

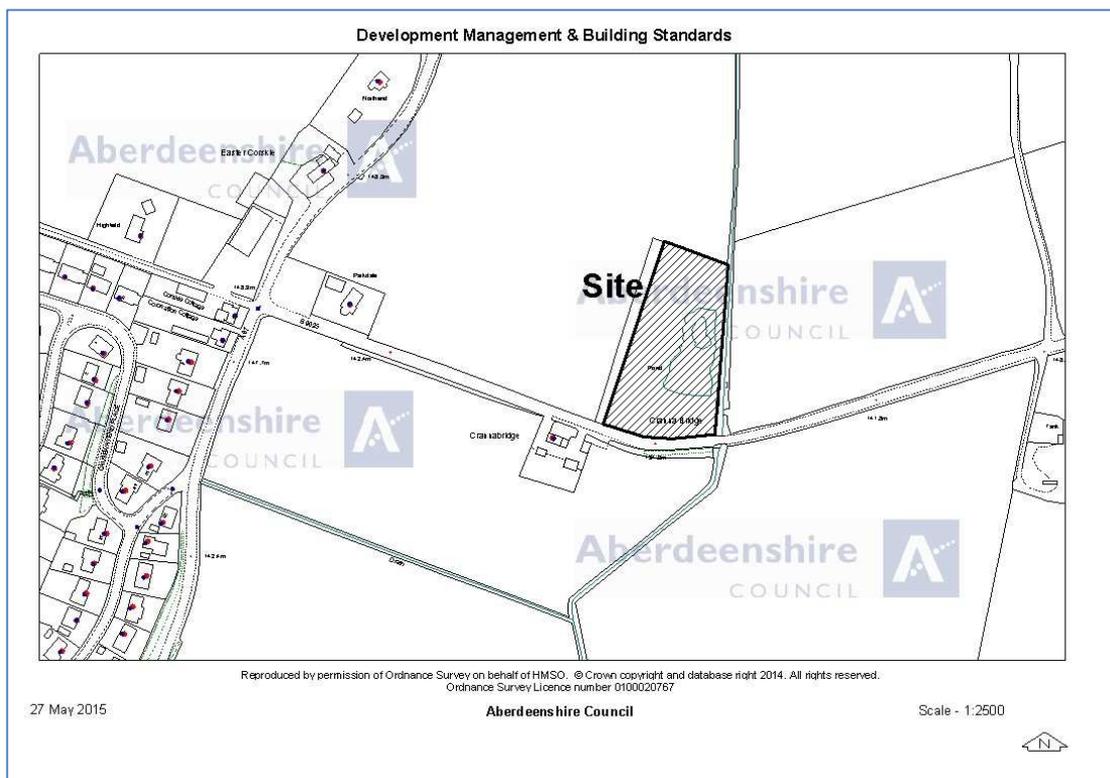
## Banff & Buchan Area Committee Report – 16 June 2015

Reference No: APP/2014/4071

### Planning Permission in Principle for Erection of Dwellinghouse at Land To The North Of Cranna Bridge, Easter Corskie, Aberchirder

**Applicant:** David Beckley, Cladach, 7 Station Road, Keith  
**Agent:** None

Grid Ref:	E:363547 N:583005
Ward No. and Name:	W01 – Banff and District
Application Type:	Planning Permission in Principle
Representations:	1
Consultations:	4
Relevant Proposals Map	Aberdeenshire Local Development Plan
Designations:	Rural Housing Market Area, Countryside
Complies with Development Plans:	No
Main Recommendation:	Refuse



## 1. Reason for Report

1.1 The application is being referred to Area Committee because Cllr Cox and Cllr Gray have requested that the application be referred to the Committee for the following reasons:

- Cllr Cox - "To consider whether there will be significant loss of amenity experienced by surrounding properties as a result of the development"
- Cllr Gray - "To discuss access road, siting and design"

## 2. Background and Proposal

2.1 This application seeks planning permission in principle for the erection of one house on land at Cranna Bridge, Aberchirder. The site is located on rough agricultural land located approximately 200m north east of the main settlement of Aberchirder. The proposed site measures 0.7Ha, is relatively flat although slopes slightly to the east and is located on the north side of the B9025. A burn runs down the eastern edge of the site and within the site to the east is a large pond. There is a shelter belt of trees north within the site and there are no structures currently onsite. Existing boundary treatment is a post and wire fence.

