



Buchan Area Committee Report 7th December 2021

Reference No: APP/2021/0549

Planning Permission in Principle for Erection of Dwellinghouse at Land to The South of Silverburn, Mintlaw, Peterhead, Aberdeenshire, AB42 4HU

Applicant: Mrs Alison Chalmers, Silverburn, Mintlaw, Peterhead
AB42 4HS

Agent: Arcus Design Ltd, Mavisbank, Old Deer, Peterhead
AB42 5JT

Grid Ref: E:401803 N:850708
 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: Yes
 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. Marion Buchan - To further discuss Policy R2

Cllr. Norman Smith - To further discuss Policy R2 / RD1 cluster

- 1.2 The Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and is satisfied that the report complies with the Scheme of Governance and relevant legislation.

2. Background and Proposal

- 2.1 Planning permission in principle is sought for the erection of a dwellinghouse on the land to the south of Silverburn, Mintlaw.
- 2.2 The application site is located within the Rural Housing Market Area, approximately 2 miles north of the settlement boundary of Mintlaw, as defined by the Aberdeenshire Local Development Plan 2017. It lies on the south side of the unclassified road that connects Hythie, Lintmill and Rora (Appendix 1 – Location Plan). It forms a central-west section of an area of undeveloped pasture approximately 85 metres south of the curtilage of Silverburn dwellinghouse. Other nearby dwellinghouses include: Mill Croft, approximately 115 metres north-east, and Lintmill Hythie, approximately 200 metres to the east. The wider area is predominantly rural in character, with sporadic residential homes at Nether Hythie, approximately 500 metres west, and Lintmill/Bridge of Hythie approximately 550 metres south-east.
- 2.3 The proposed development details are indicative at this stage (Appendix 2 – Site Plan). No details of the dwellinghouse design or external finishes have been provided, as the application merely seeks permission in principle. The indicative plot is square, within which an indicative dwellinghouse, with a ‘T-shaped’ footprint, and detached garage are located centrally. Indicative landscaping shows mixed deciduous and coniferous tree planting to the south-west, south-east and north-east of the plot. Three parking spaces and a vehicle turning area are indicated to the north of the dwellinghouse.
- 2.4 Access to the proposed site would be taken from the unclassified road to the north, alongside the western curtilage boundary of Silverburn.
- 2.5 Proposed services include a public water supply connection and private drainage system. The latter incorporates a septic tank, sampling chamber and

foul sub-surface soakaway. Surface water is proposed to be managed via a stone-filled partial soakaway.

- 2.6 There is no relevant planning history for this site.
- 2.7 In support of the application the following supporting information has been submitted:

Development Statement, by Arcus Design. Received 12 March 2021.
 'Pattern of Development' Site Plan, received 12 March 2021
 Foul Water Sub-Surface Soakaway Certificate, dated 1 February 2021.
 Rainwater Soakaway Calculations, by Arcus Design, dated 24 September 2021.

3. Representations

- 3.1 No valid letters of representation have been received.

4. Consultations

Internal

- 4.1 **Business Services (Developer Obligations)** has advised that Kininmonth Primary School and Mintlaw Academy are operating within capacity. The proposal does not engage Developer Obligations and Affordable housing policies. Therefore no contributions are required, in this instance.
- 4.2 **Infrastructure Services (Contaminated Land)** has not objected and advises there is no indication of any past use which might have caused contamination. Therefore no further information is required.
- 4.3 **Infrastructure Services (Environmental Health)** has objected to the proposed development. This is because Scottish Water has advised there is no public water infrastructure within the vicinity of the site and the application fails to provide full details of an alternative private domestic water supply.

Infrastructure Services (Roads Development) has not objected to the proposal, subject to conditions.

External

- 4.4 **Scottish Water** has advised that there is neither a mains water connection or foul drainage infrastructure within the vicinity of the site. As such, the applicant is advised to investigate a private water supply and a private foul and surface water drainage system.

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 (SDP) 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 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. 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 in determining this application are whether the proposal is acceptable in principle under the Aberdeenshire Local Development Plan 2017 policies, the impact on the character and amenity of the site and wider area; and the suitability and viability of proposed access and services.

