

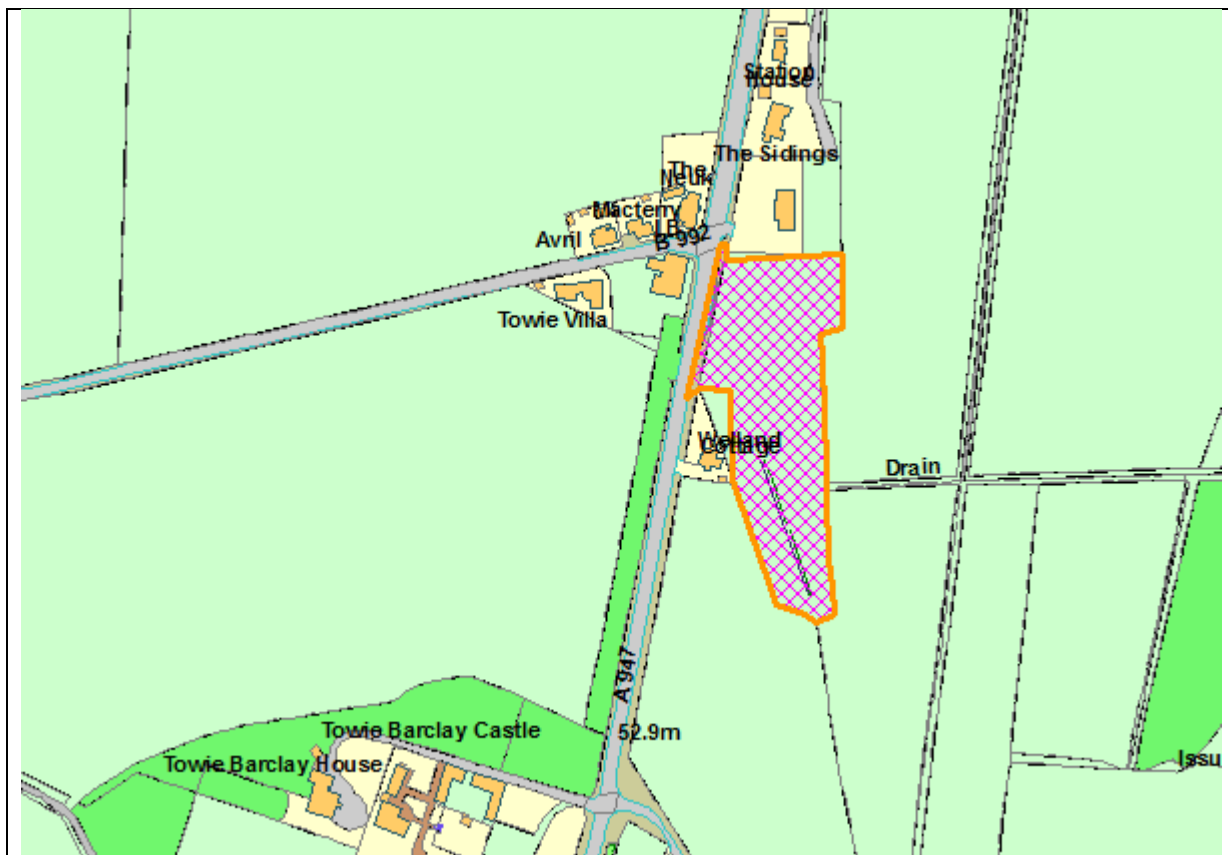
## Formartine Area Committee Report - 12 February 2019

Reference No: APP/2018/2660

**Planning Permission in Principle for Residential Development at Former Auchterless Station, Towie, Auchterless, Turriff, Aberdeenshire, AB53 8EP**

