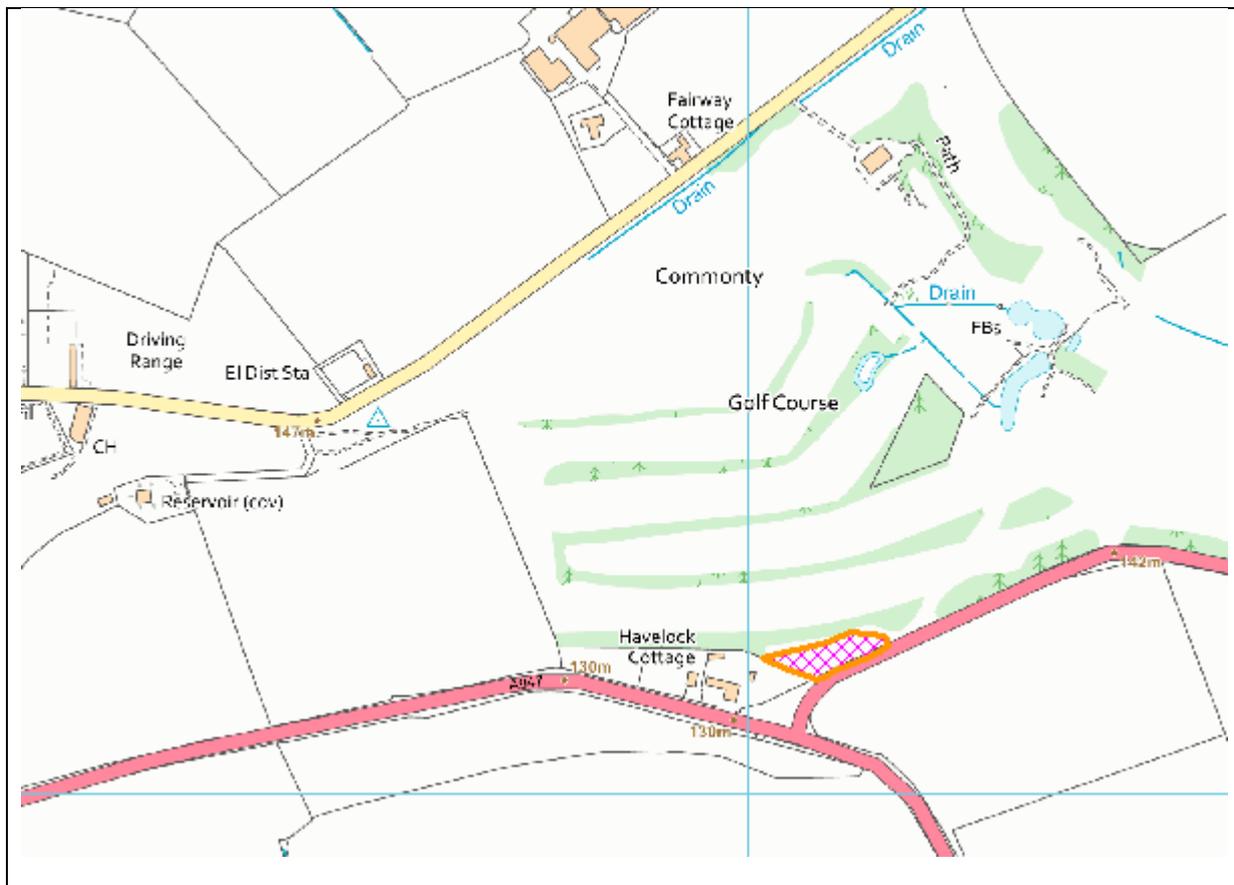


Formartine Area Committee Report - 22 January 2019

Reference No: APP/2018/2514

Planning Permission in Principle for Erection of Dwellinghouse at Land at Oldmeldrum Golf Club, Kirk Brae, Oldmeldrum, Aberdeenshire, AB51 0DJ

Applicant:	Oldmeldrum Golf Club
Agent:	Patricia Ramsay
Grid Ref:	E:382066 N:827120
Ward No. and Name:	Mid-Formartine
Application Type:	Planning Permission in Principle
Representations:	149
Consultations:	3
Relevant Proposals Map:	Aberdeenshire Local Development Plan
Designations:	AHMA
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.3.1h of Part 2C Planning Delegations of the Scheme of Governance as the application is recommended for refusal but in the professional opinion of the Head of Planning Building Standards, there has been a substantial body of support for the development.
- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

