



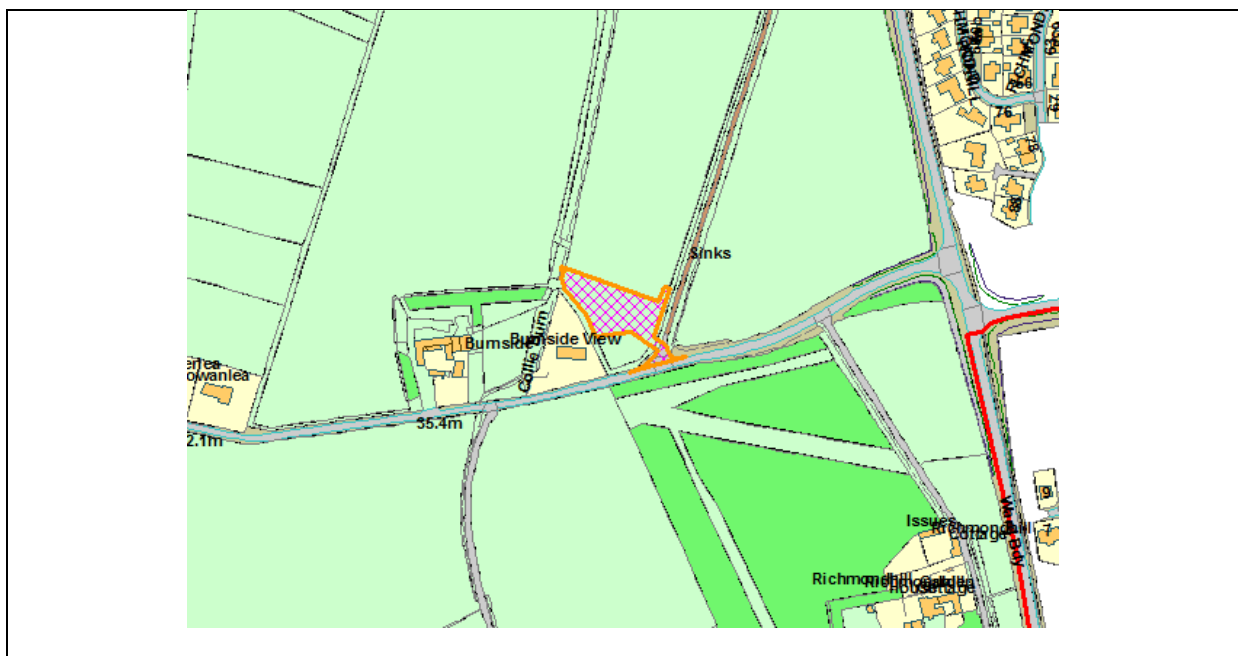
Buchan Area Committee Report 6 September 2022

Reference No: APP/2022/1363

Full Planning Permission For Erection of Dwellinghouse at Site Adjacent Burnside View, Peterhead

Applicant: Mr Andrew Ritchie, C/O Ecotech Architecture
Agent: Ecotech Architecture, 7 Wallace Way, Fraserburgh, AB43 7EJ

Grid Ref: E:410323 N:845689
Ward No. and Name: W05 - Peterhead North And Rattray
Application Type: Full Planning Permission
Representations: 0
Consultations: 4
Relevant Proposals Map: Aberdeenshire Local Development Plan
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.11.1 of Part 2A List of Committee Powers and Section C.3.1h of Part 2C Planning Delegations of the Scheme of Governance as the application is recommended for refusal but where 50% or a majority of responding Local Ward Members in the Ward in which the development is proposed, have requested that the application be referred to the Area Committee.

- Cllr Dianne Beagrie – discuss policy P1 and R2
- Cllr Matthew James – To discuss if the development constitutes sustainable development

1.2 The Monitoring Officer within Business Services has been consulted in the preparation of this report and had no comments to make.

2. Background and Proposal

2.1 Full planning permission is sought for the erection of a dwellinghouse at a site adjacent Burnside View, Peterhead (Appendix 1 Location and Site Plan).

2.2 The site, measuring 0.31 hectares, lies approximately 215 metres west of Peterhead settlement boundary, on the public road leading to Stockbridge Farm to the west. The development would be accessed via the bell mouth which functions as an informal parking area for the footpath that runs north from this road. It lies in the Rural Housing Market Area, outwith any settlement boundary, with a small segment in the north-west corner at Low and Medium risk of surface water flooding.

