

**Aberdeenshire**

COUNCIL



Infrastructure Services

## Banff & Buchan Area Committee Report – 20 August 2019

Reference No: APP/2019/1366

### Planning Permission in Principle for Erection of Dwellinghouse, Formation of Vehicular Access and Formation of Public Footpath/Cycle Path at Site to North of Knowhead, Gardenstown, Banff

**Applicant:**

**Crovie Farm**

**Agent:**

**Ryan Urquhart**

Grid Ref:

E:380676 N:864634

Ward No. and Name:

W02 Troup

Application Type:

Planning Permission in Principle

Representations:

0

Consultations:

5

Relevant Proposals Map:

Aberdeenshire Local Development Plan 2017

Designations:

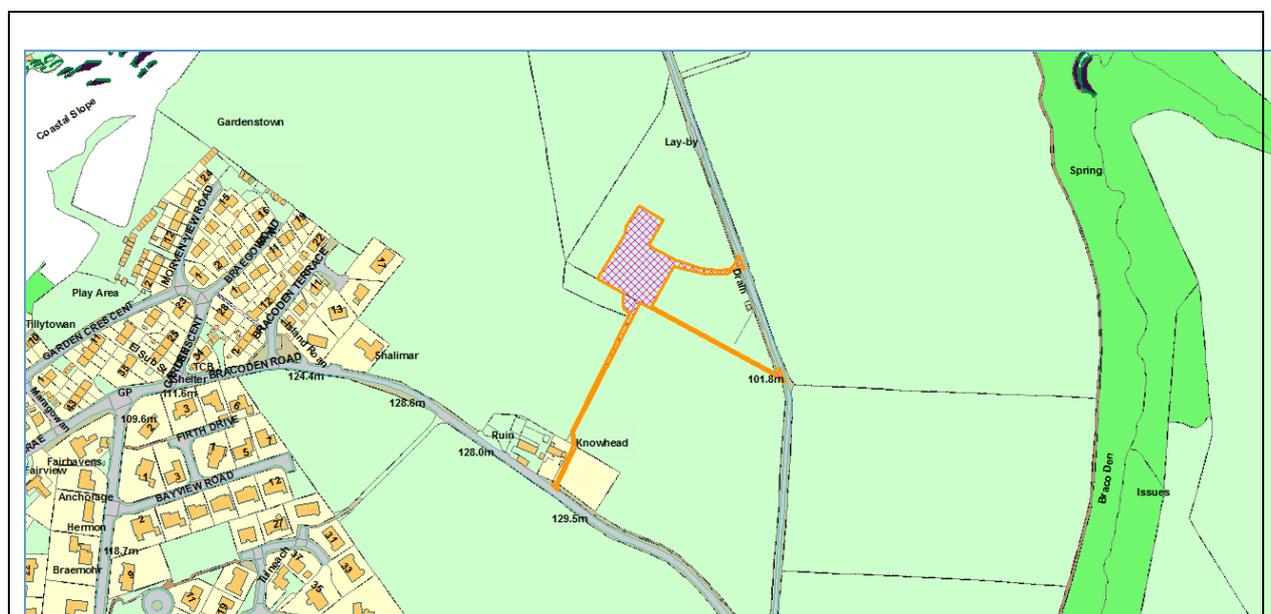
Coastal Zone, Rural Housing Market Area, Countryside, Special Landscape Area, Prime Agricultural Land

Complies with Development Plans:

No

Main Recommendation:

Refuse



**NOT TO SCALE**

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## 1. Reason for Report

1.1 The Committee is able to consider and take a decision on this item in terms of Section B.8.1 of Part 2A List of Committee Powers and Section C.3.1i of Part 2C Planning Delegations of the Scheme of Governance as the application is recommended for refusal but at least two Local Ward Members in the Ward in which the development is proposed, have requested that the application be referred to the Area Committee.

