Buchan Area Committee Report 19 June 2018

Reference No: APP/2018/0247

Planning Permission in Principle for Erection of Dwellinghouse at Plot 2, Land at Ravenscraig, Inverugie, Peterhead, AB42 3DS

Applicant: ARD Properties Ltd., 2 St Andrew Street, Peterhead AB42 1DS
Agent: David Gauld Architect, 6 Whitehouse Way, Gorebridge EH23 4FP
Grid Ref: E:409936 N:848508
Ward No. and Name: Ward 5 Peterhead North and Rattray
Application Type: Planning Permission in Principle
Representations: 1
Consultations: 5
Relevant Proposals
Map: Aberdeenshire Local Development Plan 2017
Designations: RHMA
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.9.1 of Part 2A List of Committee Powers and Section C.3.1g of Part 2C Planning Delegations of the Scheme of Governance as there is an unresolved objection from a consultee.

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 on land adjacent to Ravenscraig, Inverugie (Appendix 1 – location plan). This application relates to plot 2 (northernmost) of two plots which have been submitted together and are being assessed in tandem. Both plots are sited to the edge of a large open pasture. Plot 2 measures approximately 45 metres long and 36 metres wide with an approximate area of 1650 square metres each. The plot runs parallel with the public road, which sits to the west of the site.

2.2 The area is rural in character. An existing dwelling sits on the western side of the road, located to the north-west of Plot 1 and is a large two storey house set within a large plot with a high wall along the roadway. To the south of Ravenscraig is a Kyle-Park which is a 1 ½ storey dwellinghouse with dense tree cover adjacent to the road. To the north of Ravenscraig is Ravenscraig Steading which is at a point where the road turns sharply to the west. This property is surrounded by a low wall. There are other properties set in large plots located to the south of Plot 1. Beyond the pasture to the east is the River Ugie which has large tree cover on the opposite bank.

2.3 It is proposed for foul drainage to be drained through a treatment plant then through a partial soakaway before joining an existing field drain which drains to the River Ugie. It is proposed for surface water to drain through an attenuation trench then to the same field drain. The water supply will be via a connection to the public water mains. A site plan has been submitted which shows a dwelling located at the centre of the plot with an access driveway connecting to the public road (Appendix 2 – site plan).

*Relevant Planning History*

*Applications relating to the site*
Refused as the site failed to comply in terms of principle and there was no design statement, information on potential contamination, and no drainage certificate submitted.

- APP/2018/0246 Erection of dwellinghouse. Pending consideration (Plot 1)

Adjacent sites

- APP/2008/0415 Erection of 1 dwellinghouse. Outline planning permission. Granted subject to conditions, 11 June 2009. [at Ravenscraig, Inverugie]

Refused as the site failed to comply in terms of principle, and no drainage certificate submitted.


Refused as the site failed to comply in terms of principle.

- APP/2012/2574 Erection of dwellinghouse. Withdrawn, 19 December 2012. (land adjacent to The Rockery)
- APP/2017/0685 Erection of a dwellinghouse (change of house type of APP/2014/2701). Granted subject to conditions, 28 June 2017. (Land adjacent to Milford, Inverugie)

2.4 In support of this application the applicant has provided the following reports:

Flood Risk Assessment October 2017 (Received 5 February 2018).

A drainage strategy plan for foul water and surface water disposal is included at the end of the submitted Flood Risk Assessment document.

3. Representations

A total of 1 valid representations (1 objection) has been received as defined in the Scheme of Delegation. All issues raised have been considered. The letters raise the following material issues in objection:

- Increase in traffic; cause congestion on narrow road
- Concerns of flooding in this area
- This site is isolated from the existing built environment
All other matters raised were not considered material to planning.

4. Consultations

4.1 Internal

Business Services (Developer Obligations) have stated that the proposal does not engage developer obligations and affordable housing policies or associated supplementary guidance from the Aberdeenshire Local Development Plan 2017. Consequently, no contributions are required in this instance.

Infrastructure Services (Archaeology) request a conditions seeking a written archaeological scheme of investigation.

Infrastructure Services (Flood risk and Coastal Protection) object, stating that there are surface water flooding issues in this location. Furthermore, any development undertaken to mitigate against flood risk is likely to exacerbate the existing problems with surface water elsewhere in the locality.

Infrastructure Services (Roads Development) no objections subject to conditions.

