

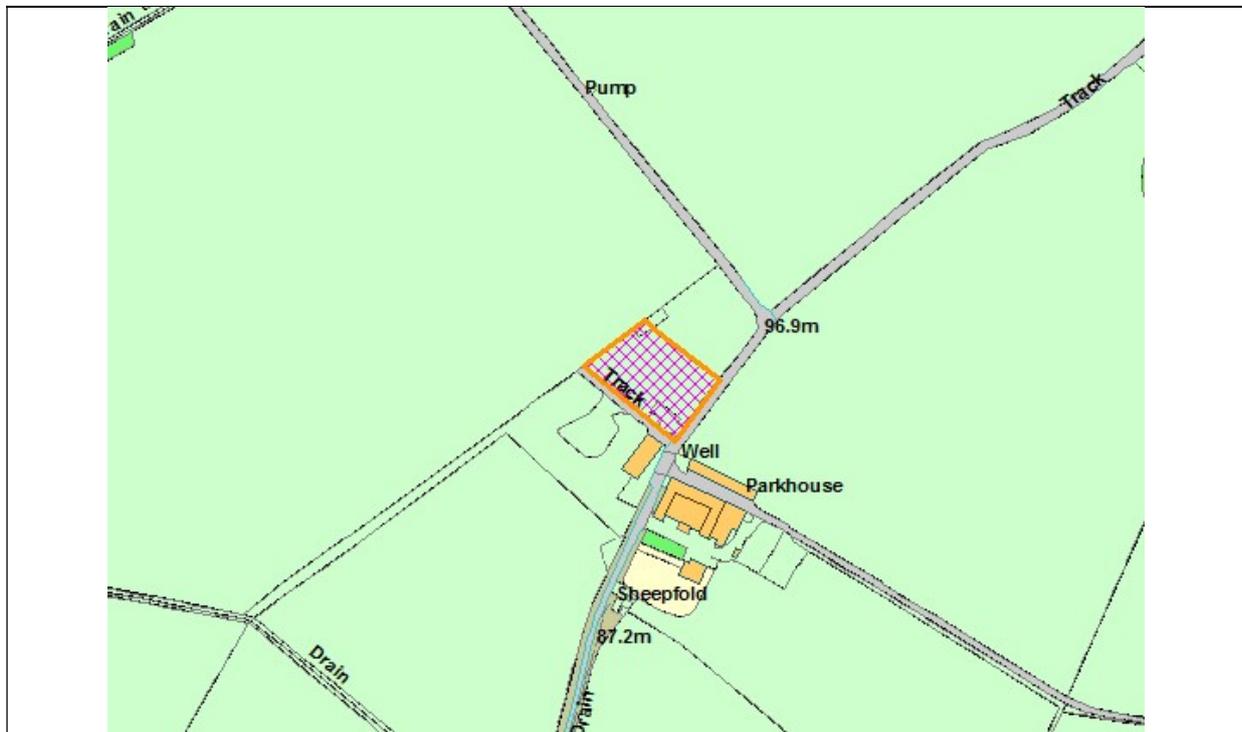
Buchan Area Committee Report 6 October 2020

Reference No: APP/2020/0742

Full Planning Permission for Erection of Dwellinghouse at Plot 2, Parkhouse, Maud, AB42 5PP

Applicant: Hearth Homes Ltd, Backfield Farm, Drumlithie, Stonehaven, AB39 3YN
Agent: New Look Home Improvement, Barry Business Centre, Main Street, Barry, Carnoustie, DD7 7RP

Grid Ref: E:395555 N:847014
Ward No. and Name: W04 - Central Buchan
Application Type: Full Planning Permission
Representations: None
Consultations: 4
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. J Ingram - to give further consideration to Policy P2.

Cllr. M Buchan - to further discuss Policy R2.

Cllr. N Smith - to further discuss Policy R2 and siting.

Cllr. A Simpson - to further discuss Policy R2.

- 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 The applicant seeks Full Planning Permission for the erection of a dwellinghouse at Plot 2, Parkhouse, Maud.