2. Background and Proposal

- 2.1 Planning permission in principle is sought for the erection of a single house on land at Oldmeldrum Golf Course, Oldmeldrum. The site is located approximately 680 metres east of Oldmeldrum, near the junction between the A947 and A920, immediately north of existing house "Gordonstone". The site is currently laid to grass, which is well maintained, and a timber sign that advertises the Oldmeldrum Golf Course and driving range. On the periphery of the site are a mix of semi-mature and young broadleaf trees.
- 2.2 As the application is for planning permission in principle a house type and layout plans are not required, however the applicant has provided an indicative layout that demonstrates the location of a house within the site, a detached garage and access road. A location plan and site plan are attached to this report as Appendix 1 and 2.
- 2.3 A new access would be taken via the A920, located on the eastern most part of the site.
- 2.4 The applicant proposed a private drainage arrangement for the disposal of foul and surface water. A drainage layout plan demonstrates the location of a surface water soakaway and septic tank discharging to a foul water soakaway. The application is accompanied by a Drainage Impact Assessment (DIA). The DIA states that the ground conditions are suitable for the drainage arrangements proposed and include a future maintenance scheme.
- 2.5 In support of this application the following documents have been submitted:
 - Planning Statement
 - Drainage Impact Assessment
 - Supporting letter from Oldmeldrum Golf Club
 - Site photos

- 2.6 This site has been the subject of a previous planning application. Planning permission in principle, reference APP/2017/2163, was refused planning permission on 13 November 2017 for the following reason:

“The development is contrary to Policy R2 Housing and employment development elsewhere in the Countryside, contained in the Aberdeenshire Local Development Plan 2017. The land was never developed and as such is not considered to be previously developed land or brownfield land”.

3. Representations

- 3.1 A total of 149 valid representations, all of which are in support of this application, have been received as defined in the Scheme of Governance. This does not include multiple representations from the same household which equate to 179 letters in total. All issues raised have been considered. These representations can be viewed on the Aberdeenshire Council website. The letters raise the following material issues:

- *Good site for a house*
- *Adjacent to existing dwellinghouses*
- *No impact on the surrounding landscape*
- *Good use of unused/redundant land*
- *Lack of housing in this area*
- *Development will enhance this area*
- *Would support a local business*
- *Good for the community*
- *Retain a local recreational facility*
- *No impact on local wildlife*
- *Provide affordable housing*
- *Good bus service passes the site*
- *No loss of amenity to existing houses*
- *In keeping with existing pattern of development*
- *Good road access*
- *No impact on the limited capacity of Meldrum sewage system*
- *Good access to local amenities*

4. Consultations

- 4.1 **Business Services (Developer Obligations)** has confirmed that Developer Obligations have been agreed. Contributions towards the secondary school are sought but not yet concluded.
- 4.2 **Infrastructure Services (Roads Development)** does not object to this application, subject to conditions regarding the access, construction of a lay-by, visibility splays and installation of bin store.
- 4.3 **Scottish Water** has no objection to this application.

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 2014

The purpose of this Plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. 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.

5.3 Aberdeenshire Local Development Plan 2017

Policy B4 Special development areas
Policy R2 Housing and employment development elsewhere in the countryside
Policy E2 Landscape
Policy P1 Layout, siting and design
Policy C1 Using resources in buildings
Policy PR1 Protecting important resources
Policy RD1 Providing suitable services
Policy RD2 Developers' obligations

6. Discussion

- 6.1 Planning permission in principle is sought for the erection a dwellinghouse in the countryside. The main issues to consider are the principle of development, access and drainage arrangements and the applicants supporting documents.