- Cllr. Mark Findlater: "To consider further the policy issues in this case"
- Cllr. Ross Cassie: "I wish the matter to be referred to Area Committee to further discuss the reasons for refusal"

1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

## 2. Background and Proposal

2.1 Planning Permission in Principle is sought for erection of a dwellinghouse, formation of vehicular access and formation of public footpath/cycle path at a site to north of Knowhead, Gardenstown.

2.2 The proposed site is located in the countryside approximately 180m to the east of the settlement boundary of Gardenstown. A location plan is attached as **Appendix 1**. The settlement of Crovie lies approximately 560m to the northeast. The site covers approximately 0.41 ha in area and lies in the middle of open coastal arable land with gentle down slopes from south to north.

2.3 The proposed site is located in the countryside within the Coastal Zone as defined in the Aberdeenshire Local Development Plan 2017. It falls within prime agricultural land Class 3.1 as defined in the Soil Survey for Scotland, Land Capability for Agriculture series with regard to potential productivity of the land. The site also lies within an area of Special Landscape Areas (North Aberdeenshire Coast) identified as Aberdeenshire Special Landscape Areas in the Supplementary Guidance of the ALDP 2017.

2.4 Design details of the proposed house are not required at this stage since this application is for planning permission in principle, although the submitted plan (see **Appendix 2**) shows an indicative location for the house, garage and foul and surface water drainage. The proposed house would be connected to a public water supply and individual private drainage systems including a septic tank and soakaway for foul water and surface water. The development would be enclosed by a new post and wire fence with hedges along with new tree planting on the southwest of corner of the site.

2.5 The proposed dwelling would be accessed via a new driveway from the minor public road leading to Crovie with sufficient visibility splays provided. A new

footpath/cycle path from the east of the existing dwelling Knowhead has been proposed, which would run towards north to the south of the site then turn to the east to meet the minor road to Crovie. The proposal is accompanied by a supporting statement.

## 2.6 Relevant Planning History

None

## 2.7 Supporting Information

Planning Statement [by Baxter Design]

Drainage Report, Recommendations and Associated Test Certificates (Ferguson Geotechnical Ltd, 5 April 2019)

## 3. Representations

3.1 No valid letters of representation have been received.

## 4. Consultations

4.1 **Business Services (Developer Obligations)** confirm that Bracoden Primary School and Banff 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.

4.2 **Infrastructure Services (Contaminated Land)** confirm that there is no indication of any past use which might have caused contamination.

4.3 **Infrastructure Services (Environment—Natural Heritage)** comment that there is no concern with the principle of paths in this location. The path must be of a suitable surface and width that will encourage its use as an alternative to the existing roadside path and minor road to Crovie. It is noted that the suggested path line north from Knowhead is across a very steep gradient which will make the path difficult to use, particularly for bicycles and people with pushchairs.

4.4 **Infrastructure Services (Roads Development)** have no objection to the proposal subject to conditions.

4.5 **Scottish Water** have no objection to the proposal. There is currently sufficient capacity in the Turriff Water Treatment Works. The proposed development will be serviced by Gardenstown Waste Water Treatment Works. However, Scottish Water is unable to confirm capacity at this time.

## 5. Relevant Planning Policies

### 5.1 Scottish Planning Policy

The aim of the Scottish Planning Policies is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning system guides the future development and use of land in cities, towns and rural areas in the long term public interest. The goal is a prosperous and socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

### 5.2 Aberdeen City and Shire Strategic Development Plan 2014

The purpose of this Strategic Development 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.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In light of this, for proposals which are regionally or strategically significant, or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeenshire Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

### 5.3 Aberdeenshire Local Development Plan 2017

Policy R1: Special rural areas

Policy R2: Housing and employment development elsewhere in the countryside

Policy P1: Layout, siting and design

Policy PR1: Protecting important resources

Policy E2: Landscape

Policy C1: Using resources in buildings

Policy RD1: Providing suitable services

Policy RD2: Developers' obligations

### 5.4 Other Material Considerations

N/A

## 6. Discussion

6.1 The main planning issues to be considered in this application are the principle of development, the layout, siting, and design, landscape, as well as access and servicing of the development.