2.2 The site is located within the Rural Housing Market Area as defined in the Aberdeenshire Local Development Plan 2012. The pattern of development in the surrounding area is quite sporadic along the B9025 with there only being a scattering of individual houses. The nearest property is approximately 30m to the south west and on the opposite side of the B9025. As this application is in principle only no details of layout or design have been provided. A very indicative location has been shown for the house; which identifies it to be located within the southwest corner of the site. Site and location plans are attached as Appendices 1 & 2.

2.3 Proposed foul drainage is through a septic tank to soakaway via land. Water supply is to be public. The application states that provision will be made for sustainable drainage of surface water although no details have been provided at this stage. The exact position of the proposed access has also not been shown.

2.4 Pre application advice was provided in August 2014 by the Planning Service which initially identified the principle of development to be acceptable. A planning application (APP/2014/3075) was subsequently submitted. However, upon further assessment it was found that the proposal did not meet any of the criteria of the Rural Development Policy and the applicant was informed of this. The application was also subject to an objection from Infrastructure Services (Roads Development), so it was withdrawn, and re-submitted once these issues could be resolved.

### 3. Representations

3.1 One valid representation was received and raised the following material issues:

- Concerns regarding road safety in relation to creating a junction onto the B9025;
- Concerns relating to pedestrian road safety as the footpath along the road is inadequate;
- Concerns raised about the lack of detail on layout and whether the site is appropriate for a house.

### 4. Consultations

4.1 **Business Services (Developer Obligations)** were consulted and confirmed that contributions would be required. The applicant has confirmed that he is happy to settle this should the application gain approval in principle.

4.2 **Infrastructure Services (Flood Prevention Unit)** were consulted and stated that a Flood Risk Assessment would be required in order to carry out a capacity check on the pond as well as checking the capacity of the culvert along the southeast boundary. The applicant has stated that he is prepared to carry out a full Flood Risk Assessment should this application be supported in principle.

4.3 **Infrastructure Services (Roads Development)** were consulted and did not object to the proposal subject to conditions including a condition requiring a footpath link from the site to the settlement of Aberchirder.

4.4 **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 8: Flooding and erosion

Policy 9: Developer Contributions

SG DC 1: Developer Contributions

SGDC 2: Access to new developments

SGDC 3: Water and waste water drainage infrastructure

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 a dwellinghouse 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 it is felt the site can adequately accommodate a new house;
- 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 flood risk at the site can be adequately mitigated.

All issues raised in public representations have been addressed throughout the main body of discussion below.

### *Principle*

- 6.2 The principle policy in the determination of this planning application is Policy 3 and SG RD 1 of the Aberdeenshire Local Development Plan. Rural development supplementary guidance states that, subject to other policies, small scale housing development can be approved in the Rural Housing Market Area if it meets any of the following criteria:
1. It is for the refurbishment or replacement of an existing or disused building; or
  2. It is for the development that contributes to the organic growth of an identified settlement and is within approximately 400m of the built up area; or
  3. It relates to the need for an essential farm worker to be onsite or relates to the retirement succession of a viable farm holding; or
  4. It is an appropriate addition in scale and character, to an existing cohesive group of at least five houses.

The proposal is not consistent with point one as there are no existing structures onsite. Whilst the site is well located and accessible from Aberchirder, the village is not an identified settlement within Appendix 1 of SG RD 1 of the Aberdeenshire Local Development Plan therefore; the proposal does not meet point 2. The proposal does not relate to the need for a house for an essential agricultural worker nor does it relate to a farm succession and the applicant has not submitted any information to demonstrate compliance with point 3. Whilst there are a scattering of properties in the surrounding area and the proposed site is very close to the settlement boundary, no cohesive group of dwellinghouses is present in the surrounding area and therefore cannot be considered as an appropriate addition to a cohesive group. On this basis, the principle of development cannot be considered acceptable under the terms of the Aberdeenshire Local Development Plan 2012.

### *Layout siting and design*

- 6.3 As stated this application is in principle only and no details have been shown other than a very indicative location for the house. As with all in principle applications final details of layout and design are conditioned in order to be addressed at the further matters stage; and that would be the case in this

instance should the application gain approval. Therefore, consideration of layout can only focus on the site as a whole in terms of topography and its position within the wider landscape and pattern of development. The site is located within 200 metres of the settlement of Aberchirder, and its location along the edge of the B9025 is in keeping with the wider pattern of development along this stretch of road. Given the distance to the nearest property it is not considered that the proposal would result in loss of neighbouring amenity.