2.3 The site is presently part of a field, with further parts to its north and south. To the west is the curtilage for Burnside View dwellinghouse and to the east the footpath. It is proposed to erect a 4-bedroom dwellinghouse measuring approximately 15.0 metres by 17.0 metres, with a ridge height of 7.2 metres, including an adjoining garage. The proposed house is a contemporary design, including triangular gable windows and a mixture of Nordic White drydash, timber cladding and natural stone cladding finishes to walls. The roof would be finished in grey concrete tiles, and doors, windows, fascias and soffits would be anthracite grey (Appendix 2 Elevation and Floor plans).

2.4 The proposal shows the provision of parking for three cars including the garage and turning space. Foul and surface water drainage would be provided by separate soakaways discharging into Collie Burn to the north-west. The water supply would be public.

2.5 The relevant planning history relates to the site adjacent Rowanlea dwellinghouse:

APP/2017/3249 Erection of Dwellinghouse (Change of House Type to Planning Permission Reference APP/2016/2940). Granted, 23 February 2018

APP/2016/2940 Erection of Dwellinghouse. Granted, 21 December 2016.

2.6 In support of the application the following document was submitted:

Ground Assessment Report & Drainage Recommendations, S. A. McGregor, 19 June 2022.

3. Representations

3.1 No valid representations have been received.

4. Consultations

Internal

4.1 **Business Services (Developer Obligations)** advised that Dales Park Scholl 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)** advised, following receipt of further information about the site's former use, they it has no further comment.

4.3 **Environment and Infrastructure Services (Roads Development)** has advised that the turning area in the plans should be independent of parking spaces, but that there is ample space within the driveway to accommodate it. No objections subject to conditions

External

4.4 **Scottish Water** does not object to the application, but cannot confirm capacity at Forehill Water Treatment Works. It advises that the developer contact its Development Operations team. Advise there is no public waste water infrastructure in the vicinity of the site.

5. Relevant 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 R2 Housing and employment development elsewhere in the countryside

Policy P1 Layout, siting and design

Policy P4 Hazardous and potentially polluting development and contaminated land

Policy C1 Using resources in buildings

Policy C4 Flooding

Policy RD1 Providing suitable services

Policy RD2 Developer 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 Reporter's report of Examination of the Proposed LDP 2020 has now been published (24 June 2022). Notwithstanding, there is currently no authority to use the Proposed Local Development plan as a substitute for the Local Development Plan 2017. The weight that can be given to the phrase "settled view of the Council" can only be interpreted in the context of the publication of the Proposed Local Development Plan 2020 (March 2020). Even with the certainty associated with the Reporters' report it still remains only a material consideration in determining planning applications. However, consideration will be given on a case by case basis where the weight of the Reporter's report should be given overwhelming significant weight when it is most advantageous to the applicant's proposals. SPP Paragraph 34 is of associated relevance.

The Scheme of Governance reserves determination of planning policy to Full Council for resolution. As such until the Proposed Local Development Plan 2020 has been formally adopted by Full Council (as LDP 2022) can this be considered as the Council's "settled view".

It should be borne in mind that the LDP has been written to be implemented as a whole and not the selective use of agreeable parts.

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. The policies of the LDP 2017 are reflective of the policy position within SPP. Both SPP and the National Planning Framework 3 are confirmed as significant influences on the content of the plan, as confirmed within Section 2 – 'Influences of the Plan'. In summary, when a development plan is more than five years old the presumption in favour of sustainable development is a significant material consideration, this must be balanced against any adverse impacts of the proposed development which would significantly and demonstrably outweigh the benefits. All of these matters however are already embedded within the policies of the Local Development Plan 2017 and deemed robust in their consideration.

5.5 Other Material Considerations

Designing Streets

6. Discussion

- 6.1 Paragraph 33 of Scottish Planning Policy (SPP) states that where a development plan is more than five years old, the presumption in favour of development that contributes to sustainable development will be a significant material consideration. This must be balanced against any adverse impacts of

the proposed development which would significantly and demonstrably outweigh the benefits.

