



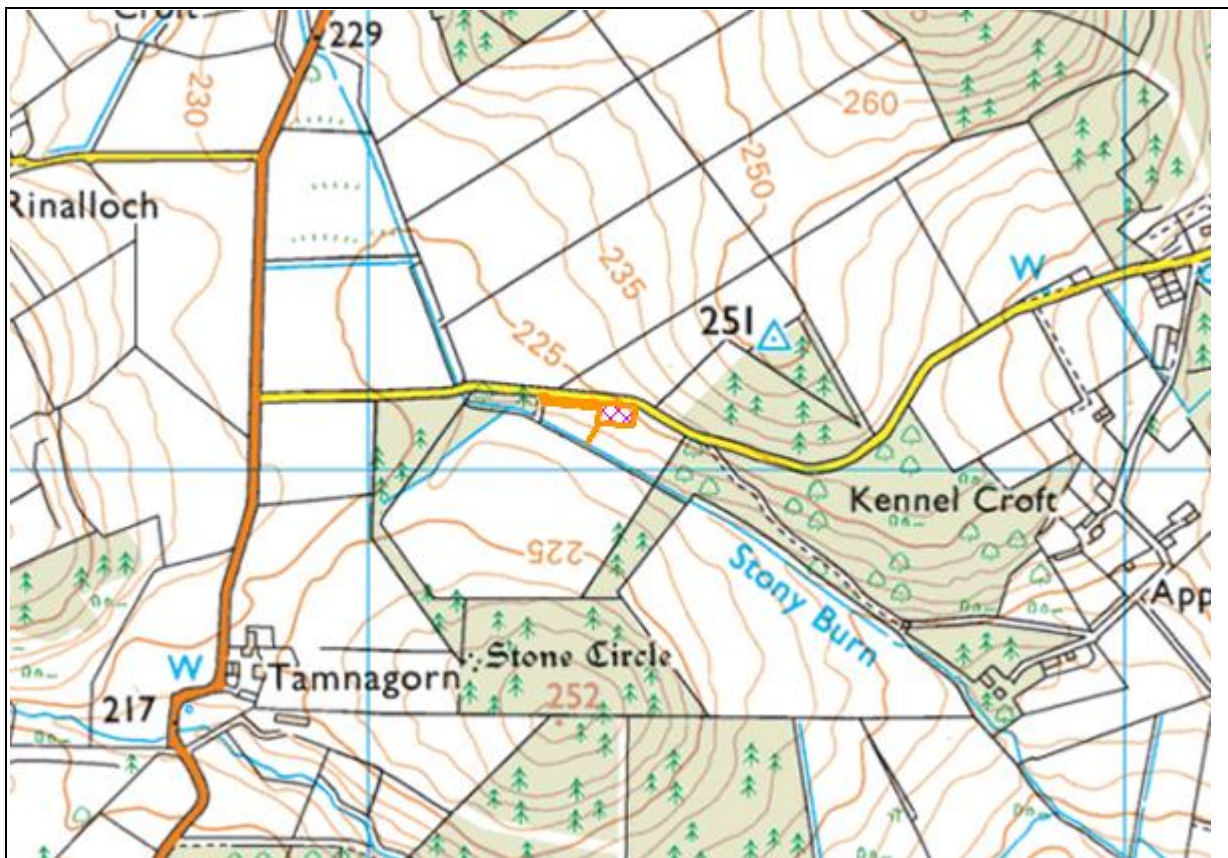
Garioch Area Committee Report – 22 June 2021

Reference No: APP/2021/0179

Full Planning Permission for Erection of Dwellinghouse at Site at Stoney Burn, Midmar