### Principle of development

6.2 The proposed site is situated in the countryside within the Coastal Zone as defined in the Aberdeenshire Local Development Plan 2017 (Supplementary Guidance 4—The Coastal Zone).

6.3 Policy R1 Special rural areas significantly restricts housing and employment development opportunities in the greenbelt and coastal zone to reflect the special nature of these areas. Only development which is essential and cannot be located elsewhere would be allowed.

6.4 In the Coastal Zone, development would only be allowed under the following circumstances:

1. The development must require a coastal location, and the social and economic benefits must outweigh any adverse environmental impact;
2. It must be the redevelopment of an existing building, or within the curtilage of an existing building;
3. Proposals for coastal protection works.

6.5 In any case there must be no coalescence of coastal developments or significant adverse impacts on natural coastal processes or habitats. Great care must be taken to assess flood and erosion risk.

6.6 In this regard, the development site is situated in the countryside currently for agricultural use. The proposed dwelling would be of a private property which does not have to be at a coastal location, or is justified to be located within the Coastal Zone for the social and economic benefits of the wider public. There

are no existing buildings or building curtilage within the site which may be redeveloped. The proposal is not for coastal protection works. The proposed dwelling thus clearly fails to comply with Policy R1.

- 6.7 Policy PR1 Protecting important resources does not approve developments that have a negative effect on important environmental resources associated with the water environment, important mineral deposits, prime agricultural land, peat and other carbon rich soils, open space, and important trees and woodland. In all cases development which impacts on any of these features will only be permitted when public economic or social benefits clearly outweigh the value of the site to the local community, and there are no reasonable alternative sites. Prime agricultural land, as defined as classes 1, 2 and 3.1 of the Soil Survey for Scotland, Land Capability for Agriculture series, should not normally be developed unless it is allocated in the local development plan. In addition, small-scale development proposals that are directly linked to a rural business may be permissible where they are located on prime agricultural land.
- 6.8 The proposed site falls with Class 3.1 prime agricultural land. As mentioned above, the proposed dwelling would be of a private residential property which would not be linked to rural business, and does not justify to be located on prime agricultural land for the social and economic benefits of the wider public. The proposed dwelling does not comply with Policy PR1.
- 6.9 In terms of the proposed footpath, it is considered that the footpath does require a coastal location given the nature of the footpath which intends to provide additional access on coastal slopes linking Gardenstown and Crovie. There would be wider social and economic benefits associated with an extensive footpath network available to the public to explore.
- 6.10 Infrastructure Services (Environment—Natural Heritage) have no objection to the proposed footpath however concerns are raised over the steepness of the path which would be difficult for cyclists and pushchair to use. As this is an application for planning permission in principle, design details of the proposed footpath may be assessed at the later stage.
- 6.11 Therefore, the Planning Service considers that the proposed footpath alone complies with Policy R1 and Policy PR1. Nevertheless, since the proposed dwelling fails to meet the policy principle, the proposal as a whole is deemed to be unacceptable.

#### Material Consideration

- 6.12 The proposed site also lies approx. 180m to the east from the settlement boundary of Gardenstown. A proposal situated in the countryside area outwith the Aberdeen greenbelt and coastal zone would be considered under certain criteria of “Policy R2 Housing and employment development elsewhere in the countryside” (e.g. for small scale growth of identified settlements, by addition of groups of up to 3 houses within 200m of a settlement boundary with a cap of no more than an additional 20% growth of the settlement, and up to a

maximum of 10 new homes). Gardenstown is one of the identified settlements in Appendix 4 of the Policy R2.

6.13 As the proposed site falls within the Coastal Zone, it is clear that Policy R2 is not applicable to this application. However, the Coastal Zone in this vicinity overlaps with the area falling within the 200m from the Gardenstown settlement boundary for 'organic growth' developments. As the site lies partially within the 200m 'buffer', the proposal is also considered against Policy R2 in this instance so that it would not be prejudiced due to this specific conflicting policy issue.