6.2 Principle

Policy R2 Housing and employment development elsewhere in the countryside supports small scale residential development outwith settlements, on the proviso that it meets at least one of a specific set of criteria. These criteria are listed under Policy R2 and include (where relevant) the following:

- Development that is appropriate in the greenbelt (listed under Policy R1 Special rural areas). That is:
 - (i) restoration or conversion of a vernacular building or other building of architectural merit;
 - (ii) accommodation within immediate vicinity of the place of employment required for a primary worker;
 - (iii) replacement of a single non-vernacular building on the same footprint for the same use.
- Development involving the refurbishment or replacement, on the same site, of an existing house or disused building.
- The remediation of brownfield land opportunities.
- Small-scale growth of settlements (organic growth) where a particular need for development has been identified (listed under Appendix 4 of the Aberdeenshire Local Development Plan 2017), up to 3 additional houses

(no more than 20% growth of the settlement) within 200m of the settlement boundary.

- A single home for the retirement succession of a viable farm holding.
- Small-scale addition to an existing group or cluster of at least 5 houses which is of scale and character that is in keeping with that cluster or group. No more than 20% growth of the cluster up to a maximum of 2 new homes under the current Plan Period (this criteria is only relevant in the rural housing market area).

6.3 The proposed development is a single house located in a field, approximately 135 metres to the south of the building line of Silverburn. The nearest other properties are Mill Croft and Lintmill Hythie, situated approximately 115 metres and 200 metres to the east, respectively. The proposed development would total four houses within similar distances from one another. There is also 'Lintmill' which is situated approximately 235 metres south-east of 'Lintmill Hythie'. The supporting information highlights existing 'clusters' at Nether Hythie and Dumpstown which reflect this pattern of development. However, a cluster is defined as a group of properties whereby their curtilages are in very close proximity to one another, often sharing mutual site boundaries and/or boundary treatments. These properties tend to have common architectural characteristics and/or are visually related by virtue of their colour palettes, site layouts, and/or landscaping features. Whilst the proposed pattern of development would broadly reflect those highlighted by the supporting information, none of the patterns is representative of a cluster. Nether Hythie and Dumpstown are more representative of sporadic development. As such, the proposed development does not meet this criterion of Policy R2 and cannot be supported in principle as an addition to an existing cluster of at least five houses.

6.4 The proposed development does not meet the other criteria listed by Policy R2, as there is no existing building on site to replace or convert. There is no evident workplace within the immediate vicinity for a worker of a primary industry, nor has supporting information been submitted to this effect. The proposal is not within 200 metres of an identified settlement listed within Appendix 4 of the Development Plan, therefore it is not organic growth. There is no viable farm holding shown to be in association with the site, for which a home would be required for retirement succession. As such, the proposal is in conflict with all relevant criteria under Policy R2 and cannot be supported in principle.

6.5 Character and amenity

The indicative scale and design of the dwellinghouse is modest, which is appropriate for the rural setting. Detailed proposals at further planning stages would be required to limit the design to a maximum of 1.5 storeys to minimise the visual impact on the character of the landscape. Proposed external materials and colour palette should be natural where possible, in keeping with the character of the locale, and ideally locally sourced for sustainability purposes. The indicative siting is well placed within the application site boundary, allowing for ample garden ground for residential amenity purposes.

Overlooking, overbearing and overshadowing would not be significant concerns by virtue of its distance from neighbouring properties.

- 6.6 However, the proposed location of the site is remote from nearby development and exploits an area of visually appealing undeveloped pasture, which would result in unnecessary disturbance to the land. This conflicts with the broader intention of Development in the Countryside policies of the Aberdeenshire Local Development Plan 2017, which is to control and support sensitive development in the countryside, in order to protect it. The proposed location of the site is not sensitive to the character of the landscape and directly undermines the above policy intentions.
- 6.7 On balance, the proposal fails to fully comply with Policy P1 Layout, siting and design and Policy E2 Landscape, in that there will be a negative impact on the character of the landscape and visual amenity of the area by virtue of the proposed location of the site.

6.8 Access and services

Access to the site is to be formed to the west of Silverburn, taken directly from the unclassified road to the north. Three parking spaces and a 7.6 metres by 7.6 metres turning area have been shown within the red line. Roads Development has not objected to the proposal, subject to conditions. The details are therefore in compliance with the requirements of access to new development within Policy RD1 Providing suitable services.

