

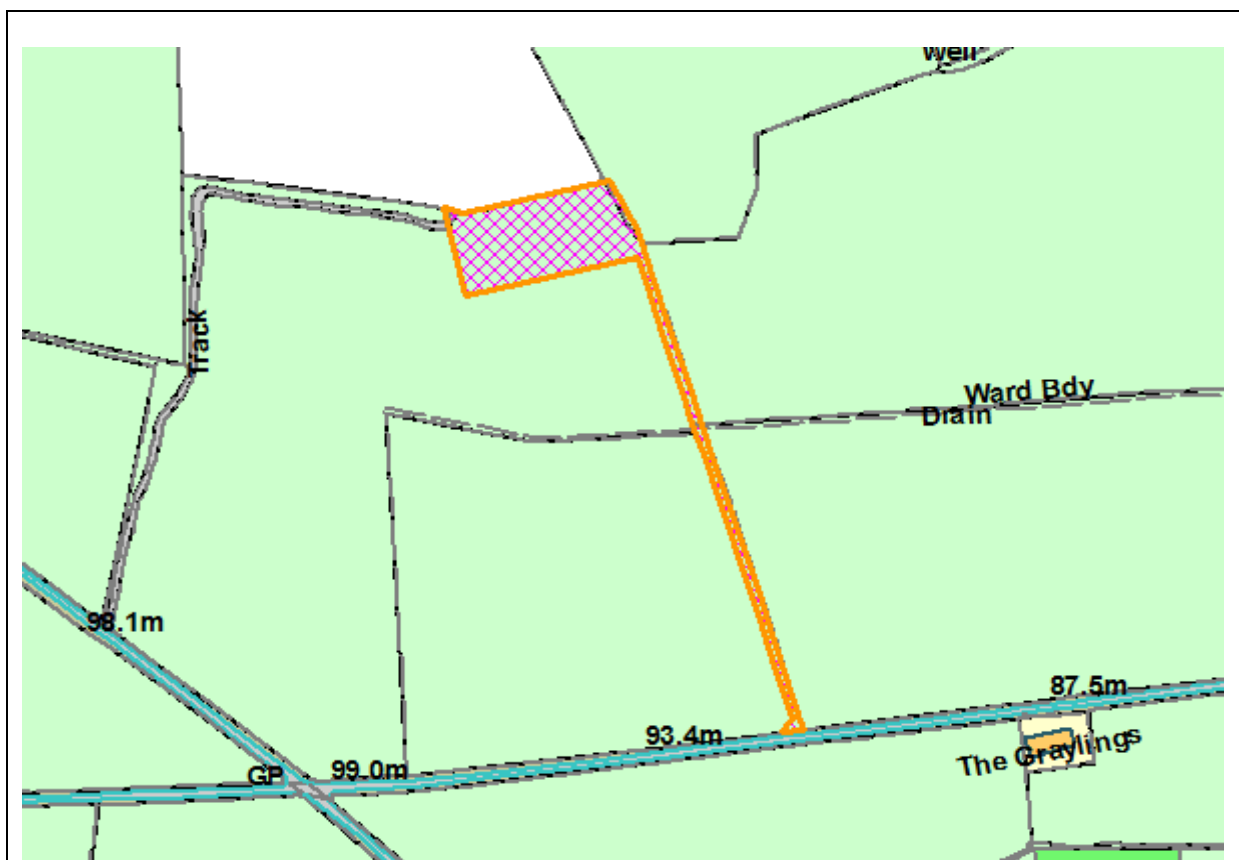
Formartine Area Committee Report - 22 August 2017

Reference No: APP/2017/0122

Planning Permission in Principle for Erection of Dwellinghouse at Land at Moss-side Croft, Belhelvie, Balmedie, Aberdeenshire