- 6.4 The belt of trees to the north in the site provides a level of natural screening and shelter as well as providing an appropriate backdrop which would avoid the proposed house being overly conspicuous within the rural landscape. The indicative location of the house shows the house out with the immediate route protection area. However, this is indicative only and if the application was to be approved full details would be required at the further matters stage in the form of a tree management strategy. This would be required in order to assess the impact on trees, and would include full details of any trees to be removed and how trees to be retained would be protected during construction. On this basis, the proposal is felt to be in accordance with Policy 8 and associated SG LSD 2 Layout, siting and design of new development.
- 6.5 In terms of flooding, SG LSD 8 on flooding and erosion states that applications will be refused on areas where there is a concern about flooding unless an appropriate assessment has been carried out and identified either that there is no risk or that the risk can be managed. In this case Infrastructure Services (Flood Prevention Unit) have requested a full Flood Risk Assessment (FRA). Due to the principle of development not being acceptable, the applicant was not encouraged to carry out a full FRA due to the cost of such an assessment, however, was advised that it was ultimately up to themselves whether to undertake one at this stage. The applicant has stated that they are prepared to carry out a FRA should the application be supported. Therefore due to the non-submission of the FRA, the proposal is contrary to Policy 8 and associated SG LSD 8 Flooding and erosion.

#### *Developer Obligations*

- 6.6 Policy 9: Developer contributions, requires that development must reasonably compensate for undesirable impacts; this should be done through a variety of mechanisms. Business Services (Developer Obligations) outlined the financial contributions which would be required to make this application acceptable in planning terms and the applicant has confirmed that they would settle this should the application be supported.
- 6.7 SGDC 2: Access to new developments states that development must be accessible and well located to existing settlements. The site is located along a key transport route and within 200m of the settlement of Aberchirder. The verge along the roadside is not ideal and does not offer particularly safe pedestrian access however, Infrastructure Services (Roads Development) have requested a condition requiring prior to occupancy that a footpath link must be provided from the site to Aberchirder. It is felt that this addition would

provide adequate connectivity. In terms of appropriate access to the site, Roads Development are content that this can be achieved and adequate visibility splays can be created.

- 6.8 SG Developer contributions 3: Water and waste water drainage infrastructure requires development to be sufficiently serviced by water supply and drainage. No drainage details or certificates have been provided. Again given the unacceptability of the proposal in principle it was left up to the applicant whether they wished to submit this information in support of the application or not. As no details have been submitted in relation to this, the proposal is contrary to Policy 9 and associated SG Developer Contributions 3: Water and waste water drainage infrastructure. At the time of writing Scottish Water had not responded in relation to a proposed connection to the public water supply, however, this can be covered by a condition requiring a public connection unless otherwise agreed in writing with the Planning Authority.

### *Conclusion*

- 6.9 In conclusion it is felt that the proposal for a new house in this location is not acceptable in principle, as it does not conform to any of the criteria set out in Policy 3 and SG Rural Development 1. It has not been adequately demonstrated that the site is not at an adverse risk of flooding and the proposal is therefore, not consistent with Policy 8 and associated SG LSD 8 Flooding and erosion. Finally, details have not been submitted to show that the site can be adequately serviced in terms of foul drainage. Therefore the proposal is contrary to Policy 9 and associated SG Developer Contributions 3: Water and waste water drainage infrastructure. Whilst the site is well located to Aberchirder and the site is in keeping with the wider sporadic pattern of development along the B9025, this is not felt to sufficiently justify a departure from the principle policy of the Aberdeenshire Local Development Plan 2012.

## **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 8: Flooding and erosion

Policy 9: Developer Contributions  
SG DC 3: Water and waste water drainage infrastructure

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 recommendations 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.

