

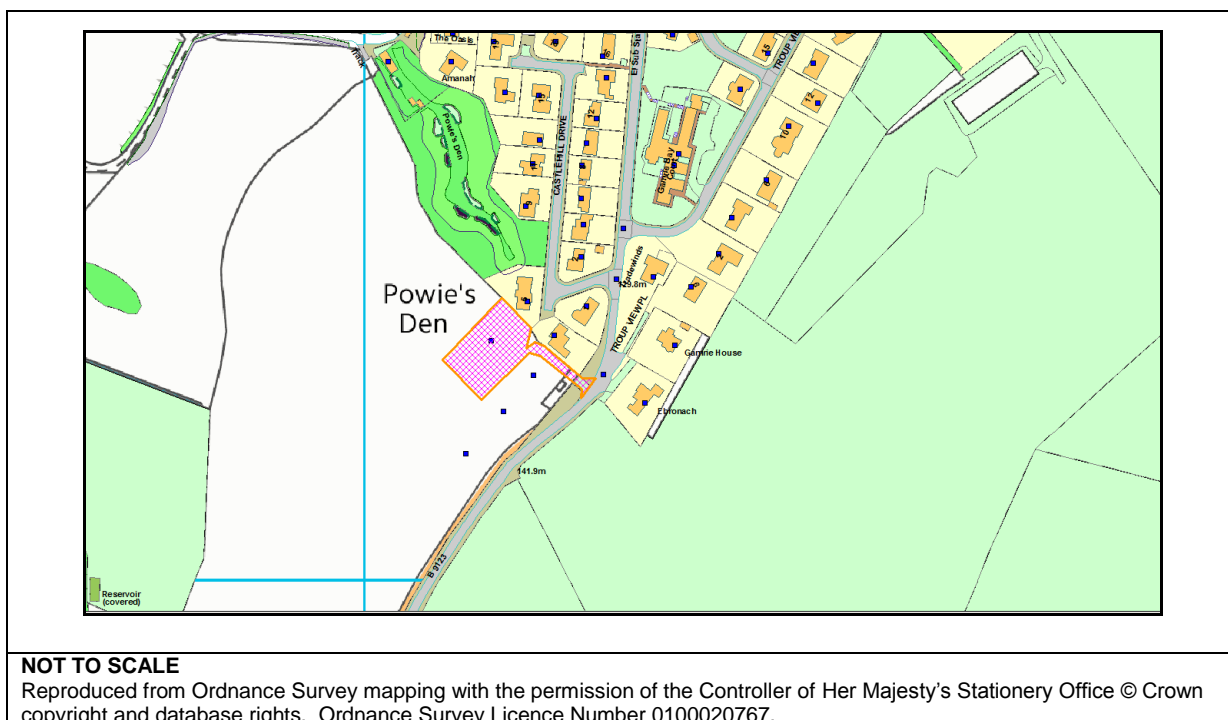


Report To Banff & Buchan Area Committee – 19 September 2017

Reference No: APP/2017/1527

Planning Permission in Principle For Erection of 2 Dwellinghouses at Ground to South of Castlehill Drive, Gardenstown, Banff

Applicant:	Mr George Gordon
Agent:	Mantell Ritchie
Grid Ref:	E: 380106 N: 864160
Ward No. and Name:	Troup
Application Type:	Planning Permission in Principle
Representations	5 (2x objection, 3x support)
Consultations	3
Relevant Proposals Map	Aberdeenshire Local Development Plan 2017
Designations:	Countryside, Special Rural Areas (Coastal Zone)
Complies with	No
Development Plans:	
Main Recommendation	Refuse



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.
- Cllr Findlater: "For further discussion on the recommended reasons for refusal;
 - Cllr Partridge: "To further discuss reasons for refusal;
- 1.2 This application was deferred at the last meeting of the Banff and Buchan Area Committee on 29th August 2017 for a site visit. The site visit was undertaken on 12th September 2017.
- 1.3 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

2. Background and Proposal

- 2.1 This application seeks Planning Permission in Principle for the erection of two dwellinghouses on agricultural land within the Coastal Zone of the Aberdeenshire Local Development Plan 2017, immediately outwith the defined settlement boundary of Gardenstown.
- 2.2 The 0.26 hectare site occupies a prominent position on the western approach into the settlement which clearly defines the entrance point into the village. The surrounding area is characterised by agricultural fields and open seaward views to the north and west with existing residential properties found to the north east. A location plan is attached as Appendix 1 to this report.
- 2.3 The B9123 road is found to the southeast beyond an area of land where planning permission has already been granted for a total of 3 dwellings under applications APP/2012/2427 (originally for 3 houses which subsequently became a site for 2 larger dwelling plots under applications APP/2016/3128 and APP/2016/0368 respectively) with a further application to the southwest for a third dwelling (APP/2015/3630) approved in April 2016.

