

Buchan Area Committee Report 22 June 2021

Reference No: APP/2020/1745

Planning Permission in Principle for Erection of Dwellinghouse at Land at Bogs of Durie, Clola, Mintlaw, Aberdeenshire, AB42 5BE

Applicant: Harry Emslie Farmers, Brae of Coynach, Stuartfield, Peterhead, AB42 5DD
Agent: Arcus Design Ltd, Mavisbank, Old Deer, Peterhead, AB42 5JT

Grid Ref: E:400664 N:844208
 Ward No. and Name: W04 - Central Buchan
 Application Type: Planning Permission in Principle
 Representations: 0
 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. Anne Simpson - to further discuss policies R2 and RD1.

Cllr. Jim Ingram - to give further consideration to policy P1 and RD1.

Cllr. Marion Buchan - to further discuss policy R2.

Cllr. Norman Smith - to further discuss policies R2, E2 and P1.

- 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 application seeks planning permission in principle for the erection of a dwellinghouse at Land at Bogs of Durie, Clola, Mintlaw.
- 2.2 The site is situated approximately 3.5km south-east of Stuartfield and 750 metres north-east of Clola. It is comprised of an area of partial grassland in the southern half of the plot, and juvenile woodland in the northern half of the plot, with more mature woodland screening just outwith the site boundary to the south-west and south-east. There are agricultural fields situated to the north-west and east, and two neighbouring residential properties to the south and south-east. The site would be accessed from the U52b which is situated 44 metres south-east of the southern boundary of the proposed plot (Appendix 1). The site also includes a 345 metres long access strip which lies adjacent to the northern boundary of the existing juvenile woodland and a further 181m strip of land to the north of the site, which leads to a small watercourse.
- 2.3 As the proposal is for Planning Permission in Principle, the design of the dwellinghouse is not known at this time. The purpose of the application is primarily to ascertain if the principle of development for a dwellinghouse can be established on this site. A more comprehensive assessment of the layout, siting and design of any proposal would then be assessed as part of any subsequent Matters Specified in Conditions application, or separate application for Full Planning Permission.
- 2.4 There is no planning history on this site, however there is relevant planning history within the immediate surrounding area which is a material consideration of this application:
- APP/2020/0674 – Condition 1 (a) Layout and Siting; (b) External Appearance and Finishing Materials; (c) Existing and Proposed

Landscape Features Including Trees; (d) Levels Survey and Site Sections; (e) Foul and Surface Water Disposal; (f) Means of Access including Visibility Splays; (g) Car Parking/Vehicle Turning) of Planning Permission in Principle Reference APP/2017/0225 for Erection of Dwellinghouse (Matters Specified in Conditions). Granted 16 November 2020.

- APP/2019/1197 – Erection of Dwellinghouse (Planning Permission in Principle). Granted 6 December 2019.
- APP/2017/2141 – Erection of Dwellinghouse without Compliance with Condition 1 (Time) of Planning Permission in Principle Reference APP/2014/4195. Granted 12 October 2017.
- APP/2017/0225 – Erection of Dwellinghouse (Planning Permission in Principle). Granted 31 March 2017.

3. Representations

- 3.1 No valid letters of representation have been received.

4. Consultations

- 4.1 **Business Services (Developer Obligations)** states that Mintlaw Primary School and Mintlaw Academy are currently operating within capacity. The proposed development does not otherwise engage the Developer Obligations or Affordable Housing policies contained within the Aberdeenshire Local Development Plan 2017. In this instance, no contributions are required.
- 4.2 **Infrastructure Services (Contaminated Land)** has outlined that following the receipt of further information on the former use of the site, it is satisfied that there is no evidence of a past use which may have caused contamination. It has no further comments to make on the proposal.
- 4.3 **Infrastructure Services (Roads Development)** is satisfied that the required visibility splays onto the public road can be formed. It has no objection to the proposal subject to conditions.
- 4.4 **Scottish Water** specify that it has no objection to the proposal however, this should not be interpreted as confirmation that the development can currently be serviced. It identifies that the Turriff Water Treatment Works may be able to service the development, although it is currently unable to confirm capacity at this time. It also outlines that there do not appear to be any records of any public Scottish Water, Waste Water infrastructure within the vicinity of the development. It therefore advises the applicant 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 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 P1 Layout, siting and design

Policy R2 Housing and employment development elsewhere in the countryside

Policy E2 Landscape

Policy PR1 Protecting important resources
 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. 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.

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 the site and whether it could be adequately serviced. As the proposal seeks planning permission in principle, the layout of the development is indicative only at this time.

Principle of Development

- 6.2 The site contains no buildings, and there is no supporting information that confirms that the proposal forms part of a retirement succession of a viable farm holding or that the property is required for an essential farm worker. Consequently, the only criteria that could potentially apply to the proposal is the "small-scale addition 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."
- 6.3 It has previously been identified in the reports of handling for application references APP/2017/0225 and APP/2019/1197 that there is an existing 'cluster' of 10 properties within the immediate vicinity. For the avoidance of doubt, these are noted as being as follows:
- Bog of Durie
 - Kauai
 - Durie Cottage

- Dalandhui
- Cardross
- Well of Durie
- Durie House
- Springfield
- No.1 West House
- No.2 West House

6.4 Under the current plan period, the Aberdeenshire Local Development Plan 2017, two dwellinghouses have been granted as additions to this cluster. These are application references APP/2019/1197 and APP/2017/2141. Therefore, two dwellinghouses have been granted as additions to this housing cluster within the current plan period, and thus there is no remaining capacity for any additional properties. The proposal is therefore contrary to Policy R2, and the principle of development cannot be established at this time.