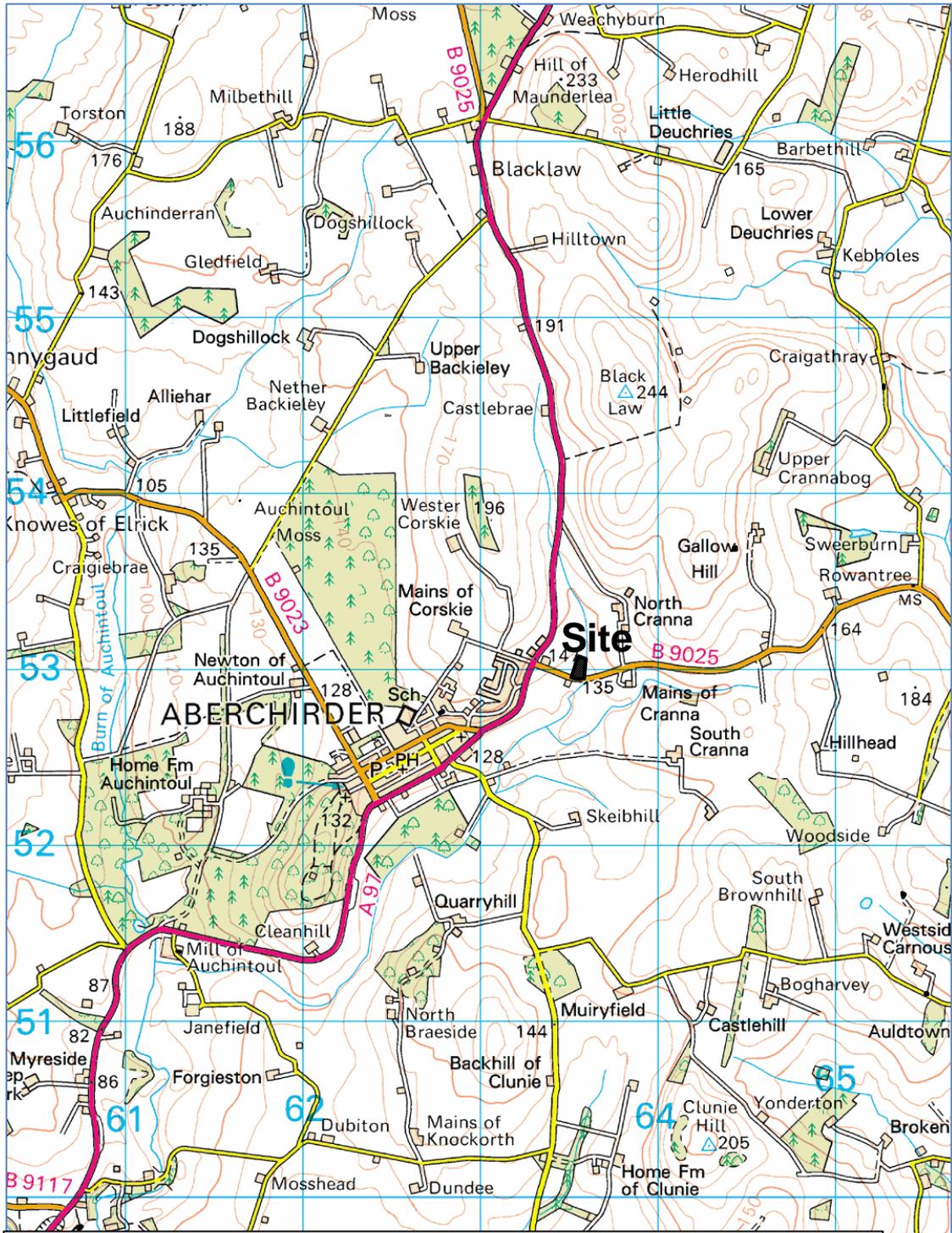
## 11. Recommendation

### 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 the site not meeting any of the criteria set out under SG Rural Development 1;
2. The proposed development is contrary to Policy 8: Layout, siting and design of new development; and SG LSD8: Flooding and erosion as it has not been adequately demonstrated through a Flood Risk Assessment that the site is not at an unmanageable risk of flooding;
3. The proposed development is contrary to Policy 9: Developer Contributions; and DG DC 3: Water and waste water drainage infrastructure as adequate information has not been provided in relation to the proposed foul drainage