- 2.2 The site is located in a rural area, approximately 1.8km north-west of Stuartfield (see Appendix 1). The plot has a slight south-westerly downhill gradient and is a cleared area of ground, with mounds of rubble and grassland. A telegraph pole is located towards the southernmost corner of the site, and a drystone dyke is located along the roadside across part of the south-eastern boundary of the plot. An agricultural building is located to the south-west of the site, with further agricultural buildings on the opposite side of the road to the south of the site. A newly constructed residential property has been built to the north-east of the site.

- 2.3 The proposal would involve the erection of a 4-bedroom dwellinghouse providing accommodation over two levels (see Appendix 2). The dwellinghouse would have a 'T'-shaped footprint and measure 14.5 metres x 12.7 metres along its longest elevations and have a height of 6.7m at the ridgeline of the pitched roof. It would feature full-height feature glazing on the gable of the south-west elevation, and further substantial ground floor glazing on the gable of the north-east elevation. The north-west elevation would also feature an external ramp to the door, and the existing drystone dyke boundary treatment along the south-east boundary of the site would be extended and topped with coping stones at a maximum height of 0.85 metres (see Appendix 3). A pair of large access gates would also be included, with the boundary treatment intended to largely replicate that of the adjacent dwellinghouse to the north-east. The property would be finished with a smooth cream K-Rend basecourse, with cream K-Rend wet dash render over the walls which would be supplemented with a sandstone feature wall. Marley cladding would also

be added to the dormer fascias. The roof would be finished with Spanish slate roof tiles, and the windows and doors would be comprised of Irish Oak uPVC units.

2.4 It is proposed to connect to the public water supply and private drainage via septic tank and soakaway.

2.5 Relevant Planning History

The following list is not exhaustive but includes the most relevant, recent applications on the site and its immediate vicinity.

2.6 Application Site

- APP/2015/0927 – Erection of Dwellinghouse – Planning Permission in Principle (Granted, subject to conditions, 11 August 2015)

The application referred to above was recommended refusal by the Planning Service as it was deemed contrary to Policy 3 of the Aberdeenshire Local Development Plan 2012, as it failed to meet any exemptions, including “not for the refurbishment or replacement of an existing or disused building on the same site, or is on a site which has previously been developed and is now redundant”. At its meeting of 28 July 2015, the Buchan Area Committee determined to grant planning permission for the following reason ‘the proposed development replaces an existing disused building which is no longer suitable to accommodate the size of modern machinery’. Planning Permission in Principle lapsed 10 August 2018.

2.7 Adjacent Site

- APP/2018/0884 – Erection of Dwellinghouse. Granted, subject to conditions, June 2018.
*This is plot to north-east of current application site.
- APP/2015/2585 – Erection of Dwellinghouse and Garage. Planning Permission in Principle. Granted, subject to conditions, October 2015.
*This is plot to north-east of current application site.
- APP/2015/0926 – Erection of Dwellinghouse. Planning Permission in Principle. Granted, subject to conditions, August 2015.
*This is site to south-west of application site (where extant agricultural building is situated).

2.8 Supporting Information

- Design Statement

2.9 Variations & Amendments

The drawings were amended to show the proposed means of foul and surface water drainage in more detail, and address comments raised by Roads. The

extent of the boundary treatments was also clarified including the addition of an elevation of the proposed dry-stone dyke and gate. These changes can be seen in drawing references:

100A
101
BW01 A
BW02 B

3. Representations

3.1 No valid letters of representation have been received.

4. Consultations

4.1 **Business Services (Developer Obligations)** outlined that contributions have previously been secured for this application via a Section 69 Legal Agreement (Upfront Payment) under APP/2015/0927 which would be applied to the current application. No further contributions are required in this instance.

4.2 **Infrastructure Services (Contaminated Land)** request that a formal note is applied to any consent issued advising that the site has been used for activities associated with farming. Some farming activities have historically been, or are, potentially contaminative. The informative advises that should any evidence of contamination be discovered during works on the site, then works should stop and the nature of contamination should be investigated, and a scheme of mitigation implemented prior to resumption of works.

4.3 **Infrastructure Services (Roads Development)** initially objected due to the failure to show the required visibility splays, or the designated parking provision for 3 vehicles within the site. Following the submission of amended drawings, Roads is satisfied with the proposal subject to conditions.

