



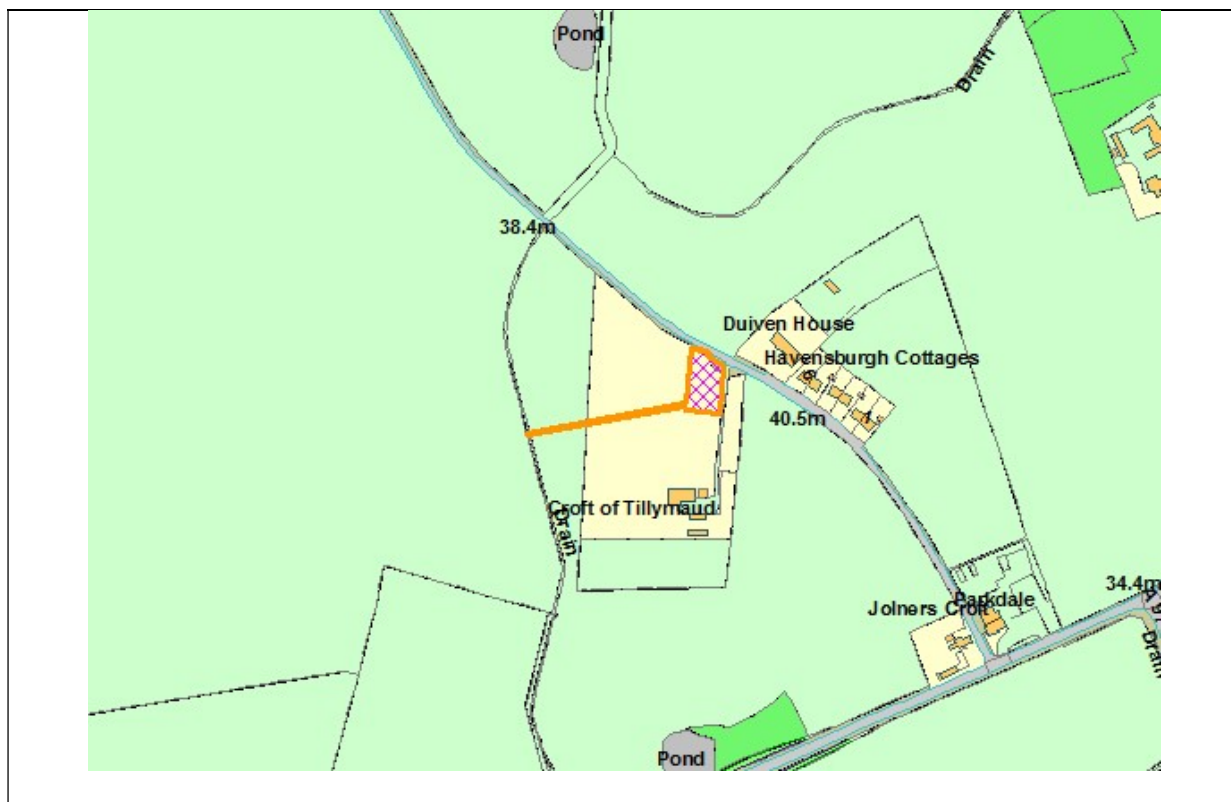
Buchan Area Committee Report 16 March 2021

Reference No: APP/2020/2325

Full Planning Permission for Erection of Dwellinghouse at Land at Croft of Tillymaud, Longhaven, Peterhead

Applicant: Mr Stephen Morgan, Per Agent
Agent: Forman Design Ltd, Fairdeen, Station Road, Mintlaw, AB42 4JL

Grid Ref: E:410105 N:839527
Ward No. and Name: W06 - Peterhead South and Cruden
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

Reproduced from Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright and database rights. Ordnance Survey Licence Number 0100020767.

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. Alan Fakley - Further discuss the application under policy R2.

Cllr. Stephen Calder - To further discuss policy R2 as it applies to this application.