Relevant planning history

- 2.4 APP/2017/0681 – Planning Permission in Principle for Erection of 2 No. Dwellinghouses – Refused following Local Member consultation 04/05/2017

The reasons for refusal were that the application did not comply with the following policies: -

- 1) Policy R1: Special Rural Areas;
- 2) Policy P1: Layout, Siting and Design
- 3) Policy E2: Landscape

There are no differences to the site boundary or proposal from the current application to that previously refused.

Adjacent to Site:

APP/2012/2427 – Planning Permission in Principle for Erection of 3 No. Dwellinghouses – Approved 15/11/2013

APP/2016/3128 – Full Planning Permission for Erection of Dwellinghouse (Site 1) – Approved 16/02/2017

APP/2016/0368 – Full Planning Permission for Erection of Dwellinghouse (Site 2) – Approved 23/12/2016

APP/2015/3630 – Full Planning Permission for Erection of Dwellinghouse & Garage (Site 3) – Approved 23/12/2016

APP/2004/0748 – Outline Planning Permission for Erection of Dwellinghouse – Refused 2/09/2004 – Appeal P/PPA/110/513, dismissed 9/06/2005

APP/2003/0001 – Outline Planning Permission for Erection of Dwellinghouse – Refused 6/02/2004. No supporting information was provided with this application.

3. Representations

- 3.1 A total of 5 valid representations (3 supporting/2 objecting) have been received as defined in the Scheme of Delegation. This does not include multiple representations from the same household, which equate to 5 letters in total. All issues raised have been considered. The letters raise the following material issues:

Supporting

- Would support local services including school and services;
- Shortage of building plots in the village;
- Housing provides new opportunities for younger generation to remain in Gardenstown;
- Will sustain local services (school) and aid to avoid further losses to village such as the skip facility and doctor surgery;
- A benefit to local business (particularly tourism).

Objecting

- Planning history;
- Visual impact at village boundary;
- Special landscape area;
- Existing housing opportunities within the settlement.
- Does not comply with Policies R1, P1 or E2.

4. Consultations

- 4.1 **Business Services (Developer Obligations)** do not require any contributions in this instance as Bracoden Primary School and Banff Academy are currently operating within capacity. No contributions towards affordable housing are required for proposals under four units.
- 4.2 **Infrastructure Services (Roads Development)** do not object to this application subject to appropriate conditions including the provision of a footway between the development and the nearest public footpath should permission for this proposal be granted.
- 4.3 **Scottish Water** have no objection to the proposal. There is currently sufficient capacity at Turriff Water Treatment Works. However, an application would need to be submitted, if planning permission is approved. Although it is not possible to confirm capacity for foul water drainage at present, the applicant would need to seek assurances from the consultee that the development can be satisfactorily serviced in terms of foul drainage. This would be conditioned if the application is approved.

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 2017

Policy R1: Special Rural Areas (Coastal Zone)
Policy P1: Layout, Siting and Design
Policy E2: Landscape
Policy C1: Using Resources in Buildings
Policy RD1: Providing Suitable Services
Policy RD2: Developers' Obligations

5.4 Other Material Considerations

None.

6. Discussion

6.1 This application seeks Planning Permission in Principle for the erection of two dwellinghouses on agricultural land within the Coastal Zone of the Aberdeenshire Local Development Plan 2017, immediately outwith the defined settlement boundary of Gardenstown. Therefore the key planning issues are the principle of development, the layout, siting and design in addition to the landscape impact of the proposal and any technical considerations.

Principle of Development

6.2 As the site is found within the Coastal Zone as identified within the Aberdeenshire Local Development Plan 2017 the main policy consideration of this application is Policy R1: Special Rural Areas, which specifically applies to all development within areas highlighted as either being in the Greenbelt or the Coastal Zone.