4.4 **Scottish Water** has advised that it does not object to the proposal, although this should not be interpreted as confirmation that the development can currently be serviced. It advises that the proposed development could be fed by the Turriff Water Treatment Works, but that there is no record of any public Scottish Water, Waste Water infrastructure within the vicinity of the development. The applicant is therefore advised to explore private treatment options.

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 2020

The Strategic Development Plan was published in August 2020.

The purpose of this Plan is to set a clear direction for the future development of the City Region. It sets the strategic framework for investment in jobs, homes and infrastructure over the next 20 years. 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.

The Aberdeenshire Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Aberdeen City & Shire SDP 2020 as published 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 Developers' obligations

5.4 Proposed Aberdeenshire Local Development Plan 2020

Aberdeenshire Council on 5 March 2020 resolved to agree the Proposed Aberdeenshire Local Development Plan (LDP) 2020 as the 'settled view of the Council' on what the final adopted content of the LDP 2021 should be.

The Proposed LDP 2020 is a material consideration in the determination of planning applications. The Planning Authority must therefore assess what

weight it should have in the context of this particular application. As the Proposed LDP is yet to be subject to public scrutiny and subsequent Examination by an independent Reporter, it is considered that the level of weight that should be applied to the Proposed LDP 2020 is not significant. The Aberdeenshire LDP 2017 remains the up-to-date LDP for the area and the primary document against which planning applications should be determined until such time as a new LDP for the area is adopted.

5.5 Other Material Considerations

None.

6. Discussion

- 6.1 The main issues for consideration with regard to this application are whether the principle of development can be established for a dwellinghouse on this site, and whether it would have any impact of the visual or residential amenity of the surrounding area.
- 6.2 The previous permission for a dwellinghouse on this site, under the approved APP/2015/0927, was for Planning Permission in Principle, and was granted at Committee, against the recommendation of the Planning Service, due to it replacing “an existing disused building which is no longer suitable to accommodate the size of modern machinery”. No subsequent Matters Specified in Conditions application was ever received following this, and consequently, the permission expired. The building on the site has since been demolished and the site has been cleared.
- 6.3 The proposal must be assessed under the current Local Development Plan 2017 and establish the principle of development under Policy R2. Under this policy small-scale development could only be granted if it would:
- be appropriate in the greenbelt (as outlined in the criteria of Policy R1 Special rural areas); OR
 - involve the refurbishment or replacement, on the same site, of an existing house or disused building; OR
 - involve the remediation of brownfield land opportunities; OR
 - it would involve the small-scale growth of a settlement identified in Appendix 4 of the Local Development Plan. Such development must be within 200m of the settlement boundary, and would be limited to groups of no more than 3 properties, up to a maximum of 10 properties or 20% growth of the settlement (whichever is lesser); OR
 - It would be a single home as part of a retirement succession for a viable farm holding; OR
 - It would involve the small-scale addition to an existing group or cluster of 5 or more houses in a manner that would be in keeping with the scale and character of that group. No more than a 20% growth of the cluster (up to a maximum of 2 new homes) will be permitted during the current plan period. Such development can only be considered within the Rural Housing Market Area.

- 6.4 As a result of the demolition of the former building on the site and its clearance, the proposal does not meet any of the above criteria. There is no building within the site with which to justify replacement, and the clear and vacant site is not a brownfield site given the agricultural nature of the activities and no building evident. Consequently, the proposal can no longer demonstrate compliance with any of the criteria for a dwellinghouse in this location, and the proposal is contrary to Policy R2.
- 6.5 The layout of the site is intended to ensure that suitable parking, servicing and drainage can be accommodated within the plot and leave suitable garden ground. The orientation of the property does not match that of the house to the north-east, and it would be set back further from the road, this would however mitigate any overlooking or overshadowing impacts due to the separation distance of over 23 metres, and due to their positions being offset. The higher floor level of the existing property of the dwellinghouse to the north-east would further offset the potential for any overshadowing impacting upon the ability to enjoy the existing dwellinghouse.
- 6.6 The design of the proposed dwellinghouse incorporates traditional style gabled walls and a pitched roof. The Spanish slate roof tiles would help to enhance the design which is otherwise conventional in a rural setting, and broadly similar to the new property to the north-east. While the Planning Service would generally discourage imitation wood uPVC windows and the appearance of quoins on part of the south-east elevation, the finishes are consistent with what has been built on the site to the north-east. The proposed replication of the boundary treatment along the frontage of the site, to match the adjacent property, would also show respect for the character of its immediate neighbour.
- 6.7 The plot would have ample space to accommodate the future extension of the property where required, and it demonstrates an attempt to ensure the property is more accessible for disabled people through the provision of the access ramp, and access to all facilities (and a bedroom) at ground floor level. In recognition of all such matters the layout, siting and design is deemed to, on balance, be acceptable, and this be acceptable in accordance with Policy P1.
- 6.8 The impact of the development on the landscape character would be minimal. The site would be seen within the wider context of a new dwellinghouse to the north-east (towards the crest of the hill), with a complex of agricultural buildings to the south-west and south-east (on both sides of the road). The scale of the dwellinghouse would be smaller in relation to the footprints of the agricultural buildings, and while additional prominence may be afforded by its elevated position in relation to these buildings, the adjacent property to the north-east would still be more prominent than the proposal. The change of use of the site to form domestic curtilage could impact on the appearance of the landscape if permitted development rights are utilised, however the proposed boundary treatments are consistent with the adjacent dwellinghouse. The proposal therefore accords with Policy E2.
- 6.9 The energy efficiency of the proposed dwellinghouse is not yet known however, there is no reason to suspect that a new build dwellinghouse would