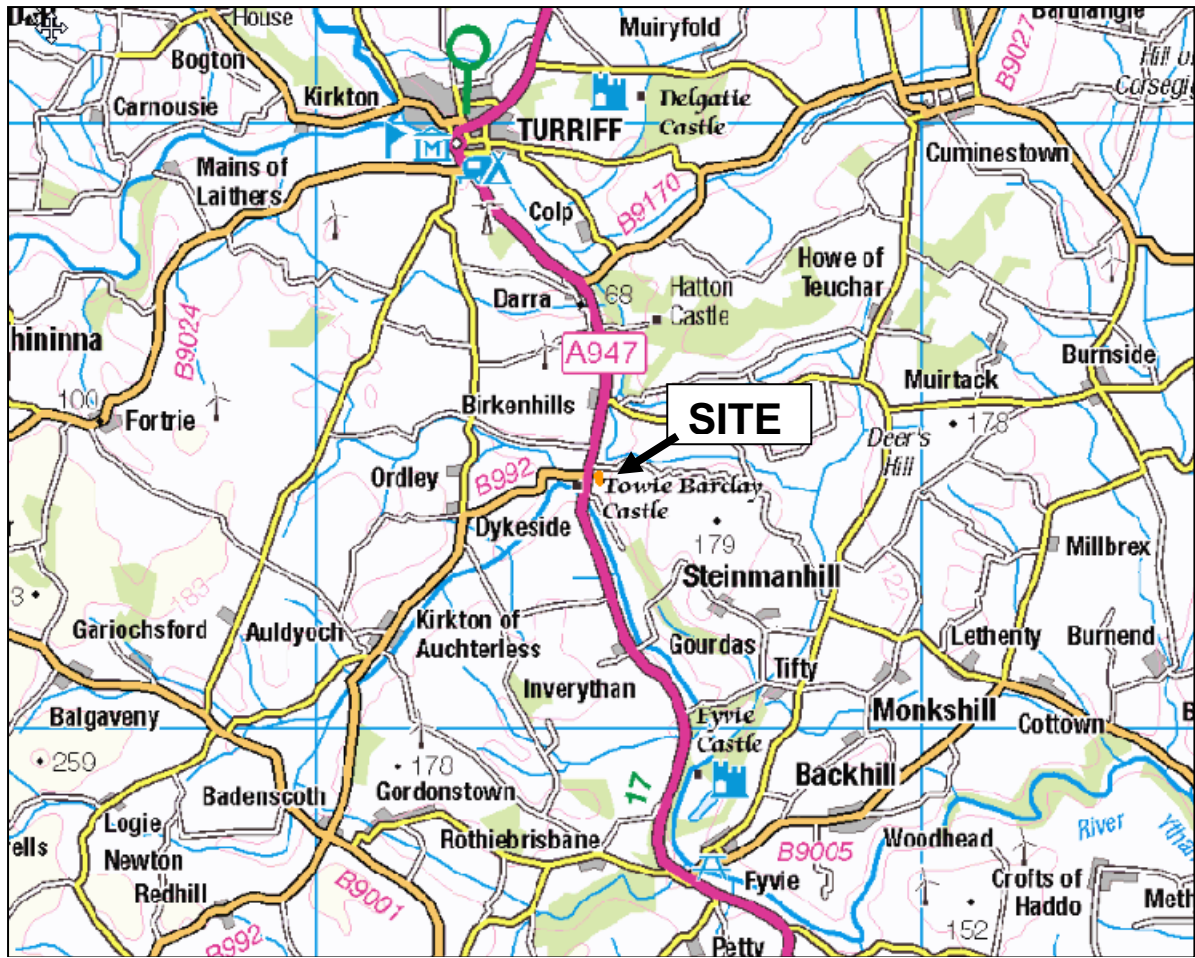
**Applicant:** C.A Dugid And Sons  
**Agent:** James G Ironside Limited

Grid Ref:	E:374632 N:844136
Ward No. and Name:	Turriff And District
Application Type:	Planning Permission in Principle
Representations:	0
Consultations:	4
Relevant Proposals Map:	Aberdeenshire Local Development Plan
Designations:	RHMA
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 Alastair Forsyth - I am unclear how a brownfield industrial site “naturalises”. There appears to be no evidence that this proposal is or is not brownfield or agricultural land. I recommend referral to examine the R2 and PR1 Policy relative to a clearer understanding of the status of the land. I also feel that the publication of the substance of the original closed consultation has in some measure diminished the quality of this exercise. I would refer on this basis alone.
- Cllr Iain Taylor - To further consider a) characteristics of a former station yard and prime agricultural land and b) impact of disposal of waste water from extra 9 households which ultimately will drain to a very long, very level slow moving burn

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 a residential development on the land at the former Auchterless Station, Towie, Auchterless (see Appendix 1 - Location Plan).

