking renewal, but there has been changes in policy with more emphasis on sustainability and town centres.
- The planning history is a material consideration.
- There is no policy support for a nursery in this location, which would be reliant on the private car for access.
- There is no justification for a dwellinghouse and no essential need for an onsite presence.
- Surface water drainage remains an issue and was not resolved following permission being granted in 2019.
- This is largely a civil matter, but the lack of drainage solution and associated flooding is contrary to policy.
- Design and technical matters are acceptable.



From mountain to sea



Reason for Refusal (1)

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.



From mountain to sea



Reasons for Refusal (2 & 3)

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.

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.



From mountain to sea



Applicant's Supporting Statement

- Seeking a renewal of the previously approved application.
- Dispute with adjacent landowner has delayed a site start.
- No material change in policy, the original decision regarding the nursery should be taken into account.
- The nursery will meet objectives for outdoor learning and animals are part of that experience.
- The proposed dwellinghouse is required for animal husbandry and would be occupied by the manager.
- The previous condition regarding drainage should be reapplied if permission is granted.
- The applicant is pursuing legal action to gain access to the drainage pipe, which would allow compliance with the condition.



From mountain to sea



Third Party Responses to Review (8)

- Waste Management has no objection.
- Already outdoor learning at the site, this is a new nursery.
- Location is unsuitable for such a high traffic generating use.
- Nursery cannot be accessed by sustainable travel means.
- Sufficient nursery provision within the local catchment.
- No justification for a house to care for nursery pets.
- A nursery is not a primary industry and there is no essential need to live onsite.
- Existing drainage is failing and the previous drainage proposal was based on incorrect information that is now out of date.
- No technical solution to drainage issue and no right to use or provide new infrastructure in the field to the north.
- The proposed drainage design cannot be fully implemented.



From mountain to sea



Applicant's Response to Third Party Comments

- The applicant has rights to drain from the site and any civil proceedings should have no bearing on this review.
- Local planning policies do not align with national recommendations regarding rural early learning and childcare.
- Information is provided on five other nurseries in the area.
- Local roads are suitable for travel by families to the facility.
- Nursery building is necessary to operate a quality service in all weathers; with a capacity of no more than 50 children.
- The house is essential to the operation of the business and the care of hens, lambs, other small animals and horticulture.
- The applicant's home next door to the proposed nursery is irrelevant to the proposals.



From mountain to sea



Key Planning Considerations

- The principle of a nursery and / or dwellinghouse at this location, or if there are any material considerations to justify a departure.
- What weight should be given to the previous approval of the same scheme.
- The applicant is unable to demonstrate a suitable drainage solution can be achieved at this time, partly due to a civil dispute.