be unable to meet the energy efficiency and sustainability requirements of the Council. In order to secure this, it is considered reasonable to apply a condition to any approval issued. This condition would require the applicant to submit detailed SAP calculations to the Planning Service, for its approval in writing, prior to the construction of the dwellinghouse. Subject to the addition of this condition on any approval issued, the proposal would comply with Policy C1 of the Local Development Plan.

- 6.10 The dwellinghouse would be served by a public water supply, which Scottish Water have confirmed would be feasible subject to their being available capacity on the supply. No connection to the public sewer is possible (due to the absence of one in the vicinity of the site). Drawings have been provided which show the proposed means of surface and foul water drainage treatment at the site, and there is suitable turning and parking arrangements within the plot. Roads have confirmed that the proposal is acceptable subject to conditions. The proposal would therefore accord with Policy RD1.
- 6.11 Developer Obligations have identified that a contribution for a dwellinghouse on this site was previously secured as part of the approved application (APP/2015/0927). It is satisfied that no further contributions would be required in this instance. The proposal would therefore meet the requirements of Policy RD2.
- 6.12 In conclusion, the proposed development is in conflict with Aberdeenshire Local Development Plan 2017, as the principle of development cannot be established under Policy R2. The removal of the extant building, some time prior to the submission of this application, means that there is no longer compliance with any of the qualifying criteria, and the application is accordingly recommended for refusal of full planning permission.

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 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.

