



## Banff & Buchan Area Committee Report – 26 May 2015

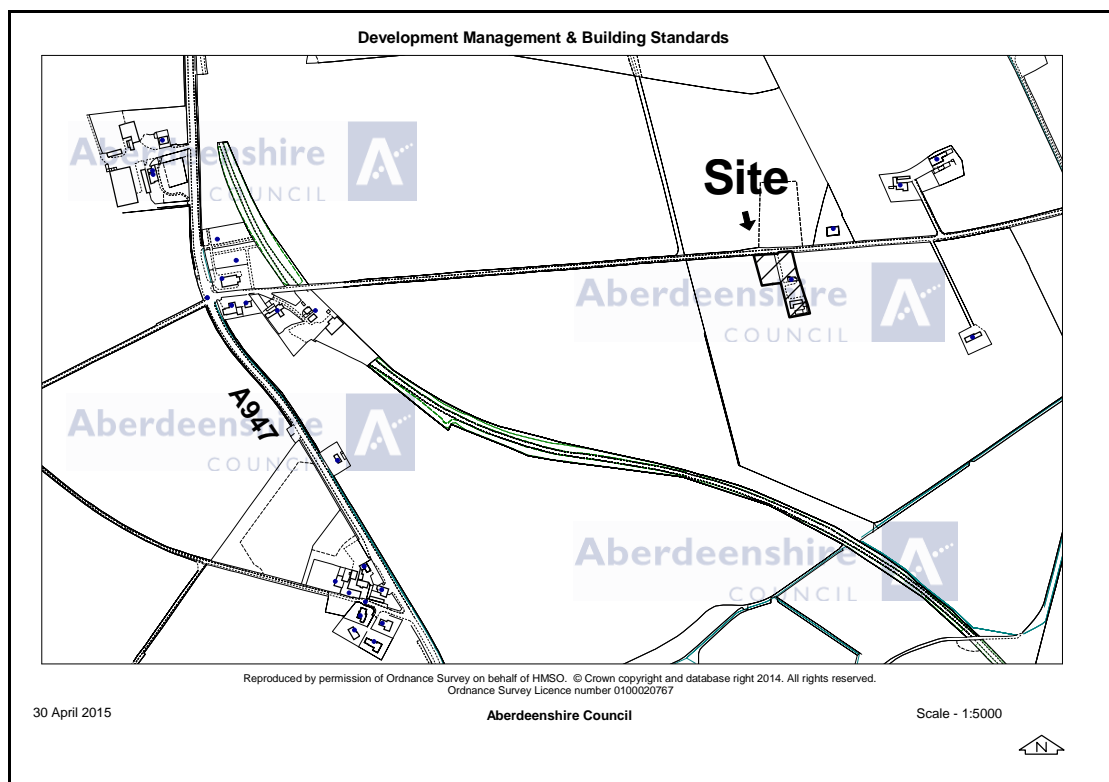
Reference No: APP/2015/0512

### Planning Permission in Principle for Erection of 3 No. Dwellinghouses at Land Opposite Woodlands, King Edward, Banff

**Applicant:** Mr & Mrs Strachan, Mill of Balmaud, King Edward, Banff  
**Agent:** Mantell Ritchie, 27A High Street, Banff

|                                      |  |
|--------------------------------------|--|
| Grid Ref:                            | 372292.857930  |
| Ward No. and Name:                   | W02 - Troup  |
| Application Type:                    | Planning Permission in Principle   |
| Representations:                     | 0  |
| Consultations:                       | 6  |
| Relevant Proposals Map Designations: | Aberdeenshire Local Development Plan<br>Countryside, Rural Housing Market Area |
| Complies with Development Plans:     | No   |

Main Recommendation: Refuse



## 1. Reason for Report

- 1.1 The application is being referred to Area Committee because Cllrs Findlater and Cllr Cassie have requested that the application be referred to the Committee for the following reasons:
- Councillor Findlater – “To further investigate the extent of the brownfield site and discuss compliance with Policies 3 and 8”.
  - Councillor Cassie – “To further examine the reasons given for refusal”.
- 1.2 This application was deferred at the last meeting of the Banff and Buchan Area Committee on 26 May 2015 to enable Members of the Committee to visit the site. This site visit was undertaken on 9 June 2015.