- 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 full planning permission for the erection of a dwellinghouse on Land to the north of Croft of Tillymaud, Longhaven, Peterhead, Aberdeenshire (Appendix 1 – Location Plan).
- 2.2 The site lies in a rural location approximately 4.8km south of Peterhead and 590 metres west of the Longhaven settlement boundary. The surrounding land is gently and predominately agricultural in nature. Access is taken via an unclassified road from the A90 which lies approximately 280 metres to the south-east.
- 2.3 The site lies immediately to the south of the unclassified road and to the north of the dwelling at Croft of Tillymaud. The dwelling at Duiven House lies on the opposite side of the unclassified road to the north-east with 6 other dwellings (1-6 Havensburgh Cottages) lying further to the east also on the opposite side of the unclassified road.
- 2.4 The proposed dwelling is a detached, 1½ storey house with an 'L' shaped footprint with double integral garage. It would measure approximately 25 metres by 16 metres at its widest points and have an eaves and ridge height of 2.6 metres and 6.4 metres respectively. The south and north elevations would both have gables at the east and west ends, with a large 'floor to apex' glazed window in western gable of the north elevation. Access would be taken from the unclassified road to the north with a driveway and turning and parking area provided. Garden areas would be provided to the front (north) and rear (south) of the dwellinghouse (Appendix 2 –Site Plan; Appendix 3 – Elevation and Floorplans).
- 2.5 The proposed external materials are as follows:

Roof: Grey coloured Marley Edgemere concrete roof tiles.

Walls: White wet dash render with grey basecourse banding.
 Windows and Doors: White PVCu units with grey banding surroundings.
 Rainwater Goods: Black PVCu.

- 2.6 It is proposed to connect to the public water main. It is proposed to dispose of treated foul water and rainwater onsite via mini sewage treatment plant and partial soakaway with outfall to an existing burn to the west of the site/
- 2.7 There is relevant planning history on the site, APP/2009/3217 Planning Permission in Principle was sought for the Erection of Dwellinghouse and Garage. Refused February 2010. Reasons cited include not for an essential full time worker in an appropriate countryside enterprise and that the sites does not lie within an existing cohesive group of at least 5 houses.
- 2.8 In support of the application a 'Geotechnical Investigation Report' prepared by Grampian Geotechnical, dated 30 October 2020 has been submitted. It contains details of site geology, percolation tests and drainage certificates, proposed mini sewage treatment plant and partial soakaway.

3. Representations

- 3.1 No valid letters of representation have been received.

4. Consultations

- 4.1 **Business Services (Developer Obligations)** has advised that the proposed development does not engage the Developers Obligations and Affordable Housing policies or associated supplementary planning guidance of the Aberdeenshire Local Development Plan 2017, and therefore no contributions are required.
- 4.2 **Infrastructure Services (Contaminated Land)** has advised that after receiving further information on the former use of the site from the applicant's agent, it has concluded that there is no indication of any past use which might have caused contamination. It has no further comment to make.
- 4.3 **Infrastructure Services (Roads Development)** has advised that it does not object to the proposal subject to conditions.
- 4.4 **Scottish Water** does not object to the proposal, noting that the proposed development would be fed from the Forehill Water Treatment Works. It further advises that as there is no public wastewater infrastructure within the vicinity of the proposed development, the applicant should investigate 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 approved on 12 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 approved forms part of the Development Plan.

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 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. A period during which representations on the Proposed LDP 2020 could be made took place between 25 May and 31 July 2020.

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 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.

6. Discussion

- 6.1 The application seeks full planning permission for a new house in the countryside. The main issues that require to be considered are the principle of development, acceptability in terms of design, layout and siting, and other material planning considerations, including servicing.