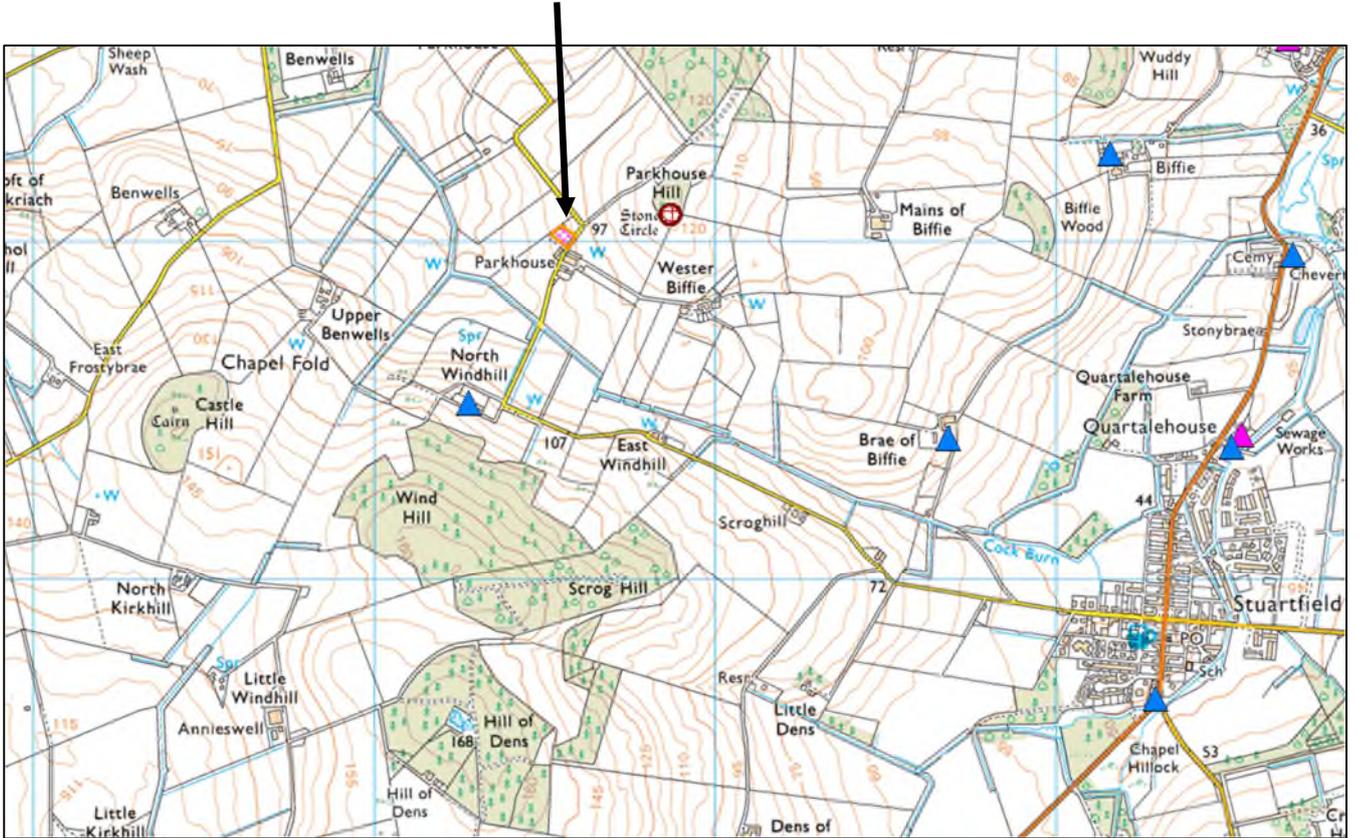
11. Recommendation

11.1 **REFUSE Full Planning Permission for the following reasons:-**

01. The planning authority considers that the application is for a development that is not in accordance with the Aberdeenshire Local Development Plan 2017.