## 2. Background and Proposal

- 2.1 This application seeks Planning Permission in Principle for the erection of three houses on land opposite Brae of Blackton, King Edward, Banff. The site is approximately 0.3 ha in size and located on the southern side of an unclassified road traveling between King Edward and the A98. The site is set within a characteristically rural landscape on open and quite exposed agricultural land of no particular designation. A location plan is attached as Appendix 1. The site slopes away to the south. There are three derelict buildings onsite, the most northerly of these (Woodside House) is a 1 storey stone property. South of this is a derelict steading and farm house, likely once associated with a crofters dwelling. There is an established belt of deciduous trees along the northern and eastern boundaries of the site.
- 2.2 There are four properties along the stretch of road to the north, most of these are set back from the road and make up quite a traditional rural development pattern. There is an existing junction off the unclassified road to the south which leads into a dirt track running through the middle of the proposed site. All current development i.e. derelict buildings are located down the east of the site. However, the proposed site takes up land down the west of the dirt track which currently makes up part of the surrounding open agricultural field.
- 2.3 The proposal is for the removal of all derelict buildings on site and the erection of two new dwellinghouses down the eastern section (covering the brownfield site) and one to the north west (on agricultural land). As this application is in principle, only an indicative layout has been provided. This is attached as Appendix 2. All structures on site are derelict with the roofs having been removed at the end of 2014, before the application entered the planning system. Proposed boundary treatment is a post and wire fence.
- 2.4 Proposed foul drainage is an individual septic tank to soakaways via land. Water supply is to be public. It is proposed that each property has separate storm water soakaways, full SUDS details have not been submitted. As stated, access is to be taken from a junction off the road to the north. Approximately nine trees are to be removed to accommodate the proposed layout. There is no planning history on the immediate site.
- 2.5 Additional information submitted in support of the application includes:

- Percolation Test Report has been submitted for each site, carried out by William McBey.
- Design Statement prepared by Mantell Ritchie

### 3. Representations

3.1 No valid letters of representation have been received.

### 4. Consultations

- 4.1 **Business Services (Developer Obligations)** were consulted and confirmed that contributions would be required towards affordable housing. The applicant has confirmed they are happy to settle this should the application be supported.
- 4.2 **Infrastructure Services (Archaeology)** were consulted and did not object subject to a condition requiring a photographic survey.
- 4.3 **Infrastructure Services (Contaminated Land)** were consulted and identified that due to the site being approximately 10m south of a former landfill site; a gas risk assessment would be required. They outlined that until this assessment was submitted they would have a holding objection to the proposal. At the time of writing this information had not been received.
- 4.4 **Infrastructure Services (Environment)** were consulted regarding the trees on site and did not object to the proposal providing a condition be attached to any approval requiring a tree protection plan. They also identified that due to the roof having been removed prior to submission of the application; no bat survey would be required.
- 4.5 **Infrastructure Services (Roads Development)** were consulted and did not object to the proposal subject to conditions.
- 4.6 **Scottish Water** were consulted and at the time of writing had not responded.

### 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 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.

## 5.3 Aberdeenshire Local Development Plan 2012

Policy 3 Development in the countryside

SG RD 1: Housing and business development in the countryside

Policy 8 Layout siting and design

SG LSD 2: Layout siting and design of new developments

SG LSD 9: Hazardous development

Policy 9: Developer Contributions

SG DC 1: Developer Contributions

SGDC 2: Access to new developments

SGDC 3: Water and waste water drainage infrastructure

Policy 13: Protecting, improving and conserving the historic environment

SG Historic environment 4: Archaeological sites and monuments

Policy 14: Safeguarding of resources and areas of search

SG Safeguarding 3: Protection and conservation of trees and woodland

## 5.4 Other Material Considerations

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 third parties.

Planning Advice 13/2012 Housing and Business Development in the countryside.

## 6. Discussion

- 6.1 This application for erection of three dwellinghouses must be considered in terms of the main planning considerations which are:

- whether the principle of development is acceptable and in line with the relevant policies of the Aberdeenshire Local Development Plan;
- whether the preliminary layout and siting is appropriate within the context of the surrounding area;
- whether there will be significant loss of amenity experienced by surrounding properties as a result of the development;
- whether the site can be sufficiently serviced by the required infrastructure; and
- whether any potential impact on natural heritage or historic environment can be mitigated;