4.2 External

Scottish Water no objections.

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 R2 Housing and employment development elsewhere in the countryside
Policy P1 Layout, siting and design
Policy C4 Flooding
Policy E2 Landscape
Policy C1 Using resources in buildings
Policy HE1 Protecting historic buildings, sites, and monuments
Policy RD1 Providing suitable services
Policy RD2 Developer’s obligations

5.4 **Other Material Considerations**

None

6. **Discussion**

6.1 The main issues to consider is the principle of development and also 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. It must be established that any proposed dwellinghouse would not be subject to unacceptable flood risk.

6.2 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 Matters Specified in Conditions (MSC) stage application.

**Principle of Development**

6.3 Policy R2 Housing and employment development elsewhere in the countryside allows for the addition of dwellinghouses to an existing cluster or group of at least five houses which is of a scale and character that is in keeping with that cluster or group. No more than an additional 20% growth of
the cluster, up to a maximum of 2 new homes, will be permitted under this policy during the plan period.

6.4 This application, and the tandem proposal, would constitute the addition of two new dwellinghouses to the existing group of 12 dwellinghouses. The cluster is listed as follows: Castle View, Riverview, Ravenscraig Steading, Ravenscraig, Kyle Park, Rhannachan, Piper Loch, The Rockery, Ugie Bank, Ravenscraig Cottages 1 & 2 and Broomfield. These properties demonstrate a connectivity through proximity to one another and the medium to large scale of the plots. The proposed plots would follow the pattern of development in terms of plot scale and proximity to the existing group. Plot 1 is large enough to accommodate a dwellinghouse and private garden which would not have a significant effect on the amenity of neighbouring properties, either in terms of overlooking or overshadowing. A dwellinghouse could be accommodated within this plot without affecting the amenity of a house within the proposed plot 2. There have been no other recent approvals within the current plan period adjacent to this identified grouping. The plots are located close enough to existing built features that there is unlikely to be a significant impact on the visual character of the local landscape. The basic principle of development is supported subject to other aspects under consideration. The proposal is therefore not in conflict with Policy R2 Housing and employment development elsewhere in the countryside and Policy P1 Layout, siting and design. Given the plot would sit adjacent other residential properties, it is also considered that the proposal is not in conflict with Policy E2 Landscape.

Flood Prevention Unit

6.5 The Flood risk and Coastal Protection Team had previously requested a Flood Risk Assessment (FRA) to be undertaken during the process of a previous application for this plot (application reference APP/2017/0320) as the sites are located within SEPA’s 1 in 200 year indicative floodplain which may therefore put the development in the medium flood risk category and may not comply with Scottish Planning Policy. The FRA was required to demonstrate that the development site is above the functional floodplain (1 in 200 year plus climate change). The assessment was required to consider flooding from all potential sources.

6.6 A second application was submitted later (application reference APP/2017/1257) for the same plots however the submitted FRA did not address concerns that the sites would be surrounded by flood waters in the event of the aforementioned extreme event and any proposed development to protect the site or divert overland flows would be located outwith the proposed planning boundary. Furthermore the FRA did not adequately demonstrate that flooding from the River Ugie might occur further upstream from the information provided. This application was subsequently withdrawn as a consequence of the objection.

6.7 The applicant has submitted an FRA for this and the tandem application which concludes that ‘the development site was confirmed to be at “little or no” risk of flooding from coastal, groundwater, infrastructure and artificial sources.’
This report is dated October 2017 however it has since come to light that there are separate surface water flooding issues within this location.

6.8 The Flood Risk and Coastal Protection Team was consulted and have objected to the proposal due to surface water flooding issues in this location. It has stated that any development undertaken to mitigate against flood risk is likely to exacerbate the existing problems with surface water elsewhere in the locality. These issues have also been investigated by the local Roads Development Team who have confirmed that there is ongoing flooding affecting the surrounding area, the road and the site itself.

6.9 The Flood Risk and Coastal Protection Team has stated that surface water overland flow appears to have entered the tandem sites from the field to the north before eventually discharging to the road at the southern end of the field. Any attempts at land raising on the application site, or the adjacent site, would exacerbate the existing flood risk elsewhere and would therefore not be permissible. At the time of writing there has been no satisfactory evidence submitted by the applicant to demonstrate that the surface water flooding risk can be mitigated and the Flood risk and Coastal Protection team have clearly stated that there is no clear mitigation that could be presented which would be acceptable. It is determined that the sites are therefore inappropriate for built development and the application is therefore considered to be non-compliant with Policy C4 Flooding.