The Principle of Development

- 6.2 The site is located outwith a defined settlement boundary, therefore it is development in the countryside and Policy R2 Housing and employment development elsewhere in the countryside is applicable, and most relevant to the acceptability or otherwise of the application. The Planning Service supports applications for new dwellinghouses in the countryside and located within the Rural Housing Market Area in exceptional circumstances. Those circumstances are where it would:-

- be appropriate in the greenbelt; or
- involve the refurbishment or replacement, on the same site, of an existing house or disused building; or
- involve remediation of redundant brownfield land opportunities; or
- the addition of groups of no more than 3 houses within 200m of an identified settlement boundary (in this instance it is a settlement identified in Appendix 4 of the Plan); or
- the retirement succession of a viable farm holding; or
- small scale addition to an existing cluster or group of at least five houses.

- 6.3 In terms of the above criteria the proposal does not meet any of the listed exceptions. The proposal is not development which would be appropriate within the greenbelt, it does not involve the remediation of redundant brownfield land opportunities and there is no retirement succession of a farm holding.

- 6.4 The settlement of Longhaven is an 'identified settlement' as defined in Appendix 4 of the Aberdeenshire Local Development Plan 2017 suitable for small scale organic growth; however the site is outwith the requisite 200 metre radius, being located some 280 metres away from the settlement boundary, and therefore is not compliant with this exemption. However, as it is beyond the 200 metres requirement, we should consider if it constitutes part of an existing cluster of houses.
- 6.5 The site does not form part of a cluster. A "cluster" means a group of houses positioned or occurring closely together, usually sharing curtilage boundaries, or in very close proximity to one another. The site lies to the west of and diagonally across the public road from an existing row of seven houses whilst Croft of Tillymaud is some 65 metres to the south of the indicative position of the proposed house. The row of seven houses forms a cohesive group (the seventh – Duiven House - having been granted in 2002 partly on this basis); however the Croft of Tillymaud lies some 100 metres from them, being separated by the public road, a private access track and agricultural land and therefore is entirely detached from that group. Furthermore, whilst the existing cohesive group is separated by just 7 metres, the proposed house would be some 40 metres from the nearest house within that group and therefore would not follow the pattern of development observed overtime. As a result the application does not constitute an addition to the housing group.
- 6.6 The principle of development is not supported as it is in conflict with Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017.

Sustainability

- 6.7 To otherwise grant planning permission would be a significant departure to the Development Plan which has the potential to undermine housing allocations, and the national and local planning aims of developing vacant, derelict and brownfield sites ahead of greenfield sites. Furthermore, by supporting houses outwith settlements, places additional burdens on providing services, such as school transport and waste collection, and the ability to develop sites in settlements and ensure existing towns and villages remain vibrant. Furthermore, the unsuitable additions of housing clusters from that of smallscale to greater, changes the visual character of small groups within rural areas, particularly when they are more remote from the group, as is the case here. There are no over-riding reasons to grant planning permission in this instance as a Departure to the Development Plan.
- 6.8 Another consideration is that there is an allocated site within Longhaven, allocated for 30 houses. Although there is no record of an extant planning permission at the time of writing, granting planning permission for houses outwith settlements undermines the ability to deliver allocated sites, and the national, local and regional strategies for housing growth.
- 6.9 Furthermore, there is no list submitted, which shows what sites have been explored by the applicants in terms of sites or houses which are available.

Layout, Siting and Design and Landscape

- 6.10 Policy P1 Layout, siting and design aims to ensure that all development is of a high-quality design, is appropriate to its setting and does not adversely impact on the character of the area or significantly reduce the amenity of neighbouring residents.
- 6.11 Policy E2 Landscape states development that causes unacceptable effects through its scale, location or design on key natural landscape elements, historic features or the composition or quality of the landscape character will be refused.
- 6.12 In respect of house design, the scale and mass is considered acceptable within this location. With a footprint of approximately 275 square metres, the dwellinghouse would sit in a central location within the 0.1-hectare plot and provide sufficiently sized garden areas. External materials which include white wet dash render with grey basecourse walls and grey coloured Marley Edgemere concrete roof tiles are also considered appropriate.
- 6.13 There would be no over-riding concerns in terms of loss of light or privacy given the separation distances to other residential properties.
- 6.14 The Local Development Plan supports 'small scale development' within the countryside based on the exceptions listed under Policy R2, and 'small scale' for residential plots is defined as 350 square metres within the Plan. The proposed plot is noted to be at 0.1 ha, some 3 times the size of the definition of small-scale development and bears no resemblance in terms of size to the residential plots found at Havensburgh Cottages. That said, it is acknowledged that it is similar in size to that of Duiven House. Notwithstanding this, as the site does not form part of a "cluster", the siting of the dwelling on agricultural land and the resultant change of the whole site from open agricultural field to domestic curtilage would impact on the character of the area and erode the composition of the surrounding landscape. Therefore the proposal is deemed to conflict with Policies P1 Layout, siting and design and E2 Landscape.