6.3 This policy generally discourages new housing and employment proposals in such areas unless they comply with any of the following exemption criteria:

- the extension of an existing building or use that is ancillary to the main use;
- development for the purposes of agriculture, forestry, horticulture, nature conservation or essential public infrastructure;
- development for a recreational use that is compatible with its agricultural or natural setting;

- the sensitive restoration, conversion or extension of a vernacular building or other building of architectural merit;
- 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;
- development identified as a national priority in the National Planning Framework;
- development of minerals under Policy R3 and waste facilities under Policy PR3 may be permitted where an essential need is identified;
- developments (including community infrastructure) under Policy PR2 may be permitted in the greenbelt where they meet an established need and where it can be adequately demonstrated that no alternative location can be found;
- it is the replacement of a single non vernacular building on the same footprint, and for the same use. The replacement building must be consistent in scale, and no more intrusive than the existing building. In addition, it is generally expected that the new building will demonstrate a significant improvement in design to that of the existing building.

6.4 The policy also specifies that for any proposal in the Coastal Zone it must be demonstrated that a coastal location is required in addition to appropriate evidence of the social and economic benefits of the proposal outweighing any adverse environmental impact, including impact on any habitats. No such information has been submitted in support of this application to demonstrate these points.

6.5 Furthermore, as this application relates to new development upon a greenfield site which does not propose a use connected to agriculture, recreation or essential infrastructure, the proposal is deemed to be contrary to the aims and principles of Policy R1: Special Rural Areas, and must be recommended for refusal on this basis.

6.6 Although the site also lies within 200 metres of the identified settlement of Gardenstown, thus potentially qualifying as 'organic growth' under the terms of Policy R2: Housing and Employment Development Elsewhere in the Countryside. It should be noted that Policy R1: Special Rural Areas takes precedence in this case due to the special designation of the Coastal Zone which benefits from additional protection under the terms of the Aberdeenshire Local Development Plan 2017.

Layout, Siting & Design

6.7 As this is an application in principle there are no elevations or floor plans of the proposed dwellings available to be assessed. However, it is clear from the submitted site plan that the two dwellings proposed as part of this application are to act as an extension to the 3 houses currently in receipt of consent as per Section 2 of this report to create a cluster of 5 houses upon the western side of the approach into Gardenstown.

- 6.8 In the report prepared for APP/2012/2427 for 3 dwellinghouses, which was recommended for refusal by the Planning Service, it was noted that despite the site being found within the required distance to qualify as organic growth under both previous and current policy relating to Rural Development, it was felt that the physical attributes of the site did not represent a true organic addition to the settlement due to topography and prominence in the landscape whilst also creating a negative impact upon the setting of the village of Gardenstown. Despite APP/2012/2427 having eventually been approved by members of the Banff & Buchan Area Committee, the view of the Planning Service remains unaltered in this aspect, with the application also deemed to be contrary to Policy P1: Layout, Siting and Design.

Landscape Impact

- 6.9 The site is found within the North Aberdeenshire Coast Special Landscape Area (SLA) as contained within the Supplementary Guidance accompanying Policy E2 Landscape of the Aberdeenshire Local Development Plan 2017.
- 6.10 Policy E2: Landscape discourages development which would create unacceptable effects through its scale, location or design on key natural landscapes, historic features or the general quality of landscape character as documented within Landscape Character Assessments produced by Scottish Natural Heritage or have otherwise been identified as Special Landscape Areas of local importance.
- 6.11 This particular SLA extends along the north coast of Aberdeenshire, from Logie Head in the west to Fraserburgh in the east. The northern edge is defined by the coast; the western edge by the boundary with Moray. The southern edge of the SLA is defined by roads which run parallel to the coast and include (from west to east) the A98, B9139, A97, A947, B9031 and various minor roads. These boundaries contain the areas with a strong coastal influence. Although varying in distance from the coast, the road boundaries reflect the most suitable available boundary features.
- 6.12 Designation of this particular area distinguishes the high scenic value created by the juxtaposition of rugged coastal cliffs and headlands with traditional fishing villages nestling at the base of the cliffs. It also recognises the strong elemental qualities of this coast and the importance of expansive views across the North Sea from higher headlands and coastal roads. The many features of natural heritage present along this coastline.
- 6.13 There are frequent settlements along the coast, including traditional fishing villages nestled at the base of cliffs, many of which are Conservation Areas. The landscape 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 generally available through panoramic views from higher headlands, some of which can be appreciated from the A98 and B9031 coastal roads.

