Buchan Area Committee Report 3 December 2019

Reference No: APP/2019/2106

Full Planning Permission For Erection of Dwellinghouse (Renewal of Planning Permission Reference APP/2016/2197) at Plot 2, Toux Farm, Mintlaw, Aberdeenshire, AB42 4LX

Applicant: Mrs Karalyn Davidson, Toux Lodge, Fetterangus, Peterhead, Aberdeenshire, AB42 4LX

Agent: No Agent

Grid Ref: E:398565 N:850286

Ward No. and Name: W04 - Central Buchan

Application Type: Full Planning Permission

Representations: 0

Consultations: 4

Relevant Proposals Map: Aberdeenshire Local Development Plan 2017

Designations: Rural Housing Market Area

Complies with Development Plans: No

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.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. Anne Simpson – For further discussion of Policy R2
Cllr. Jim Ingram – To give further consideration to Policy R2
Cllr. Marion Buchan – To further discuss Policy R2
Cllr. Norman Smith – To further discuss Policy R2 and organic growth

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 This application seeks Planning Permission in Principle for a dwellinghouse at Plot 2, Toux Farm. (See Appendix 1 – Location Plan, Site Plan and Block Plan) The site is approximately 240 metres South-West of Fetterangus. The site sits between two detached houses, which have been recently completed, and to the West of an access track which is lined with mature beech trees. There is a house (Toux Mill) on the opposite side of the track and two domestic properties (Toux Lodge and Toux Cottage) just beyond a burn to the North. To the South is a farm steading which includes a large historic associated farmhouse and two large modern sheds to the South-East. The site is otherwise surrounded by relatively flat and large tree lined fields. The site is located within the Rural Housing Market Area.

2.2 The proposed plot measures approximately 44 metres by 35 metres, excluding the access track. It would utilise the shared access which Plots 1 and 3 use. It is proposed to dispose of treated foul water onsite. A Drainage Report, dated 25 March 2016, was submitted as part of the previous application to support this arrangement.

2.3 **Relevant planning history**


This application was previously granted under the Aberdeenshire Local Development Plan 2012, under the then Policy 3, exemption organic growth, as there was sufficient capacity at that time.
3. **Representations**

3.1 No valid letters of representation have been received.

4. **Consultations**

*Internal*

4.1 **Business Services (Developer Obligations)** note that contributions have been previously secured for this application via S69 Legal Agreement (upfront payment) under planning application reference APP/2016/2197 and no additional contributions are required in this instance.

4.2 **Infrastructure Services (Archaeology)** state that no archaeological mitigation is required in this particular instance.

4.3 **Infrastructure Services (Roads Development)** was consulted and initially objected as the plan was unclear. A better quality image of the plan was shared and the Service stated that it had no objections to the proposal subject to conditions.

*External*

4.4 **Scottish Water** stated it had no objection to the application. There are no records of Scottish Water infrastructure or waste water infrastructure nearby.

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.

From the 29 March 2019, the Strategic Development Plan 2014 went 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 R2 Housing and employment development elsewhere in the countryside  
Policy P1 Layout, siting and design  
Policy E2 Landscape  
Policy C1 Using resources in buildings  
Policy RD1 Providing suitable services  
Policy RD2 Developer’s obligations

5.4 **Other Material Considerations**

None.

6. **Discussion**

6.1 The mains issues to consider are the principle of development and whether a dwellinghouse could be accommodated on the site without detriment to the character and amenity of neighbouring properties and the wider area. The adequacy of servicing arrangements must also be explored. As this application is for planning permission in principle only, details concerning the design of the proposed dwellinghouse have not been submitted and would be considered at any potential subsequent application.
6.2 It is noted that the applicant submitted this current application at a time when there was an extant planning permission in principle upon the site for a single house which has since lapsed. That permission was approved under the Aberdeenshire Local Development Plan 2012 as it was considered to be acceptable organic growth of Fetterangus, which was a listed settlement for growth allowed within 400 metres with remaining capacity at that time. The applicant was advised to submit the Matters Specified in Conditions application, due to the current planning policies in force, prior to the expiration of the planning permission in principle application, but no application was submitted.

6.3 Under the current Aberdeenshire Local Development Plan 2017, Policy R2 Housing and employment development elsewhere in the countryside allows for organic growth of listed identified settlements (i.e. settlements listed in Appendix 4 of the Development Plan suitable for organic growth). Fetterangus is listed within the current Plan for such growth, however the proposed development must be within 200 metres of the settlement boundary and the total permissible growth of up to ten houses must not be exceeded. Currently, the permissible growth has been met, within the current plan period, with no further allocation for houses under this criteria available.

6.4 Policy R2 Housing and employment development elsewhere in the countryside allows, within the Rural Housing Market Area, for the addition of a single house to an existing group of at least five connected houses, but this is not applicable not when the site is within 200 metres of an identified settlement for organic growth, and therefore this exemption does not apply in this instance.

6.5 The proposal is therefore in conflict with Policy R2 Housing and employment development elsewhere in the countryside, as it meet none of the exceptions.

Layout, siting and design

6.6 The plot is considered a suitable size to accommodate a dwellinghouse which would not unduly impact upon local character or amenity. The application accords with Policy P1 Layout, siting and design.

6.7 The proposal complies with Policy E2 Landscape as the site sits underneath the canopy of mature trees and there is limited landscape impact, and the development would not look out of place.

Servicing and access

6.8 Roads Development have no stated objection to the proposals subject to conditions. The applicant is proposing to dispose of treated foul water onsite and certification was submitted under the previous application to support this
arrangement. It is proposed to connect to the public water main which is the preferred method of the Planning Service. Scottish Water stated it had no objection to the application and that there are no records of Scottish Water infrastructure nearby however the neighbouring houses have an approved public connection. The application, subject to conditions, is deemed to accord with Policy RD1 Providing suitable services in terms of Servicing and access.

Compliance with Policy C1 Using resources in buildings

6.9 Compliance with Policy C1 can be secured via a suspensive condition for an energy statement to be submitted and associated measures to be implemented in order to demonstrate that the development meets the required carbon reduction standards set out in Scottish Planning Policy.

Conclusion

6.10 The proposal is in conflict with the Aberdeenshire Local Development Plan 2017, in particular Policy R2 Housing and employment development elsewhere in the countryside, as there is currently no capacity for any additional growth of the settlement of Fetterangus. No other listed exceptions, within Policy R2, apply.

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 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.

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**

None

10.2 **Local Development Plan Departures**

Policy R2 Housing and employment development elsewhere in the countryside

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 proposed development is in the opinion of the Head of Planning and Environment Service in significant conflict with the Aberdeenshire Local Development Plan 2017 Policy R2 Housing and employment development elsewhere in the countryside, and if the Committee is minded to approve then the application will have to be referred to Infrastructure Services Committee.

11. **Recommendation**

11.1 **REFUSE Planning Permission in Principle for the following reasons:-**

01. The proposal is in conflict with the Aberdeenshire Local Development Plan 2017, in particular Policy R2 Housing and employment development elsewhere in the countryside, as there is currently no organic growth capacity for any additional dwellinghouses of the settlement of Fetterangus (identified as an Appendix 4 settlement within the Development Plan). No other listed exceptions within Policy R2 apply.

**Stephen Archer**
Director of Infrastructure Services
Author of Report: John Todd
Report Date: 12 November 2019