Applicants supporting letter

- 6.2 The application is accompanied by a supporting letter. The letter states that Oldmeldrum Golf Club is seeking permission of a house to ensure the long term viability of the club. *“In this time of economic hardship for everyone, we as a club are struggling to maintain our level of financial stability despite various fundraising events and increases in membership fees”*. Many years ago the club took out loans for improvements to the club. The outstanding loans, bank overdraft and high bank charges are preventing the club from moving forward to make further necessary improvements and maintenance. The club are unable to increase their fee’s any further as it would render them uncompetitive. The sale of the land for a house would improve the club’s financial position. This would then allow them to invest in essential projects and repairs at the club, such as irrigation systems. The irrigation system would allow the pumping and cleaning of the pond water so it can be used. At present the greens are sprayed with chemicals to prevent diseases from the infected pond water.
- 6.3 The letter states that the club is part of the local community with around 525 members and 85 social members. Approximately 60% of members live in or close to Oldmeldrum. In addition to providing facilities for members, the club holds the local bridge club, public use of the practice range and provides accommodation for the “Oldmeldrum Amenities Group”. In addition the club provides the Christmas tree in Oldmeldrum town centre and provides the church with an overflow car park. The club wishes to continue their active involvement in the community.
- 6.4 The club has pursued all other avenues to generating additional funds prior to applying for a house. These include donations from members, local business sponsors and cutting back on staffing hours.
- 6.5 The application site is used for turf growing, but is now obsolete as it is cheaper to buy new turf compared to the man hours needed to maintain and cut their own. The site is unused and takes up the greenkeeper staff time maintaining it. The club has investigated other sites within or closer to the settlement boundary for Oldmeldrum, however historic burdens on the title deeds mean they are unable to sell the land.
- 6.6 The applicant promotes this site as re-use of a redundant site that has good access, services and within reasonable walking distance from Oldmeldrum.

Aberdeenshire Local Development Plan 2017 Policies

- 6.7 The application site is located outwith any settlement boundary and is therefore considered to be countryside. This application is assessed, in the first instance, under Policy R2 Housing and employment development elsewhere in the countryside. The applicant is promoting this site as the development of disused and redundant land. The land was formally used by the Golf Club for growing turf for the course, but is no longer required. Policy R2 supports the replacement or refurbishment, on the same site, of an existing house or disused building. This policy also supports the remediation of redundant brownfield land for small scale development. The Glossary to the Aberdeenshire Local Development Plan defines brownfield land as being *“Sites which have been developed or used for some purpose that has now ceased and on which a new use has not been established. They exclude private and public gardens, sports and recreational grounds, woodland and amenity open spaces. In rural areas and in the context of Policy RD2 it is necessary for brownfield site to be redundant”*. The re-use of brownfield sites will always be preferred over greenfield development. Appropriate development is welcomed on sites that have been previously developed or standing vacant, dilapidated and derelict. The judgement of whether a site is redundant for its designed purpose must be made on the basis of physical inspection. In this case, the application site is a greenfield site that has never been developed for a building or hardstanding. The Golf Club used the land to grow good quality turf for the purpose of the golf course and therefore, similar to agricultural land, has always been greenfield land. In addition the site does not appear vacant, dilapidated or derelict.
- 6.8 In addition to the redevelopment of previously developed or brownfield land, Policy R2 allows for housing in the countryside if the development would be appropriate in the greenbelt (Policy R1), small scale addition to an appendix 4 settlement or a house associated with the retirement succession of a viable farm holding. Policy R1 Special rural areas support development that includes:
- *The extension of an existing building or use that is ancillary to the main use;*
 - *Development for the purposes of agriculture, forestry, horticulture or nature conservation;*
 - *Development for recreational use;*
 - *Sensitive restoration, conversion or extension of a vernacular building;*
 - *Accommodation within the immediate vicinity of the place of employment required for a worker in a primary industry appropriate to the countryside;*
 - *Replacement of a single non-vernacular building on the same footprint.*

This application does not comply with any of the criteria within Policy R1. The purpose of the application is to generate funds to support the Golf Club. The applicant has not provided any information to state that the proposed house is for accommodation for a worker in an appropriate enterprise. As stated above the application site is not previously developed.