6.14 Main forces of change which were identified for such areas include:

- Development on or near coastal cliffs and headlands;
- Impact of development which may cause erosion of the coastal character experienced;
- Scattered and incremental development along the coastline e.g. single houses cause negative impact on sense of place.

6.15 Overall the Policy and Supplementary Guidance recommends in the event of such pressures that inappropriate development must be resisted and instead to channel development towards being located within existing coastal settlements in order to retain the character of the coastal area. Furthermore, development which impacts upon the rugged coastal cliffs and headlands should be carefully considered whilst panoramic views from higher headlands should be preserved.

6.16 Similarly to issues raised within this report regarding layout, siting and design, concerns still remain on the part of Planning Service relating to the proposed development in terms of landscape impact. This is due to the clear policy position and specialised guidance available in relation to this particular landscape which would apply in these circumstances, given the site's prominent position within the landscape which would contravene the aims and objectives of Policy E2: Landscape, and accompanying Supplementary Guidance specific to this landscape. It is the view of this service that the proposal would ultimately result in the further erosion of the natural coastal character of the area, therefore the proposal is also deemed to be contrary to Policy E2: Landscape.

Access and servicing

6.17 Infrastructure Services (Roads Development) confirm that they do not object to this application in terms of visibility splays and potential parking provision but have requested that in the event permission is granted a condition be added to secure the provision of a footpath linking the houses proposed (and others approved on adjacent land) to the existing public footway network.

Conclusion

6.18 Having considered this application against the relevant policies of the adopted local development plan as noted above, it is deemed that the proposal does not comply with such policies and is therefore 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. Implications and Risks

- 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 Local 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

None.

10.2 Local Development Plan Departures

None.

- 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 Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