Layout, Siting & Servicing

- 6.5 The proposal would not be in keeping with the character of development within the existing cluster of properties. The plot would be situated behind two dwellinghouses, Kauai and Bog of Durie, but it would not share the existing access track which is located immediately south of the site, which offers the shortest route to connect to the public road. The proposed new access track which is 345m in length would bypass an entire tree belt and circumnavigate all other properties within the cluster within which it is meant to be included. The two existing neighbouring properties are screened from the plot by an existing tree belt which further conflicts with any notion of cohesion. The proposed site would extend the built form, and the cluster, which would rather than adding to a nucleus of houses would in fact extend the cluster, which is in conflict with Policy R2, Policy P1 and Policy E2.
- 6.6 The proposed plot is significantly sized and would be second only to Kauai in terms of site area within the cluster, while dwarfing the residential curtilage of Bog of Durie. Notwithstanding this, it could easily accommodate a dwellinghouse, parking provision, turning area and any drainage arrangements required for a property while still providing a generous area of garden ground.
- 6.7 In terms of access and parking, it is noted that the Roads Development team has no objection subject to conditions.
- 6.8 A connection to the public water supply is proposed and Scottish Water have confirmed that this is feasible in principle. In relation to foul drainage, it is proposed to discharge to a burn, however, despite being requested by the planning officer no details have been submitted to demonstrate why foul drainage cannot be established on the ground which is the preferred method by SEPA and other regulatory bodies. Discharge to a burn should be the last resort. Furthermore, no outline of the surface water drainage details have been submitted. All planning applications must be accompanied with drainage reports to outline the technical options for foul and surface water drainage, without that information the Planning Authority cannot be satisfied

that the proposed house can be suitably serviced. The proposed development is in conflict with Policy RD1 as it fails to demonstrate appropriate foul and surface water drainage.

Landscape & Protection of Important Resources

- 6.9 The impact of the development on the landscape character would be dependent on the final layout and design of the overall proposal. The most significant impacts are likely to be the formation of the access road that would serve the development, which would be constructed immediately adjacent a juvenile tree belt, and towards the north-western corner of the plot where the access must come between the trees and may result in the loss of some of these trees. Although the loss of trees would not be desirable, they are not mature enough yet to provide a significant ecological resource. It is therefore deemed appropriate to condition that compensatory planting is required for any trees lost to the development, and that a suitable landscaping scheme is agreed for the proposal to mitigate the visual impact within the wider landscape. Subject to such conditions being applied to any decision notice, the proposal could broadly accord with Policies E2 and PR1.

Carbon Neutrality

- 6.10 The energy efficiency of the proposed property is not yet known, however this could be conditioned in order to ensure compliance. There is no reason to suspect that a new property would be unable to meet the energy efficiency and sustainability criteria of the Council. Consequently, a condition would be added to any approval issued that required the applicant to submit detailed SAP calculations to the council, for its approval in writing, prior to the commencement of development on site. Subject to the addition of such a condition, the proposal meets the requirements of Policy C1.

Developer Obligations

- 6.11 Developer Obligations has confirmed that no contributions are required for the development in this instance. Consequently, the proposal would comply with Policy RD2.

In Summary

- 6.12 The principle of development is unacceptable and is in conflict with Policy R2 as it meets none of the criterion which would allow for a house on the site. There are no reports to identify that the proposed foul and surface water drainage is acceptable, and that the site can be suitably serviced, the proposed development is in conflict with Policy RD1.

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.

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 P1 Layout, siting, and design
 Policy R2 Housing and employment development elsewhere in the countryside
 Policy E2 Landscape
 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 proposed development is in the opinion of the Head of Planning and Environment Service in significant conflict with Policy R2 Housing and employment development elsewhere in the countryside and if the Committee is minded to approve then the application will have to be referred to Infrastructure Services Committee.

11. Recommendation

11.1 **REFUSE Planning Permission in Principle 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 proposed development is in conflict with Policy R2 Housing and employment development elsewhere in the countryside, as it meets none of

the specified criteria that would support a house on the site. In terms of the 'addition to an existing cluster' criteria the available capacity has already been met by the grant of two dwellinghouses within the current plan period. Therefore, there is no remaining capacity during the current plan period for any further houses. The principle of development is in conflict with the Development Plan.

02. The proposed plot would not be in keeping with the scale or character of the existing 'cluster' of properties to which it is intended to be added. The plot would be situated to the rear of two properties and would not share an access with either of them, instead opting for a lengthy new access that would circumnavigate all other properties on the north side of the U51b road that are included within the cluster. The plot is further segregated from the two immediate neighbouring properties, Kauai and Bog of Durie, by the existing tree belt. Rather than adding to the nucleus of a group of houses, the proposed development would extend the cluster northwards in conflict with the pattern of development. The proposal therefore fails to accord with the Aberdeenshire Local Development Plan 2017, in particular Policy R2 Housing and employment development elsewhere in the countryside, Policy E2 Landscape, and Policy P1 Layout, siting and design.
03. The application is in conflict with Policy RD1 Providing suitable services as it fails to demonstrate that the proposed foul and surface water cannot be secured via discharge to ground which is the preferred method of regulatory bodies (including SEPA), rather than discharge to a watercourse. No drainage report accompanies the application which provides details of the ground conditions, nor whether the proposed foul and surface water drainage is technically acceptable. The application is therefore in conflict with Policy RD1 as it fails to demonstrate suitable foul and surface water drainage.

Alan Wood
Director of Infrastructure Services
Author of Report: Rory Hume
Report Date: 9 June 2021