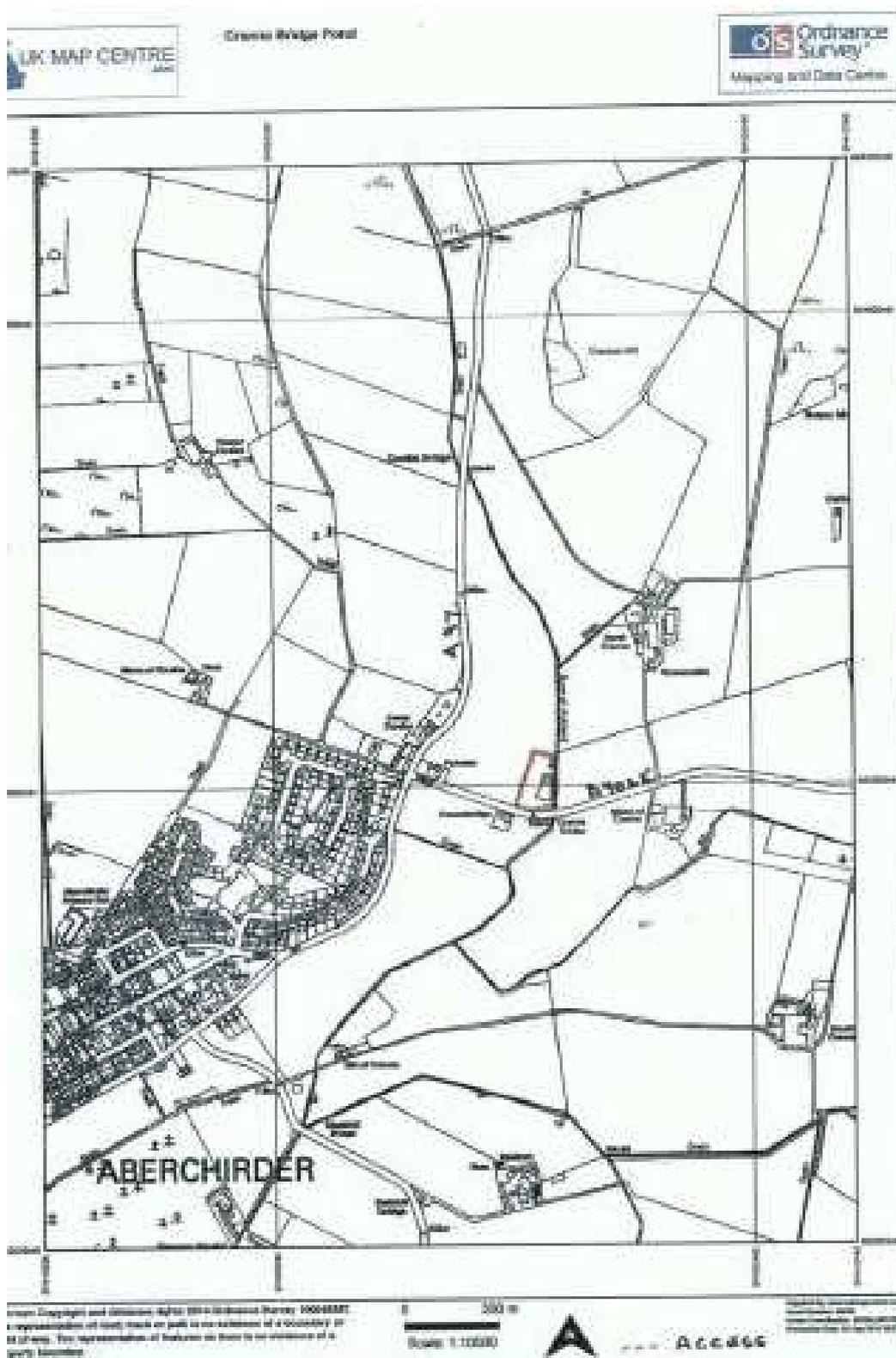
arrangements. It has therefore not been satisfactorily demonstrated that the site can be serviced with this regard.