11. Recommendation

11.1 Refuse Planning Permission in Principle

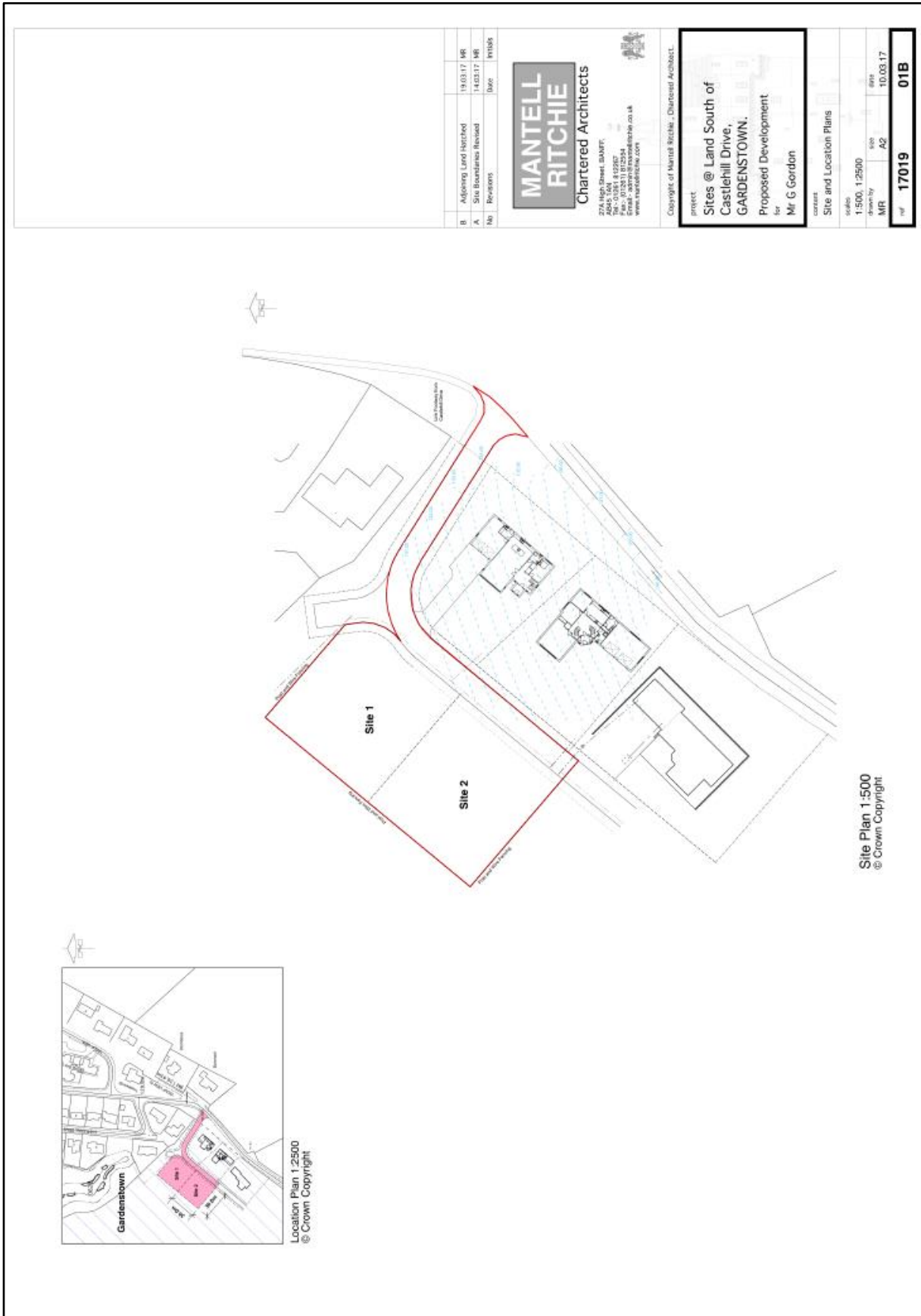
11.2 Reasons for Decision

- 1) The development does not comply with Policy R1: Special Rural Areas (Coastal Zone) of the Aberdeenshire Local Development Plan 2017, in that it does not meet the criteria contained within such policy as the development does not constitute any of the following:
 - a) The extension of an existing building or use that is ancillary to the main use;
 - b) Development for the purposes of agriculture, forestry, horticulture, nature conservation or essential public infrastructure;
 - c) Development for a recreational use that is compatible with its agricultural or natural setting;
 - d) The sensitive restoration, conversion or extension of a vernacular building or other building of architectural merit;
 - e) 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;
 - f) Development identified as a national priority in the National Planning Framework;
 - g) Development of minerals under Policy R3 and waste facilities under Policy PR3 may be permitted where an essential need is identified;
 - h) Developments (including community infrastructure) under Policy PR2 may be permitted in the greenbelt where they meet an established need and where it can be adequately demonstrated that no alternative location can be found;
 - i) It is the replacement of a single non vernacular building on the same footprint, and for the same use. The replacement building must be consistent in scale, and no more intrusive than the existing building. In addition, it is generally expected that the new building will demonstrate a significant improvement in design to that of the existing building.
- 2) The development does not comply with Policy P1: Layout, Siting and Design, of the Aberdeenshire Local Development Plan 2017, in that the proposed development is found in a prominent location and does not constitute an appropriate addition to the settlement of Gardenstown.
- 3) The development does not comply with Policy E2: Landscape, of the Aberdeenshire Local Development Plan 2017, in that the proposed development is found within an identified Special Landscape Area

where development of this nature is prohibited due to the adverse visual impact of the proposal upon the designation.

Stephen Archer
Director of Infrastructure Services
Author of Report: Fiona Rendall
Report Date: 05 September 2017

APPENDIX 1 Location & Site Plan



No	Revisions	Date	Initials
B	Adjoining Land Hatched	19.03.17 MR	
A	Site Boundaries Revised	14.03.17 MR	

**MANTELL
 RITCHIE**
 Chartered Architects

27A High Street, BARNET,
 Herts, SG5 1JH
 Tel: 01831 412262
 Fax: 01831 810000
 Email: info@mantellritchie.co.uk
 www.mantellritchie.com

Copyright of Mantell Ritchie - Chartered Architect.

Project:
**Sites @ Land South of
 Castlehill Drive,
 GARDENTOWN.**
 Proposed Development
 for
Mr. G Gordon

Contract: Site and Location Plans	
Scale:	1:500, 1:2500
Drawn by:	MR
Check by:	A2
Date:	10.03.17
Ref:	17019 01B

Comments for Planning Application APP/2017/1527

Application Summary

Application Number: APP/2017/1527

Address: Ground To South Of Castlehill Drive Gardenstown Banff

Proposal: Erection of 2 Dwellinghouses

Case Officer: Fiona Rendall

Customer Details

Name: Mrs Angela McLean

Address: 11 Creel Walk, Cove Aberdeen

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: There is a shortage of building plots to give families an opportunity to move to Gardenstown and build a home specifically designed to our needs, taking into consideration that a member of our family has disability issues.

