



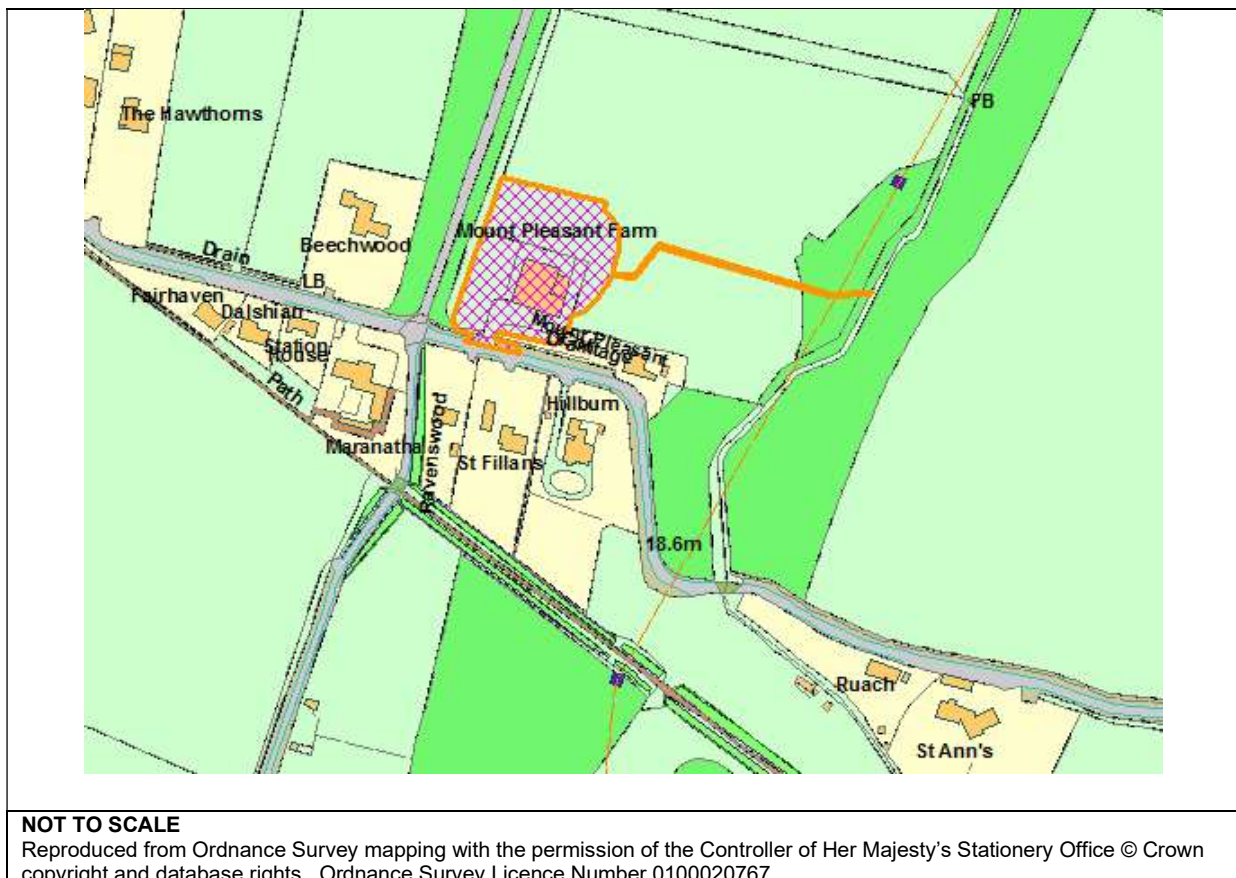
Buchan Area Committee Report 19 April 2022

Reference No: APP/2021/2803

Full Planning Permission for Erection of Dwellinghouse and Garage at Plot 5, Land Adjacent to Mount Pleasant, Inverurie, Aberdeenshire

Applicant: Mrs S Baxter, 13 Spinney Lake, Lower Mill Estate, Somerford Keynes, Cirencester, GL7 6QE
Agent: Arcus Design Ltd, Mavisbank, Old Deer, Peterhead, Aberdeenshire, AB42 5JT

Grid Ref: E:410013 N:847431
 Ward No. and Name: W05 - Peterhead North and Rattray
 Application Type: Full Planning Permission
 Representations: 1
 Consultations: 5
 Relevant Proposals Map: Aberdeenshire Local Development Plan
 Designations: Rural Housing Market Area
 Complies with:
 Development Plans: No
 Main Recommendation: Grant