Access and Servicing

- 6.15 Infrastructure Services (Roads Development) has no objection to the proposal subject to conditions, thus the proposed development could be adequately accessed without an adverse impact upon road safety.
- 6.16 The proposal would be connected to the public water supply and Scottish Water has raised no objection to the proposal. The drainage for foul water would be private by way of a treatment plant to the watercourse, and the appropriate certification in terms of foul and surface water drainage has been provided.
- 6.17 The proposal is therefore not in conflict with Policy RD1 Providing suitable services.

Developer Obligations

- 6.18 In terms of Developer Obligations, in this instance, the proposed development does not engage Policy H2 of the adopted Local Development Plan or the associated Affordable Housing Supplementary Planning Guidance. The local schools are currently operating within capacity. The proposal is therefore not in conflict with Policy RD2.

Contaminated Land

- 6.19 Policy P4 Hazardous and potentially polluting developments and contaminated land states that development will not be allowed where there is known or suspected to be contamination unless appropriate site investigations have been undertaken to identify any actual or possible risk to public health or the environment (including possible pollution of the water environment), and effective remedial actions are proposed to ensure the site is made suitable for its new use.
- 6.20 Contaminated Land advises that there is no indication of any past use which might have caused contamination and does not object to the proposal. On that basis the proposed development is not in conflict with Policy P4.

Using Resources in Buildings

- 6.21 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, a condition could secure details and the level of mitigation. Subject to the addition of such a condition, the application would not be in conflict with Policy C1 Using resources in buildings.

Letter of Representation

- 6.22 It should be noted that the Planning Service received one letter of representation (objection) in respect of the proposed development. The letter raised the following issues:

- loss of view
- detrimental impact on amenity and accessibility during construction works
- loss in value of existing dwelling

None of these are material planning concerns and thus cannot be considered in the determination of the application.

Conclusion

- 6.23 In conclusion, having considered this application against the relevant policies of the Aberdeenshire Local Development Plan 2017 as noted above, it is deemed that the principle of the development proposal is in conflict with

Policies R2 Housing and employment development elsewhere in the countryside, P1 Layout, siting and design and E2 Landscape.

6.24 In consideration of the above, the application 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 proposed 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 R2 Housing and employment development elsewhere in the countryside

Policy P1 Layout, siting and design

Policy E2 Landscape

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 application is in conflict with the Aberdeenshire Local Development Plan 2017, in particular Policy R2 Housing and employment development elsewhere in the countryside, in that the proposed development fails to comply with any of the listed exceptions for development to be supported. It is not development which would be appropriate within the greenbelt, it does not involve the remediation of redundant brownfield land opportunities, there is no retirement succession of a farm holding, it lies outwith 200 metres of the nearest (Longhaven) settlement boundary as defined in Appendix 4 of the Local Development Plan and it would not represent a suitable small scale addition to an existing cluster of houses as it shows no sense of cohesiveness.

02. Furthermore, due to the location of the site, remote from the cluster, and the size of the plot, which is 0.1 ha (1,000 square metres), the proposed development is contrary to the Aberdeenshire Local Development Plan 2017, in particular Policy P1 Layout, siting and design as the development would be out of keeping within the rural countryside, and E2 Landscape by introducing a large area of domestic curtilage.

Alan Wood
Director of Infrastructure Services
Author of Report: Kenny Macdonald
Report Date: 3 March 2021