Comments for Planning Application APP/2017/1527

Application Summary

Application Number: APP/2017/1527

Address: Ground To South Of Castlehill Drive Gardenstown Banff

Proposal: Erection of 2 Dwellinghouses

Case Officer: Fiona Rendall

Customer Details

Name: Mrs Gemma O'Neill

Address: Kerkyra Gamrie Banff

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I strongly support this application.

Gardenstown is desperately in need of new attractive housing.

The village requires to attract young families.

Local School numbers declining.

Local services declining. Terminal decline. I would support 20 houses being passed in that area.

I note the only objections are from the 2 properties immediately adjacent to the proposed development, which is always the case im sure - not happy about more neighbours, blocking view etc...

Comments for Planning Application APP/2017/1527

Application Summary

Application Number: APP/2017/1527

Address: Ground To South Of Castlehill Drive Gardenstown Banff

Proposal: Erection of 2 Dwellinghouses

Case Officer: Fiona Rendall

Customer Details

Name: Mrs Helen Moulds

Address: Ebronah Macduff Road Gardenstown

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to application APP/2017/1527

Location: Site is outside the existing village boundary. Site is an exposed north facing sloping site in an obtrusive location. The site extends the village boundary in a ribbon development.

The dwelling houses will greatly detract from the view on entering the village. This is a view that attracts many visitors to the village. This is recognised officially with the proposed area of development being in a Special Landscape Area. Many visitors stop their cars to take pictures of the view, which will be lost in the event that planning permission is granted.

Construction of dwelling houses on this site would have a negative impact on entrance to the village as development proposals are located in a prominent position & protrude on open countryside.

The site is adjacent to a property that has suffered subsidence to the extent that the insurance company effectively wrote off the value of the house. Building a dwelling house on a site which is known to be liable to subsidence will probably have legal liability implications. It would be imprudent for Aberdeenshire Council or councillors to grant planning permission as they may find themselves being held responsible in the event that the property suffers subsidence.

There is no requirement for the houses to be built. There are several properties available for purchase in the village affording any prospective purchaser with a considerable choice of property.

This application is almost identical to application APP/2017/0681 which was refused by the Planning Authority for Aberdeenshire Council on 4th May 2017 and also in the Councillor

Consultation document published 10th May 2017.

The Planning Authority listed three important policies with which the proposed development does not comply:

Policy R1 Special rural areas (Coastal Zone) of the Aberdeenshire Local Development Plan 2017

Policy P1 Layout, Siting and Design of the Aberdeenshire Local Development Plan 2017

Policy E2 Landscape of the Aberdeenshire Local Development Plan 2017,

There are no modifications in APP/2017/1527 compared with APP/2017/0681 that would bring this application within these policies.

Comments for Planning Application APP/2017/1527

Application Summary

Application Number: APP/2017/1527

Address: Ground To South Of Castlehill Drive Gardenstown Banff

Proposal: Erection of 2 Dwellinghouses

Case Officer: Fiona Rendall

Customer Details

Name: Mr James Cowie

Address: 3 Castlehill Drive Gardenstown Banff

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:With regard to the application APP/2017/1527 I note that the last submitted application APP/2017/0681 and this new application appear to be the same with no significant changes having been made.

The previous application had been refused due to non compliance on:

Policy R1 Special rural areas (Coastal Zone) of the Aberdeenshire Local Development Plan 2017.

Policy P1 Layout, siting and design of the Aberdeenshire Local Development Plan 2017.

Policy E2 Landscape of the Aberdeenshire Local Development Plan 2017.

I can see no alteration in this new application to bring this up to the criteria required.

This site is adjacent to a property that has severe subsidence problems. Land slippage would also be a concern.

I would also recommend the 3 houses already passed by the Council should be completed before any further development continues.

Comments for Planning Application APP/2017/1527

Application Summary

Application Number: APP/2017/1527

Address: Ground To South Of Castlehill Drive Gardenstown Banff

Proposal: Erection of 2 Dwellinghouses

Case Officer: Fiona Rendall

Customer Details

Name: Mr Mark Wilson

Address: 16 Braegowan Road Gardenstown Banff

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I support this application as I believe our local school and businesses would benefit from young people being given the chance to build and stay within the village. Younger generations are looking to build new houses or stay in bigger houses than are commonly available in the village. School numbers are in decline and recently we have lost the local Doctors surgery, this village I feel would benefit from a chance to allow some of its younger residents the choice to stay in the type of housing they desire without having to move outwith to do so.