



Buchan Area Committee Report 7th December 2021

Reference No: APP/2021/1285

Planning Permission in Principle for Erection of Dwellinghouse at Site at The Spittal, Rora, Aberdeenshire

Applicant: Mr & Mrs W Davidson, C/o Baxter Design Company
Agent: Joan Harper, Baxter Design Company, 1 The Square, Mintlaw, Peterhead, AB42 5EH

Grid Ref: E:405817 N:850328
 Ward No. and Name: W05 - Peterhead North And Rattray
 Application Type: Planning Permission in Principle
 Representations: 0
 Consultations: 5
 Relevant Proposals Map: Aberdeenshire Local 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. Iain Sutherland - To Discuss Policy R2 Housing and employment development elsewhere in the countryside, which caps development of this nature to 20% growth of the cluster, up to a maximum of two new houses and why Policy R2 does not allow for the use of the cluster policy within 200 metres of an identified settlement

Cllr. Dianne Beagrie - Further discuss Policy R2

- 1.2 The Monitoring Officer within Business Services has 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 at The Spittal, Rora.
- 2.2 The site forms a triangular area of undeveloped pasture and measures approximately 0.16 hectares. It is located immediately west of the settlement boundary of Rora within the Rural Housing Market Area, as defined by the Aberdeenshire Local Development Plan 2017 (Appendix 1 – Location Plan). The settlement of Rora is split into three distinct areas, as shown within the Local Development Plan, with the proposed development adjacent to the southernmost and smallest of the three.
- 2.3 The proposed development would see the erection of a dwellinghouse, adding to an existing row of houses to its east (Appendix 2 – Site plan). The site is bound to the west by a mature and dense treeline. Dale Croft and associated farming enterprise is situated beyond. The proposal indicatively shows a detached dwellinghouse located centrally within the site. Garden ground would predominantly be situated to the north of the site, with the driveway, turning and parking to the south. The site would be bound by post and wire fences. Full details of the external finishes and design of the dwellinghouse have not been provided at this stage.
- 2.4 Access to the site would be taken from The Spittal to the south. Services to the site would include a connection to the Scottish Water public supply and a system of private drainage. The latter would comprise a septic tank, sub-surface foul and surface water soakaways with treatment before discharge to the ground.

- 2.5 There is no planning history for the application site. However there is extensive history for neighbouring sites and other organic growth applications:

Neighbouring sites:

APP/2017/0981 Erection of Dwellinghouse (planning permission in principle).
Granted, subject to conditions, 16 June 2017
Acceptable in principle under Policy P3 (Infill)

APP/2015/1591 Erection of Dwellinghouse. Granted, subject to conditions, 7 August 2015.

APP/2008/2466 Erection of Dwellinghouse and Detached Garage (Reserved Matters). Granted, subject to conditions, 4 November 2008.

APP/2007/2103 Erection of Dwellinghouse (planning permission in principle).
Granted, subject to conditions, 16 October 2007.
Acceptable in principle under Policy P3 (Infill)

Application Granted under the Organic Growth criterion in Rora (Capacity - 5):

Site at South Lochhead

APP/2017/0823 Erection of Dwellinghouse (planning permission in principle).
Granted, subject to conditions, 5 June 2017.

APP/2019/0217 Erection of Dwellinghouse Granted, subject to conditions,
26 March 2019.

Overall as APP/2019/0217 is a duplication of APP/2017/0823, these permissions count as one residential unit (it has not been counted more than once for the purposes of housing capacity).

Land at Greens.

APP/2017/2005 Erection of dwellinghouse. Granted, subject to conditions, 16 November 2017.

Land at North Loch-Head

APP/2018/1192 Erection of dwellinghouse. Granted, subject to conditions, 7 September 2018.

Land adjacent to Dale Croft

APP/2018/2402 Erection of Dwellinghouse without Compliance with Condition 2 (Time) of Planning Permission Reference APP/2015/2752. Granted, subject to conditions, 29 November 2018.

Land to Daisyfield

APP/2020/0353 Erection of Dwellinghouse and Garage. Granted, subject to conditions, 12 August 2021.

Land adjacent to Lochhead Cottage

APP/2019/0579 Erection of Dwellinghouse (planning permission in principle). Granted, subject to conditions, 9 May 2019.
Revoked July 2020, to allow capacity for APP/2020/0353 (cited above).

There has also been a number of applications refused during the current Plan period, including:

APP/2019/1123 Erection of Dwellinghouse. Refused, 10 July 2019. (Site to the East of Daisyfield)
Refused as in conflict with Development Plan, including Policy R2 and organic growth, no capacity.