- 6.9 The application shows that a public water connection has been fed to Silverburn from Hythie via private piped connection and it is this connection which the proposed development will connect into to receive mains water. However, Scottish Water has advised that there are no Scottish Water public water supplies within the vicinity of the development. As such, Environmental Health has objected to the proposed mains water connection and requested full details of an alternative private water supply. These details have not been submitted, nor has confirmation of how the privately piped public water supply will be connected to the water mains. The application is therefore in conflict with the requirements of Policy RD1 Providing suitable services.
- 6.10 Services to the site include a proposed private drainage system. The application is accompanied by a certificate for the proposed foul water sub-surface soakaway where the percolation test failed. This means that the ground conditions are not suitable for a full soakaway. Although the agent has provided drawings showing the foul drainage being dealt with by a treatment plant, sampling chamber and foul sub-surface soakaway, no detailed report or certification has been submitted providing details of this proposed system other than the certificate for the foul water sub-surface soakaway.
- 6.11 Surface water is proposed to be managed via stone-filled partial soakaway and a certificate with calculation is provided, but no report has been submitted. A report for both foul and surface water should confirm that the

proposed drainage system will be effective in all weather conditions, and not exacerbate flooding from watercourses or existing piped drainage systems or contaminate water supplies. As such, the application fails to fully demonstrate that the system would be suitable and viable for the site in conflict with Policy RD1.

- 6.12 Policy C1 Using resources in buildings, requires that an Energy Statement be submitted at planning application stages to demonstrate how the proposed development will meet the Platinum sustainability label under section 7 of the building standards technical handbook. Where an application is supported, this policy allows for a suspensive condition to be applied. Given this application is for planning permission in principle, a condition could be applied to secure details in order to meet the requirements of Policy C1.

6.13 Summary

The proposed development is in conflict with Policy R2 Housing and development elsewhere in the countryside, in that it does not form an appropriate addition to an existing group or cluster of at least 5 houses. It also fails to comply with any of the other relevant criteria under Policy R2 and therefore cannot be supported in principle. The proposal fails to fully comply with Policy P1 Layout, siting and design and E2 Landscape, in that the location of the site is not in keeping with the pattern of development and would have a negative impact on the character of the landscape and visual amenity of the area. The application fails to provide the necessary technical requirements to demonstrate that the proposed water and waste water is appropriate and viable for the site. Accordingly, there remains an unresolved objection from Environmental Health. This conflicts with the requirements of Policy RD1 Providing suitable services. It is therefore recommended that planning permission in principle is refused.

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 integrated impact assessment is not required because the granting or refusing of the application will not have a differential impact on the protected characteristics of the applicant or any third parties.
- 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.

- 8.4 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.

9. Departures, Notifications and Referrals

9.1 Strategic Development Plan Departures

None

9.2 Local Development Plan Departures

Policy R2 Housing and employment development elsewhere in the countryside

Policy P1 Layout, siting and design

Policy E2 landscape

Policy RD1 Providing suitable services

- 9.3 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.

- 9.4 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.

- 9.5 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.

10. Recommendation

10.1 **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 development elsewhere in the countryside, in that it does not form an appropriate addition to an existing group or cluster of at least 5 houses. It also fails to comply with any of the other relevant criteria under Policy R2 and therefore is in conflict with the Local Development Plan.

02. The proposal fails to fully comply with Policy P1 Layout, siting and Design and E2 Landscape, in that the location of the site is not in keeping with the pattern of development and will have a negative impact on the character of the landscape and visual amenity of the area.

03. The application fails to provide the necessary technical information and requirements to demonstrate that the proposed water supply is appropriate and viable for the site. This conflicts with the requirements of Policy RD1 Providing suitable services.
04. The application fails to provide the necessary technical information and requirements to demonstrate that the proposed foul water and surface water system is appropriate for the site. This conflicts with the requirements of Policy RD1 Providing suitable services.

Alan Wood
Director of Environment and Infrastructure Services
Author of Report: Roslyn Purdie
Report Date: 10 November 2021

Appendix 1 - Location plan