### *Principle*

- 6.2 The principle policy in the determination of this planning application is Policy 3 and SG RD 1. Rural development supplementary guidance states that, subject to other policies, development of up to three houses can be approved on sites where there is an existing or disused building or on previously developed but now redundant land. Other than the shelterbelt to the east there is no formal boundary treatment, however, the previously developed site would appear to be only the section covered by the now derelict buildings. These buildings cover only the eastern side of the site upon which two of the three houses are proposed. The third unit (site 1) is located to the west of the site on what is currently undeveloped farm land i.e. entirely outwith the brownfield section of the proposed site.
- 6.3 Justification under SG RD 1 states that up to three houses can be permissible as small scale development. It further states that no restriction is placed on the size of the replacement house or footprint that such a house should occupy, provided the development is on the same site (although not necessarily on the same footprint) and the design is appropriate for the location. The justification further states that if the development of any house requires a measure of undeveloped land out with the curtilage, this may be considered on its own merit. The two houses proposed down the eastern section of the site do not cover the exact footprint of the buildings to be removed, however, this is permissible under the terms of policy as they are within the brownfield curtilage and both sites can reasonably and practically be accommodated within the previously developed land. The site to the west is wholly out with any of the previously developed land and therefore excluded from the brownfield site. Further to this, the development of this plot in addition to the two to the east would create what could be considered (at least at the indicative stage) a small cul-de-sac, which is not in keeping with the surrounding pattern of development. It does not seem feasible to erect three houses entirely within the brownfield section of the site and the third plot is clearly out with the existing site and there does not appear to be any additional merit in the third plot which would outweigh the policy conflict. On this basis the principle of developing three houses in this location is considered to be at odds with Policy 3 and SG RD1.
- 6.4 The agent has been made aware of this fact and was advised that two houses covering only the brownfield site would be more appropriate, they confirmed that they wished to progress with the application as it stands with the three units.

*Layout siting and design*

- 6.5 As this application is for permission in principle, only an indicative layout has been shown. As discussed above the development pattern in the area is relatively dispersed in line with the rural location. The three house layout proposed, whilst not acceptable in principle is neither appropriate in this context and would create quite a suburban cluster of development along the road, in the middle of the countryside. The site is exposed, however, the landscaping along the north and east of the site provides some screening to plots 2 and 3; plot 1 (to the west) would remain quite exposed with no natural screening. In terms of SG LSD 2 the proposal for three houses is not felt to be acceptable and in keeping with the surrounding pattern of development or character of the area.
- 6.6 The proposal includes the removal of trees however; Infrastructure Services (Environment) have confirmed that this is likely to be acceptable subject to a condition and tree protection plan. Archaeology has assessed the site and has no objection subject to a condition for a photographic survey.
- 6.7 SG LSD 9 states that we will refuse development if the proposed site is in close proximity to an existing hazardous development that could create a nuisance or present a hazard to the public. The Council's Scientific Officer has identified that the site is a distance of 10m from a former landfill site and as a result they have requested a gas risk assessment to be carried out. At the time of writing, this information had not been received and Infrastructure Services (Contaminated Land) have stated a holding objection to the proposal. However, the Scientific Officer has indicated that this information could potentially be covered by a condition. Nonetheless, the proposal cannot be considered compliant with SG LSD 9 at this time, and this is added as a further recommendation of refusal.

*Developer Obligations*

- 6.8 Policy 9: Developer contributions, requires that development must reasonably compensate for undesirable impacts; this should be done through a variety of mechanisms. Corporate Services, Developer Obligations outlined the financial contributions which will be required to make this application acceptable in planning terms and the agent has confirmed that their client would be prepared to settle this in full should the application be supported.
- 6.9 SGDC 2: Access to new developments states that development must be accessible and well located to existing settlements, the site is located approximately 5.7km south of Macduff which is the nearest main settlement. The Roads department do not object to the proposal on the grounds of access or parking
- 6.10 SG Developer contributions 3: Water and waste water drainage infrastructure requires development to be sufficiently serviced by water supply and drainage. A drainage report outlines that the ground conditions can suitably accommodate the drainage provision proposed although at the time of writing Scottish Water had not responded regarding the proposal to connect to the public water supply.
- 6.11 In conclusion it is felt that the proposal for three new houses in this location is not acceptable in principle, as the plot proposed to the west includes land

wholly out with the existing brownfield site. In this respect the proposal is not compliant with Policy 3 and SG Rural Development 1. Further to this, the layout siting and design is not appropriate in the context of a remote rural setting nor has it been sufficiently demonstrated that there is no risk of a nuisance or hazard to the public from the redundant landfill site to the north. Therefore, the proposal is not compliant with Policy 8 and SG LSD 2 and 9 as well.

## **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. Equalities and Financial Implications**

- 8.1 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. 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**

None

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

Policy 3 Development in the countryside  
SG RD 1: Housing and business development in the countryside

Policy 8 Layout siting and design  
SG LSD 2: Layout siting and design of new developments  
SG LSD 9: Hazardous development

- 10.3 The application is a Departure from the valid Local 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 the 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:-**

