

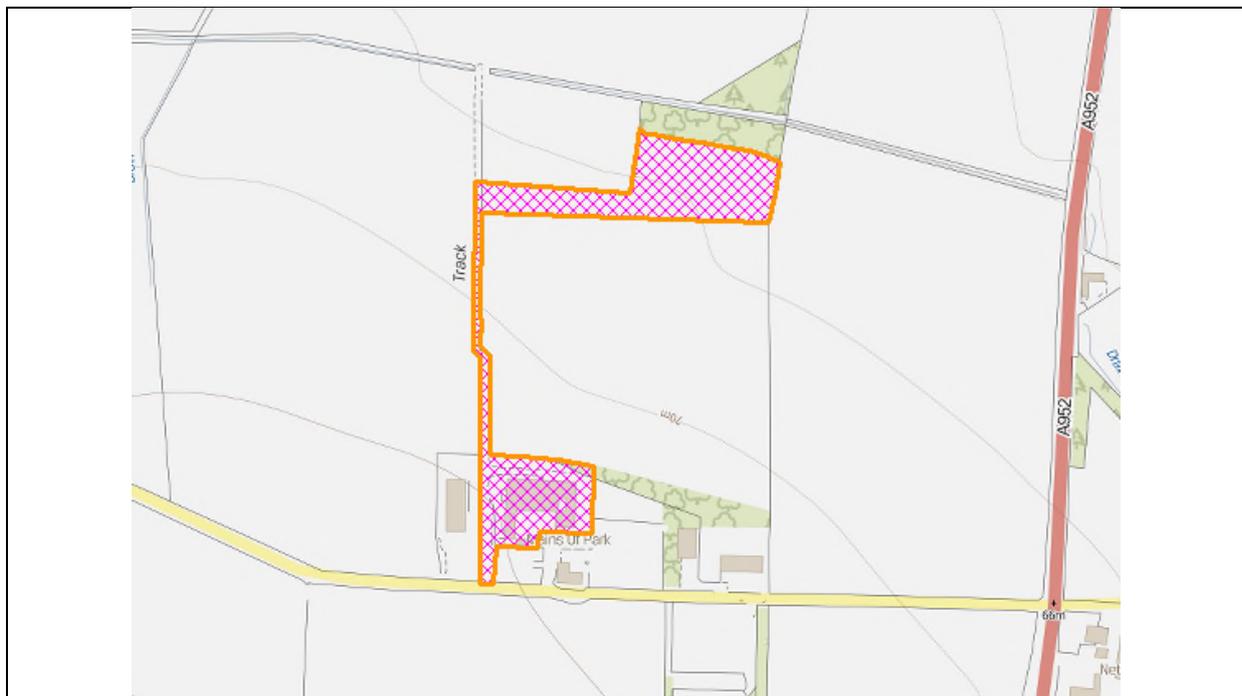
## Buchan Area Committee Report 27 August 2019

Reference No: APP/2019/0786

### Planning Permission in Principle for Erection of Dwellinghouse at Site to the North East of Mains of Park, Lonmay, Fraserburgh

**Applicant:** Mr & Mrs Ewan Mowat, 1 Bards Way, Fraserburgh, AB43 7AA  
**Agent:** Buchan Design Ltd, 24 Buchan Road, Fraserburgh, AB43 9WN

Grid Ref: E:400520 N:856833  
Ward No. and Name: W04 - Central Buchan  
Application Type: Planning Permission in Principle  
Representations: None  
Consultations: 7  
Relevant Proposals Map: Aberdeenshire Local Development Plan 2017  
Designations: Rural Housing Market Area  
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.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 – To explore further policies P1 and RD1

Cllr Jim Ingram – To give further consideration to the water supply and flooding issue

Cllr Marion Buchan – To further discuss Policy R2

Cllr Norman Smith – To further discuss impact siting size of site

- 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 a site to the North of East of Mains of Park, Lonmay. The site is approximately 2 ½ km North of New Leeds and 190 metre West of the A952 (Appendix 1 - Location Plan). There is a small group of trees to the North of the proposed plot, otherwise it is surrounded by relatively flat open fields on each side. The plot takes its access to the South onto a single track adjacent to Mains of Park steading which consists of two outbuildings and a farmhouse. To the East of the steading is the domestic property Lynngorvan. (Appendix 2 - Site Plan)
- 2.2 The larger steading building has been included within the application site boundary as depicted by the red line and it is proposed to demolish this structure. The proposed plot measures 4250m<sup>2</sup> in area and is located 180 metres North of the larger steading building. It is proposed to dispose of foul water onsite via septic tank and soakaway, and that the development will utilise a private water source. The application is for planning permission in principle so only an indicative house is shown and SUDS details are therefore not finalised.
- 2.3 Drainage details were submitted to the Planning Service on 9 April 2019 in support of the application.
- 2.4 Pre-planning application advice was sought and provided (reference ENQ/2019/0336) prior to the submission of this application for the erection of a dwellinghouse. The Planning Service advised that it could not support the siting of the replacement house so far from the steading building to be demolished as this would be contrary to terms of Policy R2. That the plot size was too large. Furthermore, that private water supply requires testing of Environmental Health and well/borehole needs to be within the application site boundary.