6.14 Policy R2 [Housing and employment development elsewhere in the countryside] aims to restrict development proposals in the countryside area outwith the Aberdeen greenbelt and coastal zone to small-scale development that would meet one of the criteria under Policy R2 (subject to other policies) as follows:

- Be appropriate in the greenbelt (see Policy R1: Special rural areas);
- Extension, refurbishment or replacement, on the same site, of an existing house or disused building;
- Sensitive restoration, conversion or extension of a vernacular building or other building of architectural merit;
- Remediation of redundant brownfield land opportunities;
- Accommodation within the immediate vicinity of the place of employment required for a worker in a primary industry which is appropriate to the countryside and where the presence of a worker is essential to the operation of the enterprise and there is no suitable alternative residential accommodation available;
- Small scale growth of identified settlements (Appendix 4), by addition of groups of up to 3 houses within 200m of a settlement boundary with a cap of no more than an additional 20% growth of the settlement, and up to a maximum of 10 new homes;
- Small scale addition to an existing cluster or group of at least five houses with a cap of no more than an additional 20% growth of the cluster, and up to a maximum of 2 new homes;
- Single home for the retirement succession of a viable farm holding;
- Small scale employment proposals in the rural housing market area.

6.15 Considering the above, the Planning Service is of the view that the proposed dwelling would not meet the Policy R2 for the following reasons:

1. No "need justification" has been submitted to support the proposed dwelling for this countryside location, e.g. the need for a house for a full time worker essential for on-site operation of an enterprise which is in itself appropriate to the countryside. No reference is made in the application to the retirement succession as a need for a dwellinghouse.
2. In relation to the policy allowing for development that contributes to the growth of an identified settlement in the Appendix 4, although the site lies partially within the 200m 'buffer' area from Gardenstown, it is situated in

the middle of agricultural field, which forms part of an area of Special Landscape Area—North Aberdeenshire Coast. Given the special value of the landscape area and the exposed location, the proposed dwelling would be more of a significant disruption to the unified coastal landscape area rather than presenting an appropriate addition linking the site to the settlement of Gardenstown.

3. There is no existing cluster or group of at least five houses adjacent to the proposed site.
- 6.16 As a result, in view of the Planning Service, no material consideration can justify that the proposed dwelling is in principle acceptable.

#### Layout Siting and Design

- 6.17 Policy P1 Layout, siting and design only supports development designs that demonstrate the six qualities of successful places, which includes that it is distinctive; safe and pleasant; welcoming; adaptable; efficient and well connected.
- 6.18 No details of the design and siting of the proposed dwelling have been provided at this planning permission in principle stage, apart from an indicative layout plan with approximate locations of the dwelling and foul and surface water drainage systems. Given the size of the plot and the location of the site, it is unlikely that the new development would have an adverse impact on the residential amenity of the area. Nonetheless, house design details would be assessed at a later stage when a subsequent application is submitted.
- 6.19 In terms of the site location, it occupies an open and prominent position in the coastal landscape in the middle of a field. Notwithstanding the proposed hedges and tree planting, the proposed dwelling would introduce an incongruous element into the continuous coastal farmland landscape. It would be incompatible with the character of the surrounding area and would have a negative impact on sense of place. It is therefore deemed that the proposed development is contrary to Policy P1 Layout, siting and design.

#### Landscape

- 6.20 The site lies within the North Aberdeenshire Coast Special Landscape Area, for which Policy E2 of the development Plan applies. The Policy states that: “We will refuse development that causes unacceptable effects through its scale, location, or design on key natural landscape elements, historic features or the composition of quality of the landscape character.”
- 6.21 The North Aberdeenshire Coast is a narrow, self-contained strip of coastal farmland which is unified by its exposed, north facing orientation onto the North Sea and its rugged coastline of high cliffs, headlands and sandy bays. The area in the vicinity of the proposed site features elemental qualities including experience of exposure, wildness and remoteness and drama

associated with rugged cliffs. Development along the route which offers panoramic views should be sensitive to the surroundings and no interrupt the panoramic views experienced.