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.3.1c of Part 2C Planning Delegations of the Scheme of Governance as the application for development is a departure from the Development Plan and is recommended for approval.
- 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 Full planning permission is sought for the erection of a dwellinghouse at Plot 5 on land adjacent to Mount Pleasant, Inverugie (Appendix 1 Location Plan).
- 2.2 The site, measuring 0.54 hectares, forms part of a wider parcel of land formerly used by Mount Pleasant Farm for agricultural storage sheds. It is currently a field bound on each side by post-and-wire fencing, accessed via the existing access on the south-west corner. To the west is the track running up to Mount Pleasant House, screened by trees, to the north are fields and woodland, to the east is Mount Pleasant Cottage, and to the south is the public road which serves Inverugie. There are extant planning permissions for dwellinghouses adjacent to the north and east of the site.
- 2.3 It is proposed to erect a 1½-storey dwellinghouse measuring 16.2 by 17.4 metres, with a ridge height of 7.5 metres. A detached garage would be sited to the north-east of the house. Both the house and garage are to be finished with 'Beige Marble Spar' drydash render on white background with grey stone basecourse to walls, slated roof with finials, light grey cedar boarded dormers, dark grey doors, windows, fascias, soffits and dormer gables, with black uPVC rainwater goods. This is an identical design to the four consented plots to the north and east of the site (Appendix 2 Proposed Elevation and Floor Plans).
- 2.4 The site is to be accessed from the shared road with the other granted house plots within the field, with parking for three cars and a turning area between the garage and house within the proposed curtilage. Water supply is proposed to be from the public mains. Surface water drainage is via a partial soakaway and foul water drainage by sewage treatment plant to a partial soakaway. Each of these soakaways would discharge to the burn approximately 128 metres away to the east, via a drain granted under a separate planning application, planning reference APP/2020/2526 (which is currently still a live planning permission).
- 2.5 There is a lengthy history of development and planning on the site and its adjacent fields.

Site

APP/2008/3147 Erection of Dwellinghouse (Outline planning permission) Granted, 3 March 2009.

APP/2011/1574 Conditions 3 (Reserved Matters) 5 (Landscaping) 6 (Appendix 1 Conformity) 7 (Vehicular Access Arrangements) 8 (Boundary Enclosures) of Outline Planning Reference APP/2008/3147 for Erection of Dwellinghouse. Granted 13 September 2011 (expired).

APP/2015/3392 Erection of Dwellinghouse (planning permission in principle). Granted, 22 December 2015.

APP/2018/2060 Erection of Dwellinghouse Without Compliance with Condition 2 (Time) of Planning Permission Reference APP/2015/1494. Planning Permission Revoked, 10 September 2021.

APP/2018/3001 Matters Specified in Condition 1 (Layout, Siting, Design, Landscaping, Levels, Cross Sections, Drainage, Access, Carparking) of Planning Permission in Principle Reference APP/2015/3392 for Erection of Dwellinghouse. Granted, 13 February 2019.

Note that planning permission is extended until March 2023 The Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2021 ('Coronavirus Regulations 2021'). The permission is therefore still currently extant.

Adjacent

APP/2016/1120 Erection of Dwellinghouse (Planning Permission in Principle). Refused, 27 July 2016.

APP/2017/0949 Erection of Dwellinghouse (Planning Permission in Principle). Granted, 7 June 2017. Permission extended to March 2023 under the Coronavirus Regulations 2021. The permission is therefore currently extant.

APP/2017/1581 Erection of Dwellinghouse (Planning Permission in Principle). Granted, 14 August 2017. Permission extended to March 2023 under the Coronavirus Regulations 2021. The permission is therefore currently extant.

APP/2020/1617 Erection of Dwellinghouse and Garage. Granted, 16 October 2020.

APP/2020/0689 Matters Specified in Condition 1 ((a) Layout and Siting (b) External Appearance and Finishing Materials (c) Landscaping and Tree Protecting (d) Levels (e) Drainage (f) Access and Visibility Splays (g) Car Parking/Vehicle Turning) of Planning Permission Reference APP/2017/0314 for Erection of Dwellinghouse. Granted, 18 June 2020. Permission extended to March 2023 under the Coronavirus Regulations 2021. The permission is therefore currently extant.