- 2.5 Planning reference APP/2019/1091 seeking planning permission for Existing well to provide private water supply is lodged with the Planning Service and is pending consideration.

### 3. Representations

- 3.1 No valid letters of representation have been received.

### 4. Consultations

#### Internal

- 4.1 **Business Services (Developer Obligations)** have stated that the local schools (Kininmonth Primary and Mintlaw Academy) are operating within capacity and 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.
- 4.2 **Infrastructure Services (Archaeology)** requests that a Level 1 Standing Buildings Survey is required as the proposals will involve a farmstead dating from the 19<sup>th</sup> Century, to be secured by condition.
- 4.3 **Infrastructure Services (Contaminated Land Unit)** stated that no further information is required. It does not object to the application.
- 4.4 **Infrastructure Services (Environmental Health)** objects as there has been no information submitted in relation to the proposed private water supply.
- 4.5 **Infrastructure Services (Flood risk and Coastal Protection)** stated that the site is adjacent to the Kilbirnie Burn. It requested a cross section of the site and burn to confirm that flood waters will flow away from site. A cross section was submitted. The team subsequently asked for the submission of a Flood Risk Assessment which, at the time of writing this report, has not been received. This is because parts of the site may be prone to flooding.
- 4.6 **Infrastructure Services (Roads Development)** stated that it does not object to the application, subject to conditions.

#### External

- 4.7 **Scottish Water** was consulted and commented that there is no public water supply available in this area, and no waste water infrastructure either.

### 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 P4 Hazardous and potentially polluting developments and contaminated land

Policy E2 Landscape

Policy C1 Using resources in buildings

Policy C4 Flooding

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 are 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. 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 MSC stage application.

#### Principle of Development

- 6.2 Policy R2 Housing and employment development elsewhere in the countryside allows for the remediation of redundant brownfield land opportunities. The policy requires any replacement dwellinghouse to be upon the same site as the redundant structure to be removed. This proposal seeks to site the dwellinghouse 180 metres North of the steading to be demolished and upon a greenfield site which is currently in agricultural use. This does not conform to the requirements of Policy R2 and cannot be considered a remediation of the site. The proposal is therefore in conflict with Policy R2.

#### Impact upon the landscape

- 6.3 The proposal seeks to remove a steading building which is positive but seeks to introduce a new dwellinghouse upon a landscape which is predominantly flat despite a small section of nearby tree cover. In terms of impact upon the landscape, it would be preferable to have the redundant shed as it sits amongst existing structures than impose a new house upon the open landscape, particularly when the proposed dwellinghouse would be located remotely from any of the existing built landscape, 180 metres away. The introduction of a building, and large residential curtilage (4250 sq.m.) would alter the character of the landscape, and not be in-keeping as no other buildings are located adjacent. A house closely positioned to Mains of Park and Lynngorvan would better respect the pattern of built development. The application does not comply with Policy E2 Landscape.

#### Layout, siting and design

- 6.4 The proposed plot is a significant distance from any other properties and there are consequently no concerns upon potential impacts on neighbouring amenity, in terms of loss of light and privacy.
- 6.5 The plot is a sufficient size to accommodate a dwellinghouse with a generous garden. The proposed plot would be over 4000m<sup>2</sup> in size. This is significantly larger than the plot sizes of the nearest dwellinghouses in the area (all approximate sizes) with Lynngorvan 2,300m<sup>2</sup>, Mains of Park Farmhouse 600m<sup>2</sup> and St Helens 1000m<sup>2</sup> all with 250 metres of the site. Although larger

plots are more common within the countryside the plot in this case is considered too large and it does not respect the pattern of development in the area and the application is consequently considered to be non-compliant with the terms of Policy P1 Layout, siting and design. Furthermore, Policy R2 seeks small scale development, which cites 350 sq.m. for residential plots, the proposed plot is significantly larger than the definition of small scale development as defined in the Local Development Plan. The proposal size plot therefore also conflicts with Policy R2.