2.2 The site is located within the Rural Housing Market Area (RHMA), approximately 2.3 miles North-East of Kirkton of Auchterless settlement boundary (see Appendix 1). It is approximately 0.99 hectares in size and was historically used as railway sidings, which have been razed. According to the mapping overlay, it is an area of Prime Agricultural Land. The site is bound by post and wire fencing and dispersed groups of trees (see Appendix 2 - Existing Plan).

2.3 It lies on the East side of the A947, immediately South of a row of 4no. detached residential dwellinghouses, which form part of a hamlet also extending Westwards of the site, along the B992. To the East of the A947 and immediately due West of the site, there is extant planning permission (reference APP/2018/0610) for the erection of a residential dwellinghouse.

2.4 The wider surrounding area includes Towie Barclay Castle which is Category B Listed, and Towie Barclay House, which is Category A Listed. These are situated approximately 175 metres South-West of the site. Otherwise it is

predominantly agricultural fields, with a dispersion of associated farm holdings and residential dwellinghouses.

- 2.5 The proposed development is for residential use only, but the indicative plan shows 9 detached residential dwellinghouses and their associated infrastructure (see Appendix 3 - Proposed Plan). Detailed drawings are not required for planning permission in principle, however the application includes 3D illustrations within the Design Statement, indicating details of the proposed layout, siting and design.
- 2.6 New access to the development is proposed to connect to the access approved under APP/2018/0610, which leads directly from the A947. Services to the site include individual private drainage systems with foul water treatment plants and discharge to soakaway. Connections are also proposed to the public water supply.
- 2.7 Relevant Planning History:
- APP/2018/0610: Erection of Dwellinghouse - FPGC 02/05/2018  
APP/2017/0372: Housing Development - PPR 08/11/2017
- 2.8 Supporting information:
- Design Statement - *by JGI Architectural and Building Consultant*  
Percolation Test Certificate - *by JGI Architectural and Building Consultant*, dated 28<sup>th</sup> October, 2016  
Percolation Testing Report - *by JGI Architectural and Building Consultant*, dated 17<sup>th</sup> December, 2018  
Phase 1 Environmental Risk Assessment - *by EnviroCentre*, dated June 2017  
– Recommends a limited Phase II intrusive investigation is carried out.
- 2.9 There were no variations or amendments made to the application.

### **3. Representations**

- 3.1 No valid letters of representation have been received.

### **4. Consultations**

- 4.1 **Business Services (Developer Obligations)** has confirmed that an agreement has been made for contributions towards affordable housing, sport and recreation, healthcare and waste facilities.
- 4.2 **Infrastructure Services (Contaminated Land)** was consulted and has advised that further site investigation is required, as per the recommendation of the Phase 1 Site Investigation conducted for application site reference APP/2017/0372. Should the application be recommended for approval, then relevant conditions apply.

#### 4.3 **Infrastructure Services (Roads Development)**

Parking requirements per unit have been highlighted and it is noted that the site may qualify for a reduction in speed limit. Therefore, should the application be approved, a speed assessment and Traffic Regulation Order will be required, as well as a Street Engineering Review (SER), Stage 2 Quality Audit and SUDS details.

4.4 **Scottish Water** has not objected to the proposal and has commented that there is sufficient capacity at the Turriff Water Treatment Works. There is no waste water infrastructure within the vicinity of the site, therefore private waste water treatment systems are recommended.