APP/2020/2526 Erection of Dwellinghouse and Garage. Granted, 29 October 2021.

Wider cluster

APP/2018/0634 Erection of Dwellinghouse. Granted, 26 September 2018.
(note work has commenced on site).

2.6 In support of the application the following documents have been submitted:-

- Grampian Geotechnical (Scotland) Ltd, Certificate for Proposed Foul Water Sub Surface Soakaways, dated June 2016, received 10 December 2021.
- Block Plan, dated 24 March 2022, received 25 March 2022, showing drainage details.
- Development Statement, Arcus Design (undated), received 10 December 2021.
- Drainage Statement, Arcus Design (undated), received 23 March 2022.
- Drainage Statement, Arcus Design (undated), received 25 March 2022.

3. Representations

3.1 A total of 1 valid representation (1 objection) has been received as defined in the Scheme of Governance. This does not include multiple representations from the same household which equate to 1 letter in total. All issues raised have been considered. The letter raises the following material issues:

- Should be no more new houses in Inverugie as it impacts on the hamlet.
- Increase in traffic affecting road safety.
- Erosion of natural habitat.

4. Consultations

4.1 **Business Services (Developer Obligations)** has advised that Dales Park Primary School and Peterhead Academy are currently operating within capacity. The proposed development does not engage the developer obligations and affordable housing policies or associated supplementary planning guidance of the Aberdeenshire Local Development Plan 2017. Therefore, in this instance, no contributions are required.

4.2 **Environment and Infrastructure Services (Contaminated Land)** has advised that the ground is potentially contaminated and therefore an informative should be applied which advises that should any contamination be discovered during development it should be reported to the Planning Authority immediately with appropriate steps taken to the Planning Authority's satisfaction.

4.3 **Environment and Infrastructure Services (Flood Risk and Coast Protection)** has advised that it has no comment to make on the application.

4.4 **Environment and Infrastructure Services (Roads Development)** has advised that it has no objections subject to conditions.

4.5 **Scottish Water** has advised that it does not object to the proposal, but that capacity at Forehill Water Treatment Works cannot be confirmed at this time, and therefore the developer should either complete a pre-development enquiry or contact Scottish Water Development Operations team. It advises that there is no public waste water infrastructure in the vicinity of the site, and therefore private treatment options should be investigated.

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 P4 Hazardous and potentially polluting developments and contaminated land

Policy E1 Natural heritage

Policy E2 Landscape

Policy C1 Using resources in buildings

Policy C4 Flooding

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 2022 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 the Planning Authority is awaiting the outcome of the LDP 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.

On the 18 April with reference to the legislation the LDP 2017 becomes technically 'out of date'. Notwithstanding the Aberdeenshire LDP 2017 remains the primary document against which planning applications should be determined until such time as a new LDP for the area is adopted.

Currently Scottish Planning Policy (SPP) deals with this circumstance at Paragraphs 32 to 34. In summary the primacy of the existing plan is maintained, but SPP and the presumption in favour of sustainable development will be a material consideration.

All these matters however are already considered within the policies of the Local Development Plan 2017 and considered robust in their consideration.

6. Discussion

- 6.1 The main issues to consider in the determination of this application are the acceptability in principle of the proposed development; whether the development would have an impact upon the surrounding area by virtue of its location, scale and design, impact on residential amenity, and whether the development can be adequately serviced and accessed.