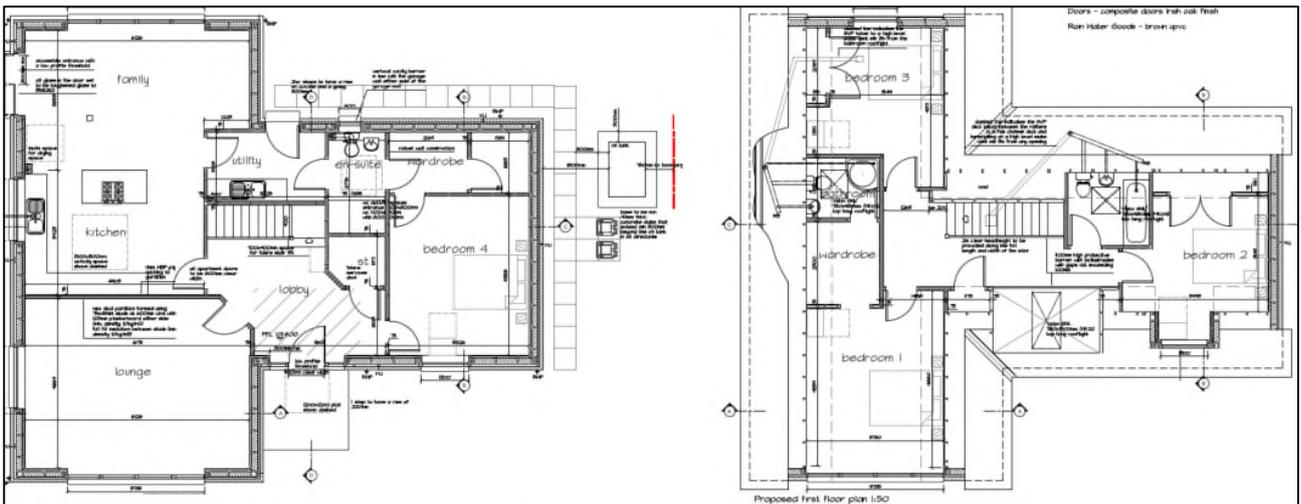
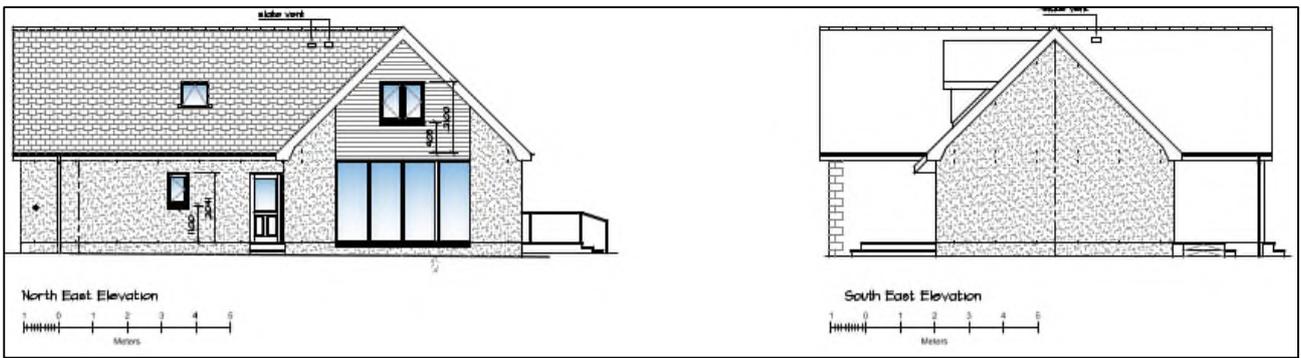
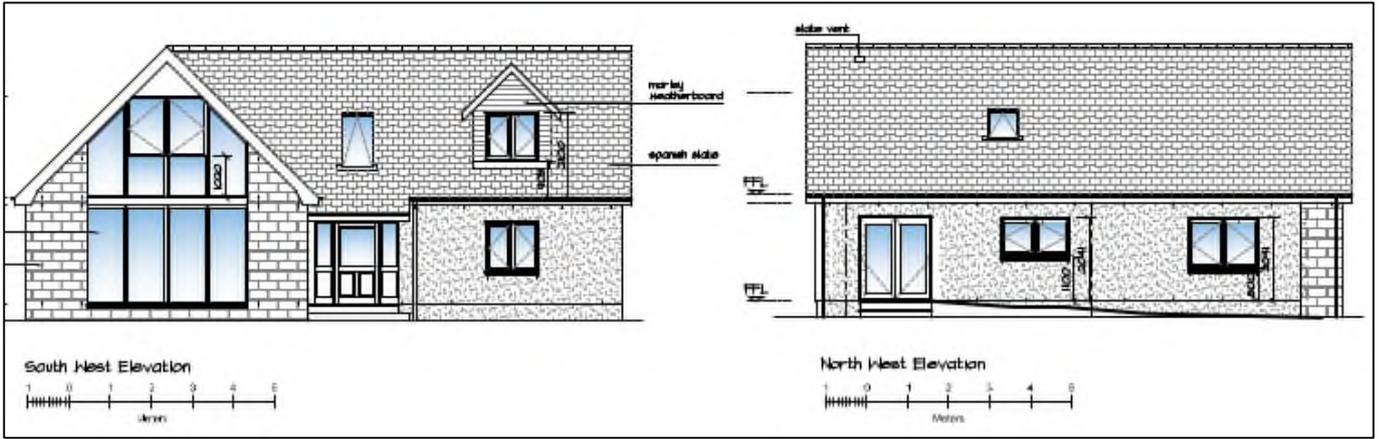
The proposal would not involve the replacement of an existing dwellinghouse or disused building on the same site, or the remediation of brownfield land, and it would not otherwise meet any of the qualifying criteria for small-scale development under Policy R2 Housing and employment development elsewhere in the countryside, as outlined in the Aberdeenshire Local Development Plan 2017. The proposed development is in conflict with the Aberdeenshire Local Development Plan 2017.

Location of Site



APP/2020/0742

Appendix 2



APP/2020/0742

Appendix 3