**Stephen Archer**  
**Director of Infrastructure Services**  
**Author of Report: Clara Thompson**  
**01/06/2015**

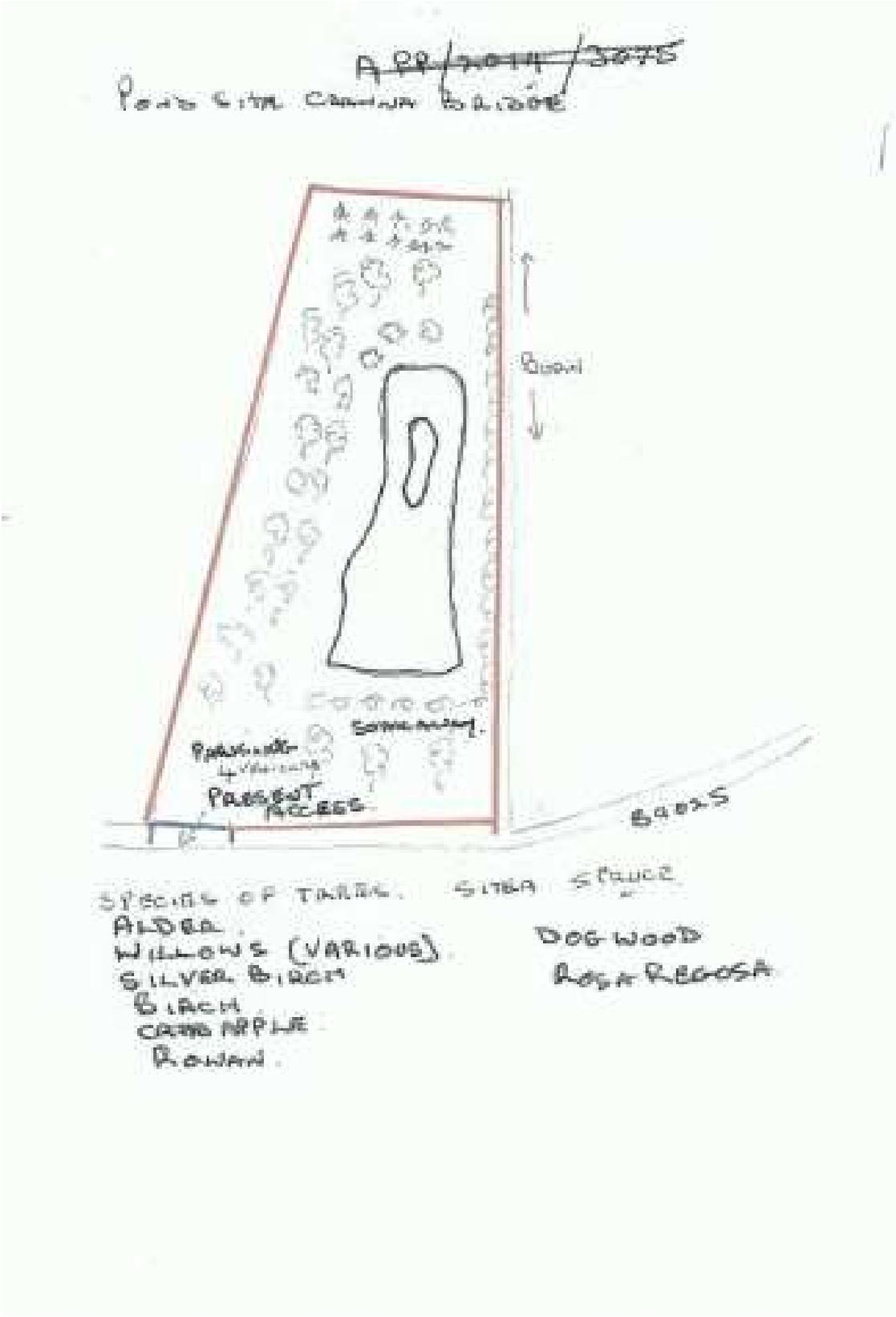


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# APPENDIX 1 Location Plan



APPENDIX 2  
Site Plan



## Comments for Planning Application APP/2014/4071

### Application Summary

Application Number: APP/2014/4071

Address: Land To The North Of Cranna Bridge Easter Corskie Aberchirder AB54 7UA

Proposal: Erection of Dwellinghouse

Case Officer: Stuart Newlands

### Customer Details

Name: Mr Ronald Paterson

Address: Cranna Bridge Aberchirder

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: As a resident living opposite the proposed site, the road is dangerous at present with cars overtaking at the Cranna Bridge 50m from the proposed entrance/exit from the site.

The removal of a tree and lower branches from another are not going to make any difference to the speed that the cars travel on this stretch of road and it is in a 60mph speed limit zone.

At present there is no footpath only a grass verge at both sides of the B9025 from Cranna Bridge up to the A98 then into Aberchirder which is very slim at the same side as the proposed development on the B9025 and not near wide enough at present to walk on safely between the road and the field fence and at present is dangerous if walking if two big lorries meet.

There is no indication on the Planning Application where the dwelling house and garage will be built as this could also reduce visibility to traffic.

Does this size and area of vegetation and pond warrant a dwelling house and garage to be built?