Principle

- 6.2 Policy R2 Housing and employment development elsewhere in the countryside states that development in the countryside area outwith the Aberdeen greenbelt and coastal zone should be restricted to small scale development that would:
- Be appropriate in the greenbelt;
 - Refurbish or replace an existing house or disused building;
 - Remediate redundant brownfield land;
 - Provide small scale growth of a settlement identified as suitable for growth;
 - Be a home for the retirement succession of a viable farm;
 - Be an employment proposal, or
 - Be an addition to an existing cluster or group of at least five houses.
- 6.3 Considering the proposal against the above criteria, only the addition to an existing cluster or group of at least five houses may apply in this case. There is an established cluster of houses within the area.
- 6.4 Policy R2 limits the number of dwellinghouses that can be granted as an addition to this existing cluster to a maximum of two houses within the current Development Plan period. As can be seen in the planning history (outlined in section 2.5), there is an extensive planning history for the area and there have been a number of planning permissions granted under the cluster criteria during this plan period. The proposal therefore is in conflict with Policy R2 Housing and employment development elsewhere in the countryside.
- 6.5 Notwithstanding the above, the planning history is a material planning consideration in assessing applications, including the principle of development. In this case there is an existing planning permission which remains extant for Plot 5 as granted under planning reference APP/2015/3392 and the subsequent Matters Specified in Condition 1 (planning reference APP/2018/3001), which remains extant until March 2023. The principle of development at that time complied with Policy R2 as it sought to replace a disused agricultural building. However, that building has since long been demolished, and no evidence of the building remains. A former area of hardstanding exists, but the Planning Service notes that areas of hardstanding cannot be deemed to be redundant, particularly for agriculture, to justify the erection of dwellinghouse. Whilst, it is acknowledged that the proposed development enlarges the plot and does relocate the house more centrally within the site, as now proposed, it nevertheless has similar spatial relationship between the house and detached garage in comparison to the approved development. Furthermore, it is noted that due to the proposed siting and design, the as proposed footprint partially overlaps that which has been previously granted, and therefore both planning permissions cannot be implemented, should this application be granted planning permission.
- 6.6 It is noted that the previous planning permission was for a much smaller site (see Appendix 3 Site Plan), and this application encompasses that site and land to the east, which was previously a plot that has since been revoked in

order to allow planning application APP/2020/2526 for the erection of dwellinghouse and garage to be approved.

- 6.7 It is noted that Policy R2 seeks to grant small-scale development, which is defined as 350 sq.m within the Development Plan. The application is also in conflict with this element of the policy, being in the region of 5400 sq.m. in area. However, consideration must be given to the wider pattern of development, and it is noted that plots to the north and east that have been granted are of a similar size, ranging from 4,628 to 7,216 square metres. It therefore, given the immediate planning history surrounding the proposed plot, and the fact it is located in the western corner, with the adjacent plots to the north and north-east surrounding it, would seem inappropriate to suggest that the size of the plot is out of character in this instance. It is noted that the previous plot as granted under the planning permission in principle, is 2,156 square metres in area.
- 6.8 Whilst therefore the proposed development is in conflict with Policy R2, as the capacity for the cluster has been reached and the plot size does not constitute small-scale development. It is recommended that in this instance the principle of development is supported as a Departure to the Local Development Plan due to the planning history of the site, and the surrounding context of planning and development, in particular the extant planning permissions.

Layout, siting and design

- 6.9 The proposed property is of identical size, design and specification to each of the four plots consented to the north and east, being a suburban-modern type, providing accommodation over two levels. The design in itself is somewhat distinctive, with its alternate hipped and gabled rear wings, and whilst the Planning Service would normally promote a mix of house designs, and that in this case there has been piecemeal plot-by-plot planning of the field which has resulted in this case the repetition of design, somewhat contrary to the variety to be found across the local area, it is noted that the house type proposed would not alter the overall effect of repeated designs, given that the existing planning permission as discharged via planning application reference APP/2018/3001, is for a dwellinghouse of just the same type. The proposal's design and material specification are therefore, in this instance, acceptable.
- 6.10 Regarding the layout, the site plan submitted illustrates that there is sufficient garden ground provided for the dwellinghouse. The layout conforms to the orientation of the existing consented layouts of the surrounding plots, with all principal elevations facing south. The dwellinghouse is located centrally in its plot, being no nearer than 15 metres from its site boundary. There are therefore no concerns regarding adverse impact on the amenity of neighbouring properties, existing and consented, including overlooking or loss of light. Given the location of the site it would not, by virtue of its siting, alter the wider landscape.
- 6.11 The layout, siting and design of the proposal is therefore deemed to not be in conflict with Policy P1 Layout, siting and design, and Policy E2 Landscape.

Contaminated land

- 6.12 The site includes what were the former farm buildings of Mount Pleasant Farm, since demolished. The Contaminated Land team has not objected to the proposal, although recommends a condition. Provided all appropriate measures are taken during construction, the proposed development is not in conflict with Policy P4 Hazardous and potentially polluting developments and contaminated land.