- 6.2 The main issues for consideration are whether the application is acceptable in principle, the character of its layout, siting and design, and whether its provision of services is acceptable.

Principle

- 6.3 Policy R2 Housing and employment development elsewhere in the countryside supports in principle, within the Rural Housing Market Area small-scale additions to a cluster of at least five existing houses, up to a limit of 2 houses or 20% growth, whichever is lower. Although no supporting information has been submitted by the applicant, it is assumed this is the premise for the application, as there is no other criteria within Policy R2, based on the information submitted, which may support the proposal. The site is not greenfield it is previously undeveloped land, Peterhead is not an identified settlement as listed under Appendix 4 acceptable for small-scale organic growth, and the proposal is not related to a rural worker or farming succession.
- 6.4 For the cluster policy to apply, there must be at least five houses in a coherent group. As there are only two dwellings immediately west of the application site, Burnside View and Burnside Farm, any consideration of a cluster must encompass properties further west.
- 6.5 It is acknowledged that the dwellinghouse approximately 240 metres west of the site was granted approval under APP/2017/3249, with the principle established under APP/2016/2940. This identified a cluster of six properties to the west of that plot, and acknowledged no association with the properties at Burnside. Although the change of access granted under APP/2017/3249 brought that plot into closer connection with the properties to its east, through an access shared with Burnside Farm, the connection is relatively weak due to the length of this access and the distance of the dwellinghouse itself, approximately 100 metres, with significant tree boundary and a field separating the two. One still has the sense on site that the western group of now 7 dwellings (APP/2017/3249, Silverlea, Rowanlea, and the four flats at Lochside) remains a coherent group separate in character from those at Burnside to the east. Furthermore, although nearby to one another, Burnside Farm and Burnside View are again poorly related, being separated by separate curtilage boundaries and extensive tree screening. In sum, there are two distinct groups, and this site does not relate to the group of seven located to the west of Rowanlea.
- 6.6 In any case, even if it were deemed to be a cluster of nine dwellings, application APP/2017/3249, granted on 23 February 2018, has taken the available capacity of housing, and therefore there is no remaining capacity. As such, in any case, the application is in conflict with the Development Plan, in particular policy R2.

- 6.7 The cluster element of policy R2 seeks to direct development within rural areas to ensure that development in the countryside respects the qualities for which the countryside is valued can be preserved and enhanced. For this reason, rural clusters suitable for expansion under Policy R2 are clearly separated from settlements and the cluster policy cannot be applied to them. The site in this case whilst within 400 metres of Peterhead settlement, which is a benchmark for a reasonable walking distance under Designing Streets guidance, does highlight no footpath or public transport links. The development if granted would undermine allocations within the settlement of Peterhead and beyond, which have been allocated on the grounds of them being deemed sustainable growth of the settlement.
- 6.8 As the five-year period for the Local Development Plan has ended, the presumption in favour of sustainable development becomes a significant material consideration. Given the site's close proximity to Peterhead settlement, the proposal poses a risk of increasing suburban sprawl outwith the town's settlement boundary, with negative consequences of sustainability in terms of travel requirements and provision of public services. It would also have implications for the delivery of nearby allocated sites for Peterhead including, but not limited to, OP1, OP2 and OP3, which have been identified in the previous Plan and forthcoming one.
- 6.9 It is further acknowledged that the Proposed Local Development Plan 2020 has increasing weight as it approaches adoption, and that the application would not be acceptable in principle under the equivalent Policy R2.16, which supports cluster expansion of existing housing groups in the Remote Rural Area only, which this site lies outwith.
- 6.10 In summary, the proposal does not accord with Policy R2 and there are significant adverse and demonstrable impacts, which is not sustainable. The application is in conflict with the Development Plan and Scottish Planning Policy and therefore is not acceptable in principle.

Layout, siting and design

- 6.11 Policy P1 Layout, siting and design requires developments to demonstrate the six qualities of place, that they be distinctive, welcoming, safe and pleasant, adaptable, efficient, and well connected. The proposed design is contemporary in character, within a wider area of mixed housing styles that are agricultural and suburban in character. Due to this mix, its design would not have a negative impact on the character of the site or wider area. Its layout ensures proper location of drainage infrastructure and adequate open space for the occupants.
- 6.12 Regarding the site itself the size is large for a dwellinghouse plot but in this circumstance would be acceptable in this instance given the size of nearby residential curtilages. The property would be in keeping with the grain of development. However, the layout of the site boundary is not ideal, producing a field gap of approximately 0.1 hectares to the south of the site. This would

have a negative impact on the field's current agricultural use, as such a site is too small to be viably used in such a way.