- 6.9 The nearest settlement to the application site is Oldmeldrum, located approximately 680 metres to the west. Policy R2 allows for small scale additions of up to 3 houses within 200 metres of an appendix 4 settlement. Oldmeldrum is not a settlement within appendix 4 of the Aberdeenshire Local Development Plan.
- 6.10 The applicant is aware of the content of Policy R2 as it formed part of the pre-application enquiry advice provided by the Planning Service, reference ENQ/2017/0883 and the assessment of application APP/2017/2163. The applicant has provided supporting information to justify their reason for seeking planning permission. However, the supporting document provided does not override the principle of Policy R2. The Planning Service can confirm that the proposed development does not comply with Policy R2.
- 6.11 The applicant is seeking permission for a house to enable the continued operation of Oldmeldrum Golf Course. The Aberdeenshire Local Development Plan 2017 contains a policy, Policy B4 that allows the start-up of businesses by allowing co-funding through modest housing developments. However, the policy only make allowances on sites located in "Regeneration Priority Areas". Oldmeldrum is not designated as a "Regeneration Priority Area". In addition, the golf course is not a start-up business, but potentially a business at risk.
- 6.12 In terms of layout and siting, Policy P1 Layout, siting and design ensures that all new development contributes to a sense of local identity, provides privacy, security and amenity and is welcoming through visual appeal. This application is for planning permission in principle, therefore an assessment of contributing to the sense of local identity, visual appeal and amenity would be assessed in any subsequent planning applications. However, the applicant has provided an indicative layout that demonstrates that a reasonable sized house could be accommodated within the boundaries of this site that would provide adequate garden ground and does not give rise to loss of neighbouring amenity.
- 6.13 While the application site does not comply with the principles of development in the countryside, the application site is adjacent to a group of two houses with established gardens and boundary treatment. As such a house in this location could not have as significant an impact on the landscape and character of this rural location had it been in isolation. This application could comply with Policy P1.
- 6.14 Access to this site is to be taken via the A920 Pitmedden to Oldmeldrum road. Aberdeenshire Roads Development team have assessed this application with regard to section "Access to new development" of Policy RD1 Providing suitable services and find the access to the site acceptable.
- 6.15 In accordance with Policy RD1 Providing suitable services, water and waste water, the applicant has provided a Drainage Impact Assessment in support of the private drainage arrangements proposed for the site. The report confirms that the proposed private arrangements are appropriate for this site

and the ground conditions are suitable. The application site will connect to the public water infrastructure. As such the Planning Service is satisfied this application would comply with Policy RD1.

- 6.16 In addition the site is designated as Prime Agricultural Land Class 3:1. Policy PR1 Protecting important resources states that Class 1, 2 and 3:1 of the Soil Survey for Scotland should not normally be developed unless it is allocated in the Local Development Plan. In this case, the application site is not allocated in the Local Development Plan. However, this policy states that small scale developments that are directly linked to rural businesses may be permissible on prime agricultural land. Oldmeldrum Golf Course is an existing business with a rural setting. As this application is promoted as a development to support the continuing operation of the golf course, the Planning Service is satisfied this application complies with Policy PR1.

Representations

- 6.17 The Planning Service has received 179 letters of support from 149 households to this application. All letters received give support to the siting and access of this development. Particular reference is made to the requirement of the proposed house to release funds to support improvement and maintenance projects within the golf club. However, as stated above, the Aberdeenshire Local Development Plan 2017 protects the countryside from inappropriate development and only in specific circumstances can development be supported. This application does not meet the criteria that would allow for development in the countryside.

Conclusion

- 6.18 The Planning Service is unable to support this application as the application is contrary to Policy R2. The site has never been developed and as such is greenfield and should be given the same consideration and assessment had the applicant sought permission on agricultural land, given its former use for growing turf. The applicant has not provided any additional information that would allow this application to be considered as accommodation for a worker in an enterprise appropriate to the countryside or for retirement succession of a viable farm holding. The Planning Service acknowledges the supporting case put forward by the club house, however the information does not override the policy. Policy R2 make no reference to “exceptional circumstances” to justify a departure from policy and as such the Planning Service recommends that this application be 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 Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.
- 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.

9. Sustainability Implications

- 9.1 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

10. Departures, Notifications and Referrals

10.1 Strategic Development Plan Departures

None

10.2 Local Development Plan Departures

Policy R2 Housing and employment development elsewhere in the countryside

- 10.3 The application is a Departure from the Local Development Plan and has been advertised as such. Any representations received have been circulated as part of the agenda and taken into account in recommending a decision. The period for receiving representations has expired.
- 10.4 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.
- 10.5 The 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.

11. Recommendation

11.1 REFUSE for the following reason:-

01. The land has never been developed and as such is not considered to be previously developed or brownfield land. The development is contrary to Policy R2 Housing and employment development elsewhere in the countryside, contained in the Aberdeenshire Local Development Plan 2017.

For noting:-

Part 2C (Planning Delegations) states at Section C.3.2b for Local Development, that following consultation with the Chair and Vice-Chair of the determining Committee, the Head of Planning and Building Standards can refuse planning applications for which Section 75 Agreements are not completed or Developer Obligations are not paid within four months from the date of the Committee at which the application is determined. Local Ward Members shall be notified of any such refusal.

Please note that this power may be exercised in respect of the application which is the subject of this report if the application is approved by the Committee.”

Stephen Archer
Director of Infrastructure Services
Author of Report: Laura Dingwall
Report Date: 30 November 2018