APP/2019/1938 Erection of Dwellinghouse. Refused, 21 November 2019. (Site to the East of Daisyfield)
Refused as in conflict with Development Plan, including Policy R2 and organic growth, no capacity.

APP/2020/1698 Erection of Dwellinghouse. Refused, 19 October 2020. (Land adjacent to 1 Middleton of Rora).
Refused as in conflict with Development Plan, including Policy R2 and organic growth, no capacity; and due to size and scale of plot proposed.

2.6 In support of the application the following document has been submitted:

Drainage Report, Recommendations and Associated Test Certificates, by Ferguson Geotechnical (17 May 2021)

2.7 There have been no variations or amendments to the application.

3. Representations

3.1 No valid letters of representation have been received.

4. Consultations

Internal

4.1 **Business Services (Developer Obligations)** Longside Primary School and Mintlaw Academy are currently operating within capacity. The proposed development does not engage the Developer Obligations and Affordable Housing policies or associated supplementary guidance of the Aberdeenshire Local Development Plan 20217. Therefore, no contribution is required in this instance.

- 4.2 **Infrastructure Services (Contaminated Land)** initially requested that further site investigation be undertaken in order to establish whether past uses of the site may have caused contamination. It was initially thought that part of the site was formerly used for the storage of cars awaiting scrapping, however it has been ascertained that this was outwith the area included in this current application. Contaminated Land has no objection to the proposals and has advised a formal note is appended.
- 4.3 **Infrastructure Services (Environmental Health)** advises that it has no observations to make on the proposals and consequently has no objections.
- 4.4 **Infrastructure Services (Roads Development)** has commented that parking is to be provided as per Aberdeenshire Council parking standards. Otherwise, it has no objection subject to conditions.

4.5 *External*

Scottish Water has not objected to the proposed development. It advises that the site will be fed by Forehill Water Treatment Works, but capacity cannot be guaranteed at this time. The applicant is advised to contact Scottish Water directly via Pre-Development Enquiry Form to allow full site appraisal. There is no public Scottish Water, Waste Water infrastructure with the vicinity of the site. The applicant is therefore advised to investigate private drainage solutions.

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 RD1 Providing suitable services

Policy RD2 Developers' obligations

Policy C1 Using resources in buildings

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 issue for consideration is whether the proposed development is acceptable in principle under the Aberdeenshire Local Development Plan 2017. The impact on the character and amenity of the site must also be considered. Access and services to the site must prove appropriate and viable.

6.2 Principle

Policy R2 Housing and employment development elsewhere in the countryside, supports small-scale development proposals outwith settlements, as long as they meet a specific set of criteria. The policy supports small-scale growth of settlements which are identified within Appendix 4 of the Development Plan where a particular need for development has been identified, otherwise referred to as organic growth. It allows for the addition of up to 3 houses within 200 metres of the settlement boundary per planning application. However, under this part of the policy, no more than an additional 20% growth of the settlement, up to a maximum of 10 new homes is permitted within the Plan period. Rora is an identified settlement, as listed in Appendix 4 of the Aberdeenshire Local Development Plan 2017, with a maximum capacity for 5 additional dwellinghouses (which represents 20% growth of the settlement) under the organic growth criterion of Policy R2. Whilst the proposed site is within 200 metres of the settlement boundary, the capacity for organic growth of this settlement has been reached and is already at 5. This can be seen from Section 2 of the report, which details the relevant planning history which shows the houses granted under this exemption.

6.3 However, the proposed development is presented as an addition to an existing cluster or group of at least 5 houses that is in keeping with that cluster or group. This is another criterion of Policy R2 Housing and employment development elsewhere in the countryside, which caps development of this nature to 20% growth of the cluster, up to a maximum of two new houses. Policy R2 does not allow for the use of the cluster policy within 200 metres of an identified settlement. This is to protect the rural landscape from sprawl of settlements, and to ensure the growth of housing development is not exponential, which would threaten the ability to balance planned growth (allocated sites) with organic growth, therefore both criteria cannot be applicable. The prevention of sprawl is also the reason why this site, which upon initial view would appear to be a reasonable gap site, cannot be supported as a departure from the Plan. The opportunity to make an exception in this instance, is undermined by the area of undeveloped land at the opposite end of the Spittal, where future development (feasibly, of more than 1 unit) could consequently emerge based on the cluster policy. As such, it is in the interest of protecting the countryside from development sprawl beyond this individual site, that the principle of development cannot be supported.