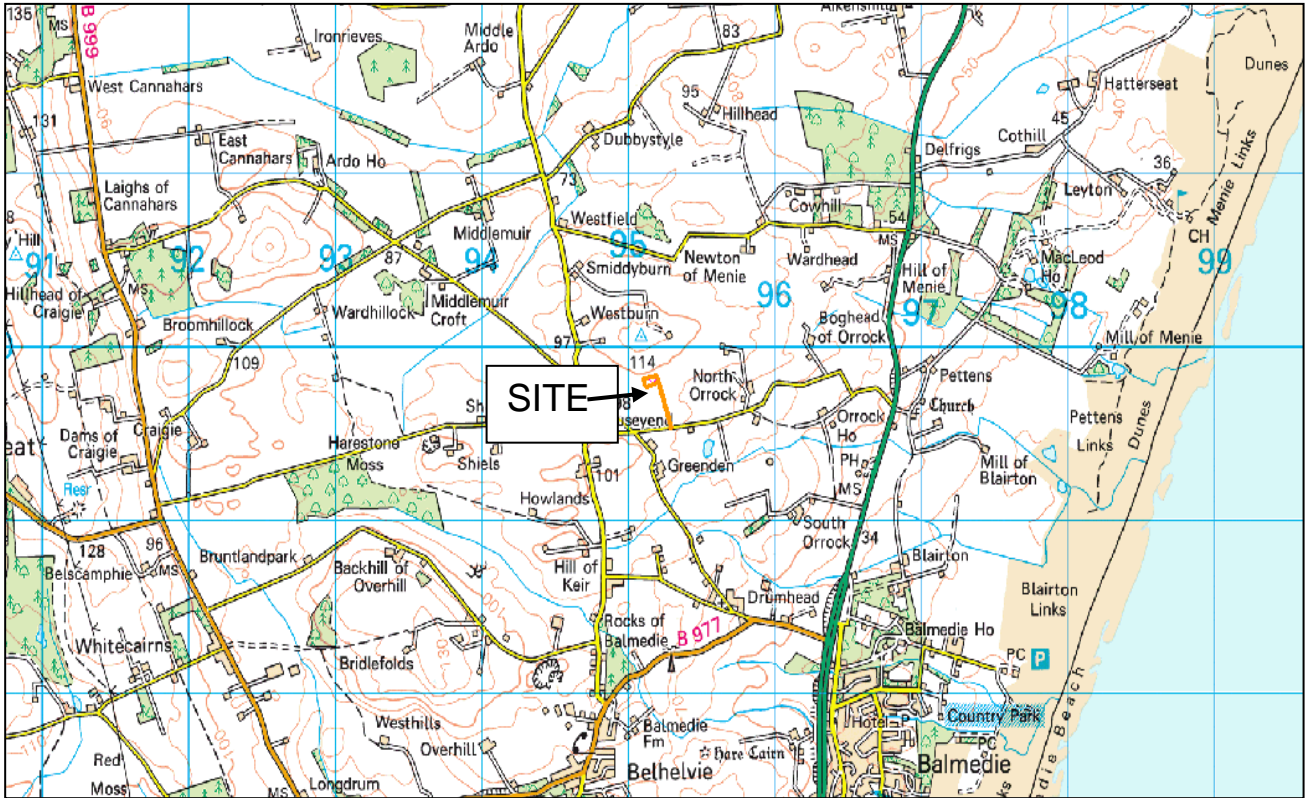
Applicant: Mr Kenneth Raitt
Agent: Michael Slesser

Grid Ref:	E:395196 N:819687
Ward No. and Name:	Ellon And District
Application Type:	Planning Permission in Principle
Representations:	0
Consultations:	4
Relevant Proposals Map:	Aberdeenshire Local Development Plan
Designations:	AHMA
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.9.1 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.

- Councillor Davidson - "This application needs further consideration in terms of what constitutes an existing building."
- Councillor Thomson - "To allow for further discussion concerning Policy 3 Development in the countryside and SG Rural Developments."