- 6.13 The site has good pedestrian and cyclist accessibility, being immediately accessible from a footpath that leads into Peterhead. However, the nearest bus stops accessible on foot are approximately 0.9 kilometres away in the town. Particularly for travel outside Peterhead, this would embed reliance on a private car and does not accord with Policy P1.

Contaminated land and flooding

- 6.14 Following consultation with Contaminated Land, the application is deemed to comply with Policy P4 Hazardous and potentially polluting development and contaminated land.
- 6.15 Given the negligible portion of the site that is at risk of flooding, well away from any proposed building, the risk of flooding is not judged significant, and the application would be acceptable according to Policy C4 Flooding.

Servicing

- 6.16 Policy RD1 Providing suitable services requires developments to be safely and equitably accessible, with access and parking provided to the satisfaction of the Roads Development team. The Roads Development team has advised that, although the plans as submitted do not show a satisfactory turning circle, that this might easily be secured within the space available, and that the application can therefore be accepted subject to conditions.
- 6.17 Policy RD1 further requires developments to provide public water supply wherever possible and sustainable means of foul and surface water drainage. The dwellinghouse would be connected to public water. In relation to drainage, the foul and surface water is proposed to be private. The drainage details submitted demonstrate that the application can be suitably drained.

Developer obligations

- 6.18 Policy RD2 Developers' obligations seeks contributions required of developers to offset any impacts of development. The Developer Obligations team has advised that in this case no contribution is required. The application therefore accords with Policy RD2.

Summary

- 6.19 The policies contained in the Local Development Plan 2017 remain compliant with the principles of sustainable development as guided by the SPP and therefore provide an appropriate basis for the determination of this application.
- 6.20 The erection of a dwellinghouse on this site is in conflict with Policy R2 Housing and employment development elsewhere in the countryside, as it is

not the addition to an existing housing cluster of at least five dwellings, and meets no other exceptions. Furthermore, the proposed layout would have a negative impact on the agricultural viability of the field it is located within due to its siting. These adverse impacts carry significant material weight lending itself to refusal of this application.

- 6.21 The proposed development was assessed against the Scottish Planning Policy principles of sustainable development however the proposal does not accord with those principles and does not accord with the policies of the Aberdeenshire Local Development Plan 2017 and therefore cannot be considered to contribute to sustainable development.

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

- 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 presumption in favour of sustainable development is a significant material consideration, this must be balanced against any adverse impacts of the proposed development which would significantly and demonstrably outweigh the benefits.

The proposed development was assessed against the Scottish Planning Policy principles of sustainable development. However, adverse impacts significantly and demonstrably outweigh the benefits of the proposal. The site is Greenfield development, and with lack of connections, alternative modes of travel to the car, with a lack of public transport connections and footpaths.

02. The proposed development is in conflict with the Aberdeenshire Local Development Plan 2017, as it does not constitute an appropriate addition to an existing cluster. It is not well related to a group of at least 5 existing houses, due to the curtilage separations that exist between the properties to the west. The application meets none of the other exemptions listed under Policy R2 Housing and employment development elsewhere in the countryside, and is therefore in conflict with the Development Plan.
03. The application is for a development that is not in accordance with the Aberdeenshire Local Development Plan 2017, as the layout of the site boundary would negatively impact the character of the area through the creation of a gap site that could not be viably used for its current agricultural use. It would therefore fail to comply with Policy P1 Layout, siting and design.
04. The application is for a development that is not in accordance with the Aberdeenshire Local Development Plan 2017, as the proposed dwellinghouse would be poorly connected to local public transport connections, despite its close proximity to a settlement, and without safe pedestrian links, noting that the site is currently separated from Peterhead by a Trunk road. The proposal therefore fails to comply with Policy P1 Layout, siting and design.

Alan Wood
Director of Environment and Infrastructure Services
Author of Report: Esmond Sage
Report Date: 24 August 2022