### 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 C1 Using resources in buildings  
Policy HE1 Protecting historic buildings, sites, and monuments  
Policy P1 Layout, siting and design  
Policy P2 Open space and access in new development  
Policy P4 Hazardous and potentially polluting development and contaminated land  
Policy PR1 Protecting important resources  
Policy R2 Housing and employment development elsewhere in the countryside  
Policy RD1 Providing suitable services  
Policy RD2 Developer obligations

5.4 Other Material Considerations

None

**6. Discussion**

6.1 This application is for planning permission in principle. Therefore the details of the layout, siting and design of the development are not required to be assessed. The main issues for consideration in determining this application are whether it is acceptable in principle, and the suitability of services to the site.

6.2 Principle

The application site is located within the Rural Housing Market Area (RHMA). The principle of development is therefore subject to assessment against Policy R2 Housing and employment development elsewhere in the countryside. Policy R2 restricts development in the countryside area outwith the Aberdeen greenbelt and coastal zone to small-scale development, which would meet at least one of a specific set of criteria. One of those criteria under Policy R2, is that small-scale development involves the remediation of brownfield land opportunities and the application has been presented as a remediation of brownfield land, having once been Auchterless railway yard.

6.3 A viable brownfield site must be a site which has been developed or used for some purpose that has now ceased and on which a new use has not been established. Previously developed land must be assessed based on its current condition. Its historic use, unless physically evident, will not be taken into consideration. Upon inspection, the site was found to have no buildings, structures or visible remains, with no sufficient evidence of its past use. It forms a field of grass and appears to have naturalised and reinstated to agricultural land, since the railway yard structures were razed following its closure in 1966. As such, the application does not comply with Policy R2 and the principle of development cannot be established.

6.4 The application demonstrates that 9 houses are proposed for the site (see Appendix 3 - Proposed Plan). Given the land is not zoned for the development of houses, development is limited to that which is small scale. The Aberdeenshire Local Development Plan 2017, states that small scale development allows for a maximum of 3 houses. In this case, even if some additional units within the cluster are possible, there are less than 10 houses in the group meaning that only one house would be possible during this plan period. The proposed development of 9 houses, is therefore well in excess of the Policy R2 maximum and is subsequently non-compliant.

6.5 Layout, siting and design

Details of the layout, siting and design of the development are not required for assessment until further planning stages. However indicative details have been submitted, which demonstrate that the development could be appropriate for the character of the area. The use of traditional materials coupled with modest single and 1.5 storey designs, would be in keeping with the scale of dwellinghouses in the nearby hamlet. Two storey semi-detached properties should be avoided, to prevent the erosion of the rural and traditional character of the area. This is acceptable under Policy P1 Layout, siting and design.

6.6 Open Space

Policy P2 Open space and access in new development requires that all development of under 50 houses provide 120sqm of open space per house. The proposed development of 9 houses would therefore be required to provide a minimum of 1,080sqm of open space. Based on the indicative layout, it is considered that the application site could adequately deliver this requirement.

6.7 Access and services

Access to the site is to further extend the access already approved under application reference APP/2018/0610. This access connects directly to the A947 and would continue beyond said application site eastwards, in order to serve the additional 9 dwellinghouses. Roads Development has been consulted on the application and does not object to the proposal. As such, the application is sufficient in meeting the requirements of Policy RD1 Providing suitable services, in this respect.

6.8 Drainage infrastructure to the site includes 9 individual private treatment systems with discharge to soakaways. The Design Statement indicates that a community drainage arrangement would also be a viable option for this site. An appropriate percolation test certificate has been submitted, which verifies that the site is suitable for private drainage systems. This is sufficient for the purposes of this type of application, as detailed drainage proposals would be required at further planning stages, under the Matters Specified in Conditions, should the application be approved. The application is considered to be in accordance with Policy RD1.

## 6.9 Other Material Considerations

Policy HE1 Protecting historic buildings, sites and monuments requires that all listed buildings are protected, maintained, enhanced, conserved, and their appropriate active use encouraged. Development which would have a negative impact on the character, integrity or setting of a listed building is prohibited. The listed buildings in this case are set back from the roadside and entirely screened from view by a dense, tall, tree belt. The proposed development would be situated on the opposite side of the road, approximately 175 metres away. It is therefore unlikely that the proposed development would have any impact on the setting or character of the listed buildings. This is in line with Policy HE1.