6.4 In this instance, the identified settlement immediately adjacent to the site has an allocated site for residential development (OP1 for 6 homes) situated

within close proximity. Therefore, allowing the proposed development which is in excess of the numbers allowed under the current Plan period, would pose a risk to the viability of OP1. As such, the application is contrary to the Local Development Plan and cannot be supported in principle under Policy R2.

6.5 Sustainability

To 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.

6.6 There is an allocated site within Rora for 6 houses. The application site is greenfield, i.e. previously undeveloped land. Granting planning permission for houses outwith settlements in excess of the numbers permitted, undermines the ability to deliver allocated sites, and the national, local and regional strategies for housing growth, and undermines the Local Development Plan.

6.7 Character and amenity

Given the purpose of this application is predominantly to establish the principle of development, details of the proposed layout, siting and design are not required to be assessed. However, the indicative dwellinghouse appears to be appropriate in scale relative to the size of the site, in that the remaining area of undeveloped curtilage is ample to form private rear garden ground. The distance from neighbouring properties is sufficient to mitigate any concerns regarding any impacts on the privacy or amenity of neighbouring land, and thus it is possible that a dwellinghouse could be accommodated on the site without having adverse impact on neighbouring properties. Surrounding properties vary in design and external finish, however, mostly do not exceed one and a half storeys in height. Development of this site would benefit from the use of natural materials sympathetic to the rural locale and a design and scale in keeping with the houses to the east. The existing pattern of development is characterised by boundary-to-boundary residential plots. The application site does represent a site at the end of this row of five houses. The pattern of development then comes to a distinct visual termination by virtue of the dense tree line defining the western application site boundary. Beyond which, the landscape is distinctly rural both in its developed and undeveloped characteristics. In sum, it is expected that suitable layout, siting and design could be achieved in line with Policy P1, Layout, siting and design.

6.8 Access and services

Access to the site is to be taken from 'The Spittal', the existing road to the south. The proposed driveway, turning and parking areas are indicatively shown to the south of the dwellinghouse. Roads Development has advised that Aberdeenshire Council's parking standards must be met and has not

objected to the proposed details, subject to conditions should the application be recommended for approval. The Planning Service is satisfied that the application accords with Policy RD1 Providing suitable services.

- 6.9 Proposed services to the site include a connection to the main water supply and a system of private drainage, incorporating a treatment plant and sub-surface foul water soakaway. Scottish Water has not objected to the proposal but advised that the applicant should submit a pre-development enquiry, given capacity at the Forehill Treatment works cannot be confirmed at this time. It has been advised that there is no foul water treatment infrastructure in the near vicinity. Therefore, a system of private drainage is necessary. The application has been supported by a Drainage Recommendation Report and associated certification, which demonstrates that the site is appropriate and viable for the proposed system. This is acceptable under Policy RD1.

6.10 Other material considerations

The proposed development does not engage developer obligations or affordable housing policies, noting that Longside Primary School and Mintlaw Academy are currently working within capacity. No contributions, in this instance, are therefore required. The Planning Service is satisfied that the application is in accordance with Policy RD2 Developers' obligations.

- 6.11 Policy C1 Using resources in buildings requires that an Energy Statement is required to 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. However, where an application is supported, this policy allows for a suspensive condition to be applied. Given this application cannot be supported in principle however, the requirements of Policy C1 cannot be met by way of suspensive condition.

6.12 Summary

In summary, the proposed development is in conflict with the Aberdeenshire Local Development Plan 2017. The principle of development is in conflict with Policy R2 Housing and employment development elsewhere in the countryside as it meets none of the exemptions. There are no material considerations which have been presented to enable a Departure from the Development Plan.

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

- 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 proposed development is in the opinion of the Head of Planning and Economy 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.

10. Recommendation

- 10.1 **REFUSE Planning Permission in Principle 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 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, including the growth of a settlement identified in Appendix 4 of the Local Development Plan. Rora has met its permissible growth for dwellinghouses within 200 metres of the settlement, thus there is no remaining capacity. Furthermore, Policy R2 Housing and employment development elsewhere in the countryside does not allow for the use of the cluster policy criterion under where a site is within 200 metres of an identified settlement. Granting planning permission for houses in excess of the numbers permitted within each Plan period has the potential to undermine the viability of the allocated sites, include the nearby Rora OP1 site, which is in conflict with the spirit of the Rora Settlement Statement within the Aberdeenshire Local Development Plan 2017.

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

Appendix 1 - Location plan



Appendix 2 - Site Plan