Applicant: Mr Richard Forbes
Agent: Michael Gilmour Associates

Grid Ref:	E:365288 N:808069
Ward No. and Name:	W13 – Westhill and District
Application Type:	Full Planning Permission
Representations:	0
Consultations:	4
Relevant Proposals Map Designations:	Aberdeen Housing Market Area, Countryside
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.
- Councillor David Aitchison - *Committee should consider whether the application meets the requirements of Policy R2*
 - Councillor Ron McKail - *Referring this to the GAC for clarification as to why this site is not regarded as brownfield: Secondly further discussion on the reference to the site being naturalised.*
- 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 at Site at Stoney Burn, Midmar. The application site is located in the countryside within the Aberdeen Housing Market Area (AHMA) approximately 2.8km west of the Midmar settlement boundary as defined by the Aberdeenshire Local Development Plan (LDP) 2017. The application site extends some 0.17ha and is largely undeveloped agricultural land. At the north of the site is the basic footprint of a former building, however, the building has not been present for some time and the site has naturalised. The site slopes gradually from north to south and is accessed via the unclassified u147c road which runs to the east of the B993. The northern boundary of the site is defined by a dry stone dyke. To the south east just outwith the site boundary is an area of nearly-native woodland consisting of upland mixed ashwood. Otherwise, the site is surrounded by open land featuring undefined woodland and agricultural land.
- 2.2 It is proposed to erect a U-shaped 1½ storey dwellinghouse at the site with integral double garage. The dwelling would be sited adjacent to the northern boundary of the site with the existing site access utilised. The roof of the dwelling would be finished in traditional slate and zinc or singly ply membrane. Otherwise, the dwelling would be finished in reused granite, burnt wood cladding and solar panels would feature on the roof. The northern boundary of the site would be defined by beech hedging with the remaining boundaries undefined. The dwelling would be served by a private water supply with foul and surface water disposed of by soakaway. The site would feature four car parking spaces.

Relevant Planning History

- 2.3 ENQ/2019/1475: Pre-Application Enquiry. Response issued confirming that the Planning Service was unlikely to support an application for the erection of a dwellinghouse at the site noting that the proposal would fail to meet the

requirements of Policy R2 as the site was not considered to be brownfield in nature. Response Issued 15/10/19.

Supporting Information

- 2.4 Design Statement prepared by MGA Architecture: This provides a brief history of the site as well as outlining the design principles for the dwellinghouse. Received 01/02/21.
- 2.5 Drainage Report prepared by S.A. McGregor: This confirms the sites suitability for the proposed private drainage arrangement. The Report also contains certification for the proposed drainage. Received 14/04/21.
- 2.6 Private Water Supply Risk Assessment: This notes works which require to be taken to the proposed private water supply. Received 19/04/21.
- 2.7 Supporting Statement prepared by MGA Architecture: This provides comments on the principle of development outlining why the applicant considers the proposal to comply with the LDP 2017. Received 01/06/21.

3. Representations

- 3.1 No valid letters of representation have been received.

4. Consultations

- 4.1 **Business Services (Developer Obligations)** confirmed that Midmar Primary School and Alford Academy are currently operating within capacity. The Service noted that the proposed development does not engage the Developer Obligations and Affordable Housing policies or associated supplementary planning guidance of the LDP 2017 and therefore, in this instance, no contributions are required.
- 4.2 **Infrastructure Services (Contaminated Land)** requested further information from the applicant on the historic use of the site. Following the submission of this the Service confirmed that there is no indication of any past use at the site which might have caused contamination and had no further comment to make.
- 4.3 **Infrastructure Services (Environmental Health)** initially requested further information on the proposed private water supply. Following the submission of this the Service confirmed it was satisfied with the proposed development subject to a condition being attached requiring the steps outlined in the private water risk assessment to be undertaken.
- 4.4 **Infrastructure Services (Roads Development)** initially noted that visibility splays had not been shown correctly and that a layby should be shown. The applicant submitted revised drawings and the Service confirmed that it had no objection to the proposal subject to conditions being attached to any grant of planning permission.