- 6.10 Policy P4 Hazardous and potentially polluting developments and contaminated land requires that development is prohibited on land that is known or suspected to be contaminated, unless appropriate site investigations have been undertaken to identify any actual or possible risk to public health or the environment, and effective remedial actions are proposed to ensure the site is made suitable for its new use. In line with Policy P4, a Phase 1 Environmental Assessment was conducted under the previous application (reference APP/2017/0372). The results demonstrated that medium risks were evident. As such, further investigations of the site were recommended. Relevant suspensive conditions will therefore apply, should the application be recommended for approval.
- 6.11 Policy PR1 Protecting important resources, does not support development that has a negative effect on important environmental resources, such as prime agricultural land and important trees and woodland. As per the previous application (reference APP/2017/0372) for 9 houses on this site, the mature Oak tree sited in the Northernmost section of land, should be retained. Detailed plans submitted under Matters Specified in Conditions should incorporate the tree as a landscape feature into the overall site layout, in order to comply with Policy PR1.
- 6.12 Approximately half of the proposed site is graded as Prime Agricultural Land (class 3.1), as graded by the Soil Survey for Scotland, Land Capability Series. Development of Prime Agricultural Land is restricted under Policy PR1, unless the land is allocated in the LDP, or it is for small scale development which is directly linked to a rural business. This is because it constitutes a proportionately small area of the land in Scotland. Neither of these exceptions apply in this case. The application fails to demonstrate through relevant independent reports undertaken by a suitably qualified Agronomist (or equally qualified persons) that the quality of the land has been impacted by the above mentioned contamination and no longer constitutes Prime Agricultural Land. As such, the Planning Service takes the view that, without evidence to the contrary, the loss of said land therefore cannot be supported, as it is an important resource, protected by Policy PR1.



- 6.13 Developers' contributions towards local facilities have been agreed for the proposed development. The application therefore meets the requirements of Policy RD2 Developers' obligations.
- 6.14 An energy statement is required to be submitted at planning application stage, under Policy C1 Using resources in buildings, in order to demonstrate that the development will meet the Council's carbon neutrality policy. A suspensive condition will be applied to the permission, should the application be approved.

6.15 Summary

The application does not meet the requirements of Policy R2, in that the proposed development is neither small scale, nor on land which constitutes a redundant brownfield opportunity because it has naturalised over time. The application also fails to comply with Policy RD1, Protecting important resources, in that it has not been demonstrated that the land quality is not class 3.1 Prime Agricultural.

- 6.16 However, the proposed development is broadly in line with Policy P1, in that it is unlikely to erode the character of the area. It does not contravene Policy HE1, in that it is unlikely to impact on the setting or character of the Listed Buildings. The application also meets the requirements of RD2, P2 and P4.
- 6.17 The justification for this application is that the site forms part of previously developed land. This is not in dispute, as the railway was built during the 1850s. However, the line has been closed since 1966, a period of over 50 years. During that period, the site has fully naturalised and is now effectively a field (any platforms etc., are well hidden). Furthermore, while there appears to be an aim of siting 9 units on the site, Policy R2 restricts housing numbers to no more than 3. It is therefore not in accordance with the relevant policies of the Aberdeenshire Local Development Plan 2017 and subsequently recommended for refusal.