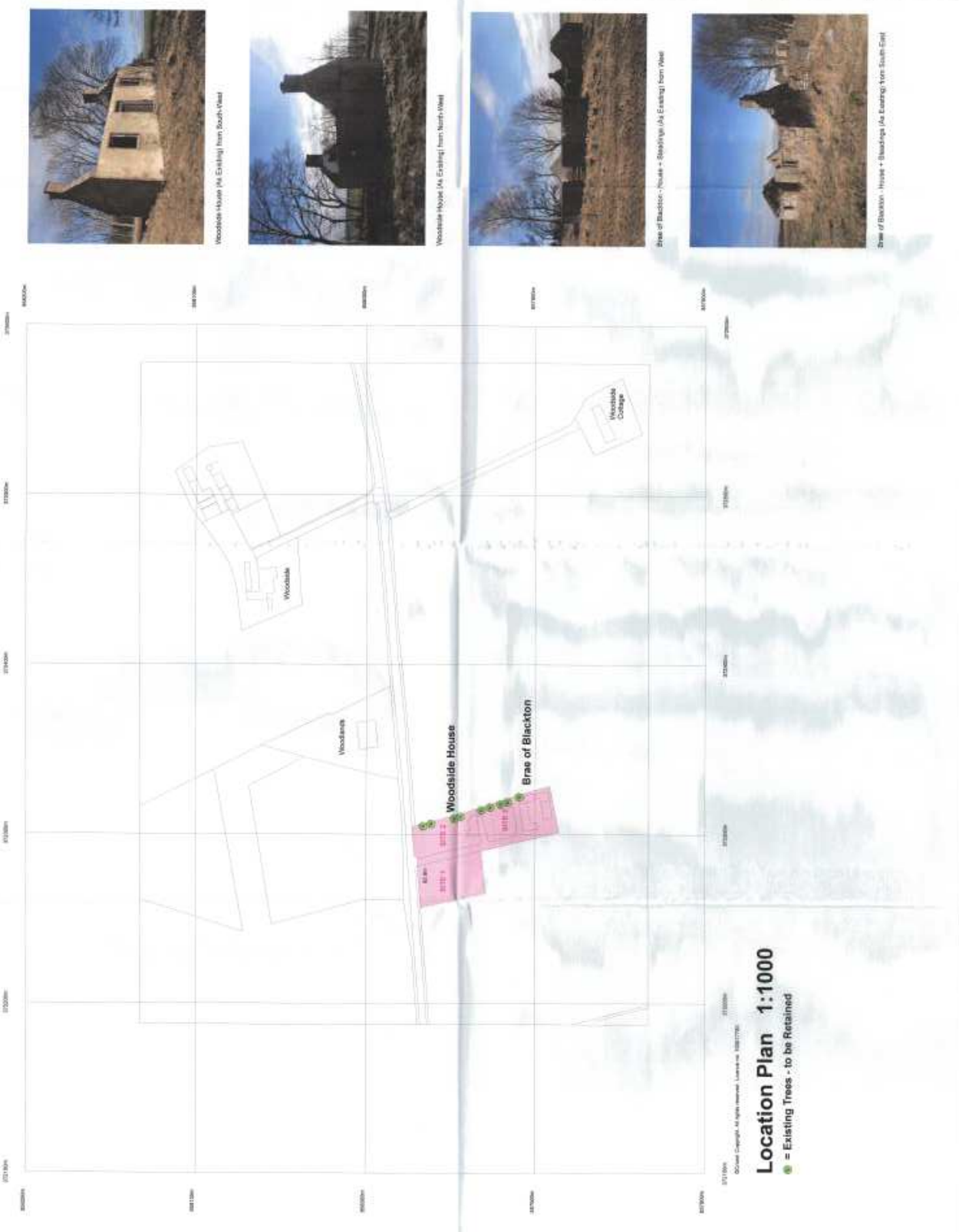
1. The proposed development is contrary to Policy 3 Development in the countryside; and SG Rural Development1: Housing and business development in the countryside of the adopted Aberdeenshire Local Development Plan 2012. This is due to plot 1 being proposed out with the curtilage of the existing redundant brownfield site. It is situated on land which has not been previously developed.
2. The proposed development is contrary to Policy 8: Layout, siting and design of new development; and SG LSD2: Layout, siting and design of new development of the adopted Aberdeenshire Local Development Plan 2012. This due to the indicative layout of the proposed development not being appropriate to the context of its remote rural setting.
3. The proposed development is contrary to Policy 8: Layout, siting and design of new development; and SG LSD9: Hazardous development of the adopted Aberdeenshire Local Development Plan 2012. This is due to insufficient information being provided to demonstrate that the proposed development would not be significantly affected by the redundant landfill to the north of the site so as it would not cause a nuisance or present a hazard to the users of the proposal.

**Stephen Archer**  
**Director of Infrastructure Services**  
**Author of Report: Clara Thompson**  
**30/04/2015**





# APPENDIX 1 Location Plan



## APPENDIX 2 Block Plan