1.2 This application was deferred at the meeting of the Formartine Area Committee on the 13 June 2017 in order that a site visit be undertaken. The site visit has now been carried out.

1.3 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments are incorporated within the report 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 the erection of a dwellinghouse on land at Moss-side Croft, Belhelvie. The site measures 4140sqm and is part of a larger agricultural field located approximately 1 km north of Hill of Keir and 2km North of Belhelvie. The location and site plan is attached to this report as Appendix 1.

2.2 As this application is for planning permission in principle, a house type is not required and has not been provided.

2.3 The applicant proposes a private drainage arrangement for the disposal of foul and surface water. Foul drainage will be disposed via a sewage treatment plant discharging to a soakaway located within the boundaries of the application site. Surface water is to be treated via a separate soakaway.

2.4 Access to the site is to be taken by forming a new access road from the public road. The new access is located approximately 530 metres west of the access to North Orrock. A new access road is to be formed measuring 272 metres that follows the line of an existing field boundary.

2.5 This application is accompanied by the following supporting information:

- Design Statement – submitted 19 January, 2017
- Foul and Surface water information – submitted 19 January, 2017

- 2.6 Prior to submitting this application the applicant sought pre-application advice from the Planning Service, reference ENQ/2016/1165. The officer confirmed that there was not enough evidence present on site for the site to be redeveloped under Policy 3 and SG Rural Development 1 of the Aberdeenshire Local Development Plan 2012

3. Representations

- 3.1 No valid letters of representation have been received.

4. Consultations

- 4.1 **Business Services (Developer Obligations)** have confirmed that contributions are sought towards affordable housing and primary education. The applicant has agreed to the heads of terms, but payment has not been made.
- 4.2 **Infrastructure Services (Contaminated Land)** have confirmed that there is no indication of any past use that might have caused contamination.
- 4.3 **Infrastructure Services (Roads Development)** do not object to this application, subject to conditions regarding access, parking, provision of a lay-by, visibility splays, road side bin store and turning areas.
- 4.4 **Scottish Water** did not provide a consultation response at the time of writing this report.

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 development.

5.3 Aberdeenshire Local Development Plan 2017

The Aberdeenshire Local Development Plan was adopted by Aberdeenshire Council on 17 April 2017, and as such it is the current plan to which this application is required to be assessed against. The main discussion at section 6 below has been amended following the Councillor Consultation to reflect the up to date policy position.

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 RD1 providing suitable services

Policy RD2 Developers' obligations

6. Discussion

- 6.1 The main issues to consider with this application are the principles of development, the impact on the character of the surrounding area and ensuring the appropriate infrastructure has been achieved.
- 6.2 The proposed site is located in the countryside within the Aberdeen Housing Market Area; as such the principle of the development is assessed against Policy R2 Housing and employment development elsewhere in the countryside in the first instance. Under this policy, there are criteria that allows for the replacement or refurbishment, on the same site, of an existing or disused building or involves remediation of redundant brownfield land.
- 6.3 The Design Statement that accompanies this application states that the site once formed part of a traditional croft called Moss-side. This croft was built in the early 1800's and was occupied until around 1920. The applicant states that the walled remains of the cottage and small linked steading are evident on the site of what was once a farm workers residence or a small holding. The applicant confirms that the building remains are derelict and completely redundant for their designed purpose.