- 6.22 As mentioned in the above section, the proposed dwelling would be discordant with surrounding continuous coastal farmland landscape and would interrupt the experience of exposure, wildness and remoteness of the coastal area. It would detract from the character and appearance of the Special Landscape Area. The application therefore cannot be considered to be in accordance with Policy E2.

#### Access and Servicing

- 6.23 Regarding the vehicular accesses and parking spaces, the Infrastructure Services (Roads Development) have no objection to the proposed development. There is no indication that visibility splays cannot be achieved at the site access to the public road. Scottish Water have no objection to the proposal, although it is indicated that the proposed dwelling can be serviced by Gardenstown Waste Water Treatment Works but its current capacity is unknown. Nevertheless, drainage report submitted for the site demonstrates that the new development would be adequately serviced. Infrastructure Services (Contaminated Land) confirm that there is no indication of any past use which might have caused contamination. Therefore, the infrastructure provision for the proposal is considered sufficient. Accordingly, the proposal complies with Policy RD1 Providing suitable services.

#### Other issues

- 6.24 In terms of Developer Contributions, Business Services (Developer Obligations) have confirmed that no contributions are required for this proposal. Therefore, the proposal is deemed to comply with Policy RD2 Developers obligations.
- 6.25 In terms of assessment against the Strategic Development Plan, due to the small scale of this proposal the proposed development is not considered to be strategic or regionally significant, or require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the SDP.

#### Conclusion

- 6.26 In conclusion, notwithstanding that the proposal complies with a number of policies, and the element of the proposed footpath is acceptable, the principle of the development as a whole is considered unacceptable due to the proposed dwelling failing to comply with Policy R1 Special rural areas, and Policy PR1 Protecting important resources of the Aberdeenshire Local Development Plan 2017. The proposal also fails to comply with Policy P1 Layout, siting and design and Policy E2 Landscape of the Aberdeenshire Local Development Plan 2017.

6.27 The Planning Service therefore is unable to support this application. Accordingly, refusal is recommended.

## **7. Area Implications**

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

## **8. Implications and Risk**

8.1 An equality impact assessment is not required because the granting or refusing of the application will not have a detrimental impact on the protected characteristics of the applicant or any third parties.

8.2 There are no staffing and financial implications.

8.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.

## **9. Sustainability Implications**

9.1 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

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

### **10.1 Strategic Development Plan Departures**

N/A

### **10.2 Local Development Plan Departures**

Policy R1 Special rural areas  
Policy P1 Layout, siting and design  
Policy PR1 Protecting important resources  
Policy E2 Landscape

10.3 The application is a Departure from the valid Local Development Plan and Strategic Development Plan and has been advertised as such. Any representations received have been circulated as part of the agenda and taken into account in recommending a decision. The period for receiving representations has expired.

10.4 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications)

(Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.

- 10.5 The application would not have to be referred to Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