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 R1: Special rural areas

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 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. The Proposed LDP has been subject to public scrutiny and has now been submitted for Examination by an independent Reporter. Nevertheless, it is considered that the level of weight that should be applied to the Proposed LDP 2020 remains as not significant at this time. 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

The supporting information submitted with the application is relevant to the application and the weight to be given to this must be considered.

6. Discussion

- 6.1 This application seeks full planning permission for the erection of a dwellinghouse at Site at Stoney Burn, Midmar. The main planning issues to be considered in this application are the principle of development, the likely impact of the development on the character and amenity of neighbouring land uses and whether it can be satisfactorily serviced both in terms of drainage and access. The policies contained within the LDP 2017 are the main consideration in the determination of this application.

Principle of Development

- 6.2 The site is located in the countryside outwith the greenbelt and as such it is assessed against Policy R2: Housing and employment development elsewhere in the countryside of the LDP. The supporting statement submitted by the applicant notes that this application should be considered as brownfield development which is supported by Policy R2. The applicant contends that the remains of the former building at the site are sufficient to meet the definition of brownfield land within the LDP 2017. The Planning Service does not consider that the site is brownfield in nature. The glossary of the LDP 2017 notes that only exceptionally will sites disused or redundant or redundant for so long that they have become naturalised be considered a redundant brownfield development opportunity. Whilst it is acknowledged that a building once stood at the site it has not been present for a significant period of time. In the period since the building was removed, the site has clearly naturalised to a point where it can no longer be considered brownfield. Within the footprint of the original building there has been growth of shrubs and grass clearly demonstrating the naturalisation of the site. As such, the application site cannot be considered brownfield and fails to comply with this section of Policy R2.

- 6.3 The applicant has provided a supporting statement outlining why they consider the application to comply with Policy R2. Within this the applicant cites planning advice which was adopted during the previous LDP. This advice though is no longer adopted by the Planning Service and has no materiality in the determination of this application. The applicant also cites several planning applications where permission was granted for the erection of a dwellinghouse in the countryside. These cases are largely irrelevant to the determination of this application as they were determined utilising the previous LDP before 2017. The Planning Service consider that the supporting statement does not raise any material considerations which demonstrate compliance with Policy R2.
- 6.4 In the AHMA, Policy R2 also supports developments which would:
1. be appropriate in the greenbelt (see Policy R1: Special rural areas); or
 2. involve the refurbishment or replacement, on the same site, of an existing house or disused building; or
 3. small-scale growth of settlements where a particular need for development has been identified; or
 4. single homes for the retirement succession of a viable farm holding.
- 6.5 Point 1 above refers to Policy R1 which outlines specific types of development which may be supported in the greenbelt or coastal zone and Policy R2 may therefore support these elsewhere in the countryside. Policy R1 only allows development if it is essential and cannot be located elsewhere with restrictive criteria relevant to a new dwellinghouse being limited to:
- the sensitive restoration, conversion or extension of a vernacular building or other building of architectural merit;
 - accommodation within the immediate vicinity of the place of employment required for a worker in a primary industry where the presence of a worker is essential to the operation of the enterprise and there is no suitable accommodation available;
 - it is the replacement of a single non-vernacular building on the same footprint and for the same use.
- 6.6 There are no existing buildings within the site therefore the first and third developments noted above would not support the principle of development. Regarding development for a worker in a primary industry, this is not relevant to this application as there is no enterprise requiring such a worker. The latest supporting statement suggests that a smallholding is to be tended by the applicant on a small area of adjacent land. This is not sufficient justification for a dwellinghouse as it would not be a full-time worker essential to the operation of a primary industry. In summary, the proposed development fails to comply with Policy R1.
- 6.7 Point 2 refers to development which would involve the refurbishment or replacement, on the same site, of an existing house or disused building. As previously noted, the application site does not feature an existing house or any disused buildings. Therefore, this point would not support the principle of development at the site. Point 3 would not apply to this proposal as the application site is not within 200m of a settlement identified as having a particular need for development. Point 4 notes that the development of single homes for the retirement succession of a viable farm holding may be

supported however this is not applicable to this proposal as there is no retirement succession to any farm holding proposed by the application.