- 6.4 The Planning Service considers that the principles of the proposed development do not comply with Policy R2. The applicant is making the case that a house once stood on the site, and that the limited remains of any structure since it was occupied 93 years ago should be considered as brownfield land. As such this application is assessed against the criteria that “involves remediation of redundant brownfield land”. In order for the land to be considered as a redundant, brownfield opportunity site, the site must have been previously developed, but no longer active, standing vacant, dilapidated and derelict. In addition the site must be completely redundant for its designed purpose. The judgement of whether a site is redundant for its designed purpose must be made on the basis of physical inspection of its current condition. Any evidence of previous development should be apparent on the site and historic use should not be taken into consideration. If a structure has been razed, or the land reinstated as agricultural land, then the site will be considered agricultural land. In this case, the land is currently used for agriculture. A site inspection confirmed that that site was used to graze cattle. While there is a collection of stones on the site, there is no clear evidence on site that that collection of stones once formed a house. The applicant claims that the stone wall on the site once formed part of the original house. However, as this stone wall continues along the length of the field boundary, the Planning Service considers this to be a boundary treatment and not a justification for a brownfield opportunity site. The Planning Service considers that regardless of any historical use of the site, any structure has been razed, the land has naturalised and has been reinstated as agricultural land.
- 6.5 The assessment of the site is consistent with the pre-application advice provided by the Planning Service under reference ENQ/2016/1165.
- 6.6 Policy P1: Layout, siting and design ensures that all new development must be distinctive with a sense of local identity. The Planning Service cannot make an assessment of the house design and siting as these details are not required for this planning permission in principle application. However, the surrounding area is countryside, characterised by single dwellings and farms of individual design and character, located on the road side. This proposed development does not fit with the built pattern of the area. The proposed house is not located on the road side and requires a new 272 metre long private access road to be created that will lead to the application site. As such the principle of this development does not comply with this policy.
- 6.7 Infrastructure Services (Roads Development) have confirmed that they have no objection to the approval of this application as the minimum visibility and parking requirements can be met. The Planning Service has no concerns with this aspect of this proposal.
- 6.8 In terms of water supply the applicant intends to connect to the public water supply and this is considered acceptable to the Planning Service. Scottish Water has not commented on this current application. With regards to foul drainage, the applicant intends to use a private drainage arrangement. A porosity test and certificate has been submitted to the Planning Service to be

reviewed and this information is considered sufficient. As such, it is considered that the proposal complies with Policy RD1 providing suitable services.

- 6.9 The site is designated as Prime Agricultural Land (class 3:1). The applicant did not provide a statement justifying the loss of this Prime Agricultural land, and the Planning Service has not sought a statement given the recommendation on the assessment of the principle of the development. As such the proposal does not comply with Policy PR1 Protecting important resources.
- 6.10 The head of terms have been agreed on this application in accordance with Policy RD2 Developers' obligations. However, as the Planning Service is not supporting this application that applicant has not been asked to make payment.
- 6.11 In conclusion, the Planning Service considers that the principle of the proposed development does not comply with the relevant policies of the Aberdeenshire Local Plan 2017. Any previous structure on the site has not been occupied in 93 years and has since deteriorated to such a state that the stones that remain on site show no resemblance to a house, croft or steading. The site has naturalised and is used now used for grazing. As such the application is recommended for refusal.

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, Staffing 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.
- 8.2 There are no staffing and financial implications.

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 R2 Housing and employment development elsewhere in the countryside

Policy P1 Layout, siting and design

Policy PR1 Protecting important resources

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 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 development does not comply with Policy R2 of the Aberdeenshire Local Development Plan 2017. Any building that once stood on the site has not been occupied for 93 years and has since deteriorated to state that there is no clear evidence that a building once stood. The site has naturalised and is currently used for agricultural purposes.
02. The proposed development does not comply with Policy PR1 Protecting important resources of the Proposed Aberdeenshire Local Development Plan 2017 in that the development would cause the permanent loss of prime agricultural land outwith any allocation in the development plan.
03. The application is contrary to P1 Layout siting and design of the Aberdeenshire Local Development Plan 2017 in that the surrounding area is characterised by single dwellings and farms of individual design and character, located on the road side. This proposed development does not fit with the built pattern of the area. The proposed house would not be located on the road side and requires a new 272 metre long private access road to be created that will lead to the application site.

Stephen Archer
Director of Infrastructure Services
Author of Report: Laura Dingwall
Report Date: 24 May 2017