## **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 equality impact assessment is not required because the proposed development is not considered to give rise to any differential impact 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

Policy PR1 Protecting important resources

- 10.3 The application is a Departure from the valid Local Development Plan and has been advertised as such. 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 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 reasons:-**

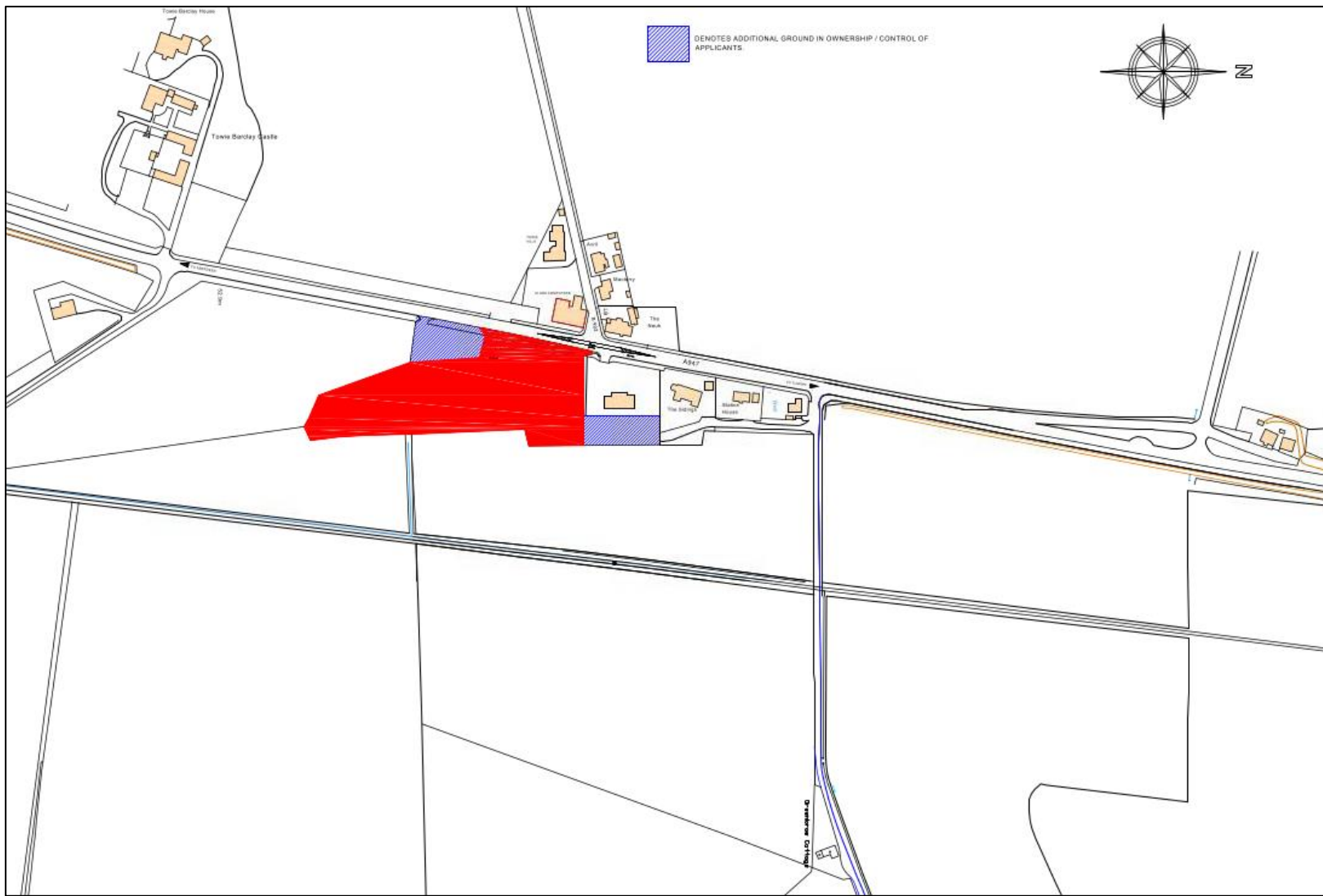
01. The application is not acceptable in principle as it does not meet the requirements of Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017, in that the proposed development is neither small scale, nor on land which constitutes a redundant brownfield opportunity because it has naturalised over time.
02. The application does not comply with Policy PR1 Protecting important resources of the Aberdeenshire Local Development Plan 2017, in that it has not been demonstrated that the site is not class 3.1 Prime Agricultural Land, upon which development is not supported under Policy PR1.

**For noting:-**