## **11. Recommendation**

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

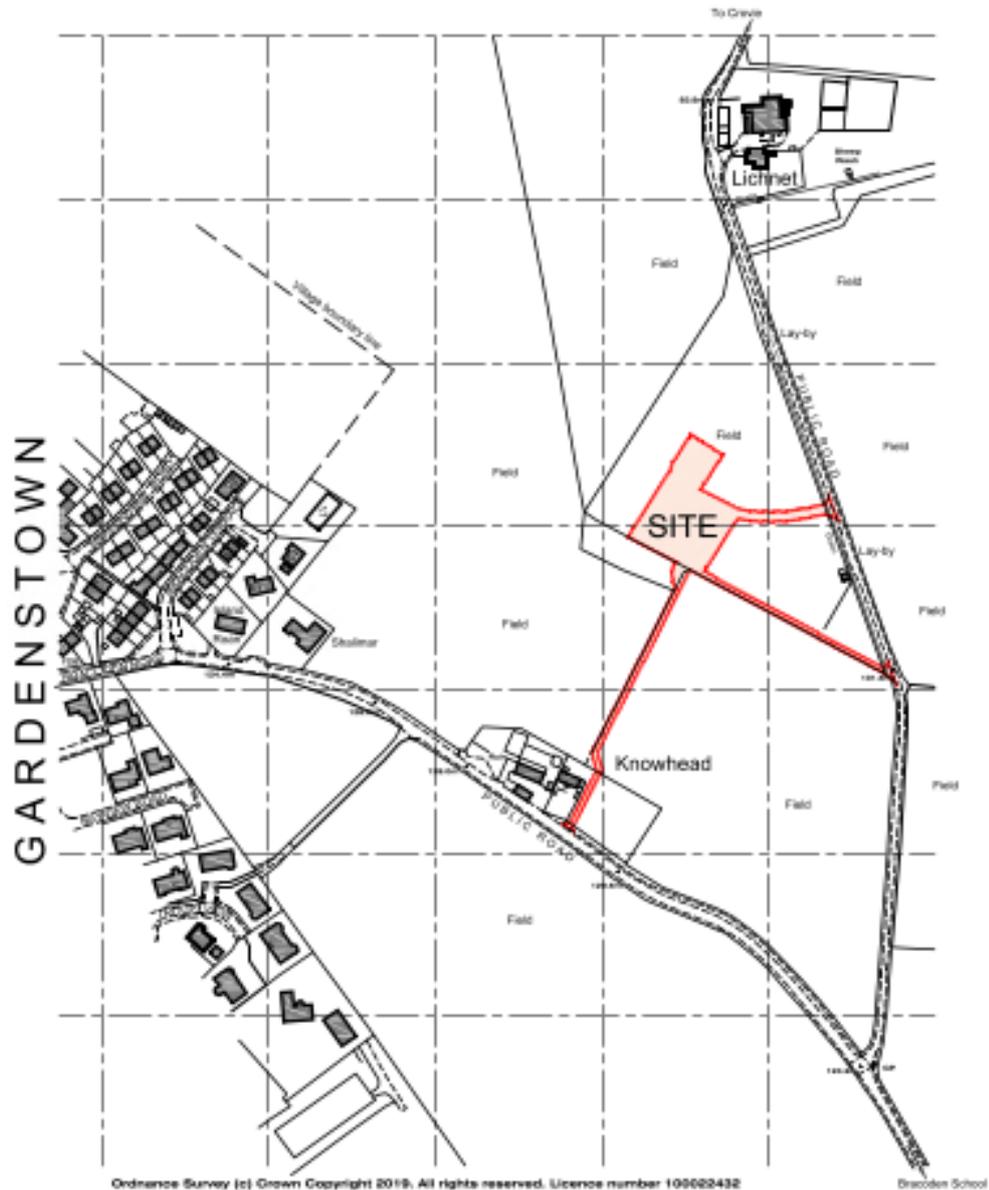
01. The proposed development is contrary to Policy R1: Special rural areas, as contained in the Aberdeenshire Local Development Plan 2017, as the proposed dwellinghouse fails to meet the criteria set out in the policy, in that:
  - a. The development fails to justify a coastal location, whereby the social and economic benefits would outweigh any adverse environmental impact;
  - b. It is not a redevelopment of an existing building, or within the curtilage of an existing building;
  - c. It is not for coastal protection works.
02. The proposed development is contrary to Policy PR1: Protecting important resources of the Aberdeenshire Local Development Plan 2017, in that the proposed dwelling would cause unjustifiable loss of prime agricultural land.
03. The proposed development is contrary to Policy P1: Layout, siting and design of the Aberdeenshire Local Development Plan 2017, in that the proposed dwelling would be incompatible with the character of the surrounding area and would have a negative impact on sense of place.
04. The proposed development is contrary to Policy E2: Landscape of the Aberdeenshire Local Development Plan 2017, in that the proposed dwelling would detract from the character and appearance of the Special Landscape Area.

Stephen Archer  
Director of Infrastructure Services  
Author of Report: Timothy Xu  
Report Date: 26 July 2019



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# APPENDIX 1 Location Plan



Site Plan : Scale 1:2000

## APPENDIX 2 Site Plan