- 6.8 In summary, having considered the proposal against all criteria which may be supported in the countryside by Policy R1 and Policy R2, the application fails to comply with any of these and therefore the principle of development cannot be accepted.

Layout, Siting and Design

- 6.9 Policy P1 of the LDP states that new development must be appropriately designed and in-keeping with the character and setting of the surrounding area. The application site is in an isolated location with the closest neighbouring dwelling located more than 0.5km from the site. As such the proposed development would have no adverse impact upon neighbouring amenity. The design and finish of the proposed dwelling are considered to be of a relatively high standard with a high quality of finish proposed. The proposed dwelling would have a satisfactory mix of traditional materials balanced with contemporary design and materials such as triple glazing. While the dwelling would feature contemporary elements, it is considered that it would still provide a dwelling which is in keeping with the rural character and setting of the surrounding area.
- 6.10 The application proposes to utilise a beech hedge along the northern boundary which is considered acceptable and would provide a degree of biodiversity enhancement at the site. Further details would be required as to final landscaping at the site whereby the Planning Service would seek further landscaping to achieve a greater degree of biodiversity enhancement. In summary, the proposed development is considered to comply with Policy P1.

Technical Matters

- 6.11 Policy RD1 states that we will only allow development that provides adequate road, water and waste water facilities, connections and treatment as appropriate. In terms of roads, the Council's Roads Development Service was consulted and initially objected to the proposed development on the grounds that visibility splays from the site had not been satisfactorily demonstrated. Following the submission of revised plans by the applicant the Service withdrew its objection subject to a number of conditions being attached to any grant of planning permission.
- 6.12 The proposed dwelling would be served by a private water supply. The Council's Environmental Health Service was consulted and requested further information regarding the proposed supply. Following the submission of this information the Service was satisfied with the proposal subject to a conclusion being attached requiring that the supply be installed in accordance with the treatment detailed in the risk assessment submitted by the applicant. The applicant proposes to dispose of foul and surface water from the development by means of soakaway. In support of the application a drainage report was provided which confirmed that the application site was suitable for this means of drainage. Satisfactory drainage certification was also provided within the report. In summary the proposed development is considered to comply with Policy RD1.

- 6.13 The Council's Contaminated Land Service was consulted and initially requested further information on the historic use of the site. Following the submission of this information by the applicant the Service was satisfied that there was no historic use which might have caused contamination and as such the proposal complies with Policy P4.

Carbon Neutrality

- 6.14 The development is required to be designed to reduce carbon-dioxide emissions and where possible achieve a Gold sustainability label under section 7 of the building standards technical handbook. An Energy Statement has not been provided with this application but Policy C1 notes that this could be secured via suspensive condition. In summary the proposed development is considered to comply with Policy C1 Using resources in buildings.

Developers Obligations

- 6.15 The Council's Developer Obligations Service confirmed that the application does not engage the Developer Obligations and Affordable Housing policies or associated supplementary planning guidance of the LDP 2017 and therefore, in this instance, no contributions are required. As such the application is considered to comply with Policy RD2: Developers' obligations.

Conclusion

- 6.16 Overall, the Planning Service concludes that the proposed erection of a dwellinghouse does not comply with applicable countryside policies of the Aberdeenshire Local Development Plan 2017. Siting and technical matters have been satisfied however the proposal fails to be acceptable in principle and the proposed development would be contrary to Policy R2 of the LDP 2017 and as such 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 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 reason:-**

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 does not comply with Policy R2: Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017 as there is minimal evidence of a former building and the application site is considered to have naturalised and therefore not be brownfield in nature.

Alan Wood
Director of Infrastructure Services
Author: Iain McMillan (Planner)
Date: 08/06/21