Servicing

6.10 The Roads Development Team was consulted and have reported no objections to the proposals subject to conditions. Further access details to be assessed at MSC stage. A representation has highlighted concerns that the proposals will result in an unacceptable increase in traffic for the scale of the local road. The Roads Development Team have no objections to the current road arrangement in terms of increased traffic.

6.11 It is proposed to connect to the public water supply which is acceptable. Scottish water have no objections to the proposals. A drainage strategy plan was submitted which supports the proposals for onsite foul water treatment partial onsite disposal and partial onsite disposal of surface water which both runoffs to adjoin an existing field drain which connects to the River Ugie.

6.12 The proposed servicing and access arrangements are compliant with Policy RD1 Providing suitable services

Other issues

6.13 Developer Obligations have stated that the local schools are operating within capacity and there are no further identified infrastructure requirements for this area as a result of this proposal. The proposal does not engage Developer Obligation and affordable housing policies or associated supplementary guidance from the Aberdeenshire Local Development Plan 2017. Consequently no contributions are required in this instance.
6.14 Archaeology was consulted and have asked for a written archaeological scheme of investigation to be included as a condition. There are a number of prehistoric and medieval archaeological sites in the area. The proposal is therefore not in conflict with Policy HE1 Protecting historic buildings, sites, and monuments subject to a condition securing this.

**Conclusion**

6.15 The proposal is compliant in principle with Policy R2 Housing and employment development elsewhere in the countryside as it is considered an appropriate addition to an existing cluster of houses within this locality. The proposed servicing and access arrangements are acceptable. The proposed plot is large enough to accommodate a dwellinghouse which would not significantly impact the amenity of any existing neighbouring houses or the other proposed dwellinghouse. Notwithstanding the above, the site is subject to surface water flooding and no mitigation has been proposed which could alleviate these concerns. The application is therefore not complaint with Policy C4 Flooding and 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. **Implications and Risk**

8.1 An equality impact assessment is not required because the development is not considered to give rise to any differential impact on any of the 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 C4 Flooding

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 for the following reasons:-**

1. The application is in conflict with Policy C4 Flooding of the Aberdeenshire Local Development Plan 2017. There are known surface water overland flow issues within the locality which cause flooding. Any attempts at land raising on the application site, or the adjacent site, would exacerbate the existing flood risk elsewhere and would therefore not be permissible. No mitigation has been proposed which could alleviate these concerns. It is considered that the sites are therefore inappropriate for built development.

Stephen Archer
Director of Infrastructure Services
Author of Report: John Todd
Report Date: 15 May 2018
Comments for Planning Application APP/2018/0247

Application Summary
Application Number: APP/2018/0247
Address: Plot 2 Land At Ravenscraig Inverugie Peterhead AB42 3DS
Proposal: Erection of Dwellinghouse
Case Officer: John Todd

Customer Details
Name: Mr James Ross
Address: Kylepark Inverugie Peterhead

Comment Details
Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment: I wish to object to this application.

Roads. The increased traffic generated by the site both during construction (by heavy vehicles when the laybys will not be fully formed) and once occupied will add to the already congested very minor rural road network within Inverugie. The existing road would be unable to support additional traffic due to the narrow road and lack of passing places.
Drainage. There is already a problem with drainage in this area of Inverugie, with the roadside ditch running parallel with the sites being prone to flooding. Would, for example, this flooding cause problems for the proposed sites currently protected by a stone wall in regards of ingress to the proposed sites drainage system? As it seems that no water is to drain from the site to the road then water must drain from the layby widened road either to the proposed site or to the existing roadside ditch which is prone to severe flooding.
Previous applications. I note that the proposed site is separated from The Rockery by a site previously approved for the same applicants but as yet undeveloped. From checking it seems this site was applied for in 2008 (APP/2008/0415) and approved in 2009 with conditions approved in 2014. Surely as this site for the same applicants remains undeveloped some 8 years after it was approved shows that there is no demand for sites in this location subject as it is to drainage and road issues. I also query the timescale of this previous approval. Not being able to view the original we do not know if this original consent is still valid. The main point with this however is that the site as applied for here is isolated from the existing built environment and will remain so until such time as the previously approved site is built.