#### Servicing and Access

- 6.6 The applicant is proposing to dispose of foul water onsite via a septic tank. The required certification has been submitted to support this arrangement. The drainage proposals are acceptable. SUDs drainage details will be required should the application be approved and the Matters Specified in Conditions application be submitted thereafter.
- 6.7 Roads Development stated that it does not object to the application. It has recommended conditions to be attached in the event of approval. There is sufficient space for turning and parking within the site. The visibility onto the public road is deemed to be acceptable.
- 6.8 Environmental Health stated its objection to the proposals as there has been no information submitted in relation to the proposed private water supply. A separate application has been submitted (reference APP/2019/1091) for the use of a private water supply to service this proposed house. Environmental Health has not commented upon these proposals at the time of writing this report. Notwithstanding, the application is considered non-compliant with Policy RD1 Providing suitable services as it has not been demonstrated that there is plentiful enough supply of water and furthermore the quality of the supply has also not been demonstrated. Given that application reference APP/2019/1091 is outwith the application site boundary, it is not possible for the Planning Service to impose conditions particularly as this application seeks planning permission in principle.
- 6.9 The Developer Obligations team has advised that no developer obligations are required to off-set the impact of the proposal. It is therefore considered that the proposal is not in conflict with Policy RD2 Developers' Obligation.

#### Flood Risk

- 6.10 The Flood risk and Coastal Protection team have requested that a Flood Risk Assessment is carried out as it is concerned that the site is at risk of flooding. This information has not been submitted at the time of writing. The application does not accord with Policy C4 Flooding.

#### Other Material Considerations

- 6.11 Contaminated Land was consulted on the application and it has stated that it has no objections. It is therefore considered that the proposal is not in conflict with Policy P4 Hazardous and potentially polluting developments and contaminated land.

- 6.12 An Energy Statement has not been submitted in support of the application to demonstrate compliance with Policy C1 Using resources in buildings, however, it is considered that this could be secured, along with the implementation of appropriate measures, by condition.

### Concluding Comments

- 6.13 The proposal is not compliant with the relevant policies from the Aberdeenshire Local Development Plan 2017.
- 6.14 The principle of development has not been established for this proposal as it seeks to replace a redundant structure which is over 180 metres away rather than upon the same site. The application does not comply with Policy R2 Housing and employment development elsewhere in the countryside.
- 6.15 A dwellinghouse at this location would have additional impact upon the landscape and therefore the application is not compliant with Policy E2 Landscape.
- 6.16 The proposed plot is too large for the area and is not in keeping with the local pattern of development. The application therefore does not comply with Policy P1 Layout, siting and design, Policy E2 Landscape and Policy R2 Housing and employment development elsewhere in the countryside.
- 6.17 The application fails to demonstrate that the proposed dwellinghouse will not be unduly affected by flooding and therefore the application is not compliant with Policy C4 Flooding.
- 6.18 The application fails to demonstrate that the proposed dwellinghouse can be serviced by an adequate private water supply and therefore the application does not accord with Policy RD1 Providing suitable services.

## **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

Policy E2 Landscape

Policy P1 Layout, siting and design

Policy C4 Flooding

Policy RD1 Providing suitable services

- 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**

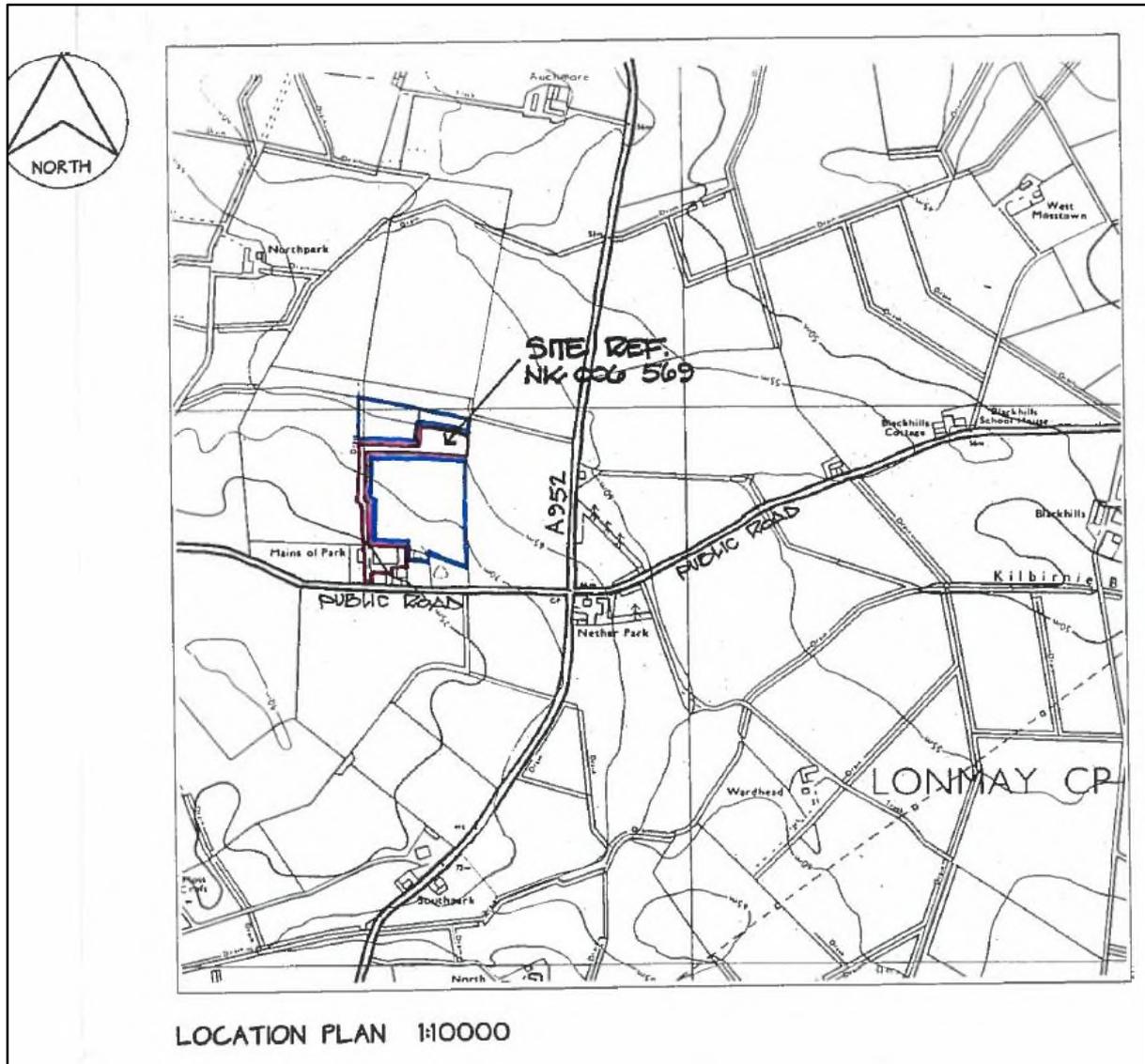
### **11.1 REFUSE Planning Permission in Principle for the following reasons:**

01. The proposal is in conflict with the Aberdeenshire Local Development Plan 2017 in that the principle of development is unacceptable as the proposed development seeks to replace a redundant structure which is over 180 metres away, outwith its curtilage, on a greenfield agricultural site, which is contrary to Policy R2 Housing and employment development elsewhere in the countryside.
02. The proposal is in conflict with the Aberdeenshire Local Development Plan 2017 in that the visual impact of the dwellinghouse is unacceptable and contrary to the pattern of existing development. The steading that is seeks to replace is located 180 metres to the South adjacent to two other houses. A development on this site would erode the usability of the agricultural field and

introduce a house and associated infrastructure in a previously undeveloped land, contrary to Policy E2 Landscape.

03. The proposal is in conflict with the Aberdeenshire Local Development Plan 2017 in that the proposed plot is too large for the area and is not in keeping with the local pattern of development. Furthermore, at a size of 4250 sq.m. it is far in excess of the definition of small scale development supported under Policy R2 Housing and employment development elsewhere in the countryside. The proposed development therefore is in conflict with Policy P1 Layout, siting and design, Policy R2 Housing and employment development elsewhere in the countryside, and Policy E2 Landscape.
04. The proposal is in conflict with the Aberdeenshire Local Development Plan 2017 in particular Policy C4 Flooding, as the application fails to demonstrate that the site can accommodate the proposed development without being unduly affected by flooding. A Flood Risk Assessment was requested but not submitted.
05. The proposal is in conflict with the Aberdeenshire Local Development Plan 2017 in particular Policy RD1 Providing suitable services as the application fails to demonstrate that the proposed development can be serviced by an adequate private water supply without adverse impact on future occupants or neighbouring properties.

Stephen Archer  
Director of Infrastructure Services  
Author of Report: John Todd  
Report Date: 5 August 2019



APP/2019/0786

Appendix 2