Drainage, access and servicing

- 6.13 Details of the proposed means of water and waste-water under Policy RD1 Providing suitable services states that developments will be supported where they meet the required standards for water, waste water and surface water drainage servicing.
- 6.14 The proposed development states a connection to the public water supply infrastructure. It is noted that Scottish Water has not objected to the application.
- 6.15 In terms of foul water drainage, Policy RD1 states that a development must connect to the public drainage infrastructure, or a private drainage solution where a connection to public infrastructure is unfeasible. Scottish Water notes there is no public waste water infrastructure within the area and so private infrastructure is required. The development proposes a sewage treatment plant, a partial soakaway, with an outfall to the nearby burn approximately 128 metres east of the site. The drainage proposal is supported by a drainage certificate.
- 6.16 Roads Development has confirmed that it does not object to the proposed access in terms of its suitability or road safety subject to conditions. It is noted that there are concerns which have been raised regarding the increase of road traffic in the area. Whilst it is noted that Roads Development does not object, it is also worth noting that there is an existing extant planning permission for a dwellinghouse of the same design, and that this planning permission, if granted, effectively replaces that permission, therefore the approval of this application would not result in an increase of traffic.
- 6.17 In consideration of the above the application is not in conflict with Policy RD1 Providing suitable services.

Other Matters

- 6.18 Policy RD2 Developers' obligations states that contributions will be sought towards the provision of necessary infrastructure. The Developer Obligations team has confirmed that no contributions are required for the proposal in this instance. The development is therefore not in conflict with Policy RD2 Developers' obligations.
- 6.19 Flood Risk and Coast Protection advise that it has no comment to make regarding flood risk. The proposal is therefore not in conflict with Policy C4 Flooding.

- 6.20 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.
- 6.21 Concerns have been raised in the public comment regarding the erosion of natural habitat for flora and fauna, bringing into question its compliance with Policy E1 Natural heritage. As there is an existing consent for a dwellinghouse on this site, the approval of this application would not result in any change to the existing natural environment of the area. Policy E1 Natural heritage, as well as protecting designated conservation sites and protected species, requires development to minimise any adverse impact on a site's environmental quality, ecological status or viability. There are no designated conservation sites or protected species records within or close to the site. The site's habitat types are 'improved grassland' and 'built-up areas and gardens', neither of which are significant from the point of view of ecological impact. The proposal is thus not in conflict with Policy E1 Natural heritage.
- 6.22 There is also a concern that no new houses should be built within Inverugie. Whilst granting this application would technically be a Departure to the Local Development Plan, for the reasons outlined within the report, this application does not represent an additional house, and its design is similar to that previously granted. The substantial difference is the size of the plot and a repositioning of the house further to the west than that previously granted. However, as outlined, this application, if granted, is effectively a replacement, as the house subject to this application does partially overlap the footprint of the house previously granted. Therefore, there is no net change to the number of houses.

Conclusion

- 6.23 Whilst the application is in conflict with Policy R2, as there is no capacity for additions to the existing housing cluster and due to the size of plot, it is noted that there is extant planning permission for a dwellinghouse on part of the plot, and that this application effectively seeks to supersede that permission given both cannot be implemented. The result is that no additional houses would be built than what has already been granted. However, it is a Departure, as the previous planning permission was granted in 2015 (planning permission in principle), under the previous 2012 Development Plan. Since then a number of planning permissions have been granted under the 2017 Development Plan which remain extant, and has taken up the capacity for an extension to the existing cluster. The approval of this application is thus in conflict with Policy R2. However, given the application remains extant under March 2023, the granting of this application would not increase the number of houses overall.
- 6.24 Furthermore, whilst the plot size is of significant size, and exceeds 350 sq.m. which is defined as small scale development, it does reflect the pattern of adjacent plots, and given its siting is in the south-western corner of those plots, and therefore effectively surrounded, the Planning Service is of the view that it is not out of keeping. It is therefore recommended that the application is

acceptable as a Departure to Policy R2 given the planning history and the surrounding context.

- 6.25 The proposal is of identical design to that previously granted on part of the plot, with a similar layout, and therefore the application is acceptable. The application is not in conflict with Policies P1 and E2, for the reasons outlined above. The proposed drainage, water supply and access, subject to conditions, meets the requirements of Policy RD1. There are no significant concerns around contaminated land or natural heritage under Policies P4 and E1.
- 6.26 The application meets all the relevant policies of the Aberdeenshire Local Development Plan 2017 except Policy R2, although it is deemed that the principle of development can be supported based on the planning history and context of the site, as outlined in this report. It is therefore recommended to grant planning permission, as a Departure to the Aberdeenshire Local Development Plan 2017, subject to conditions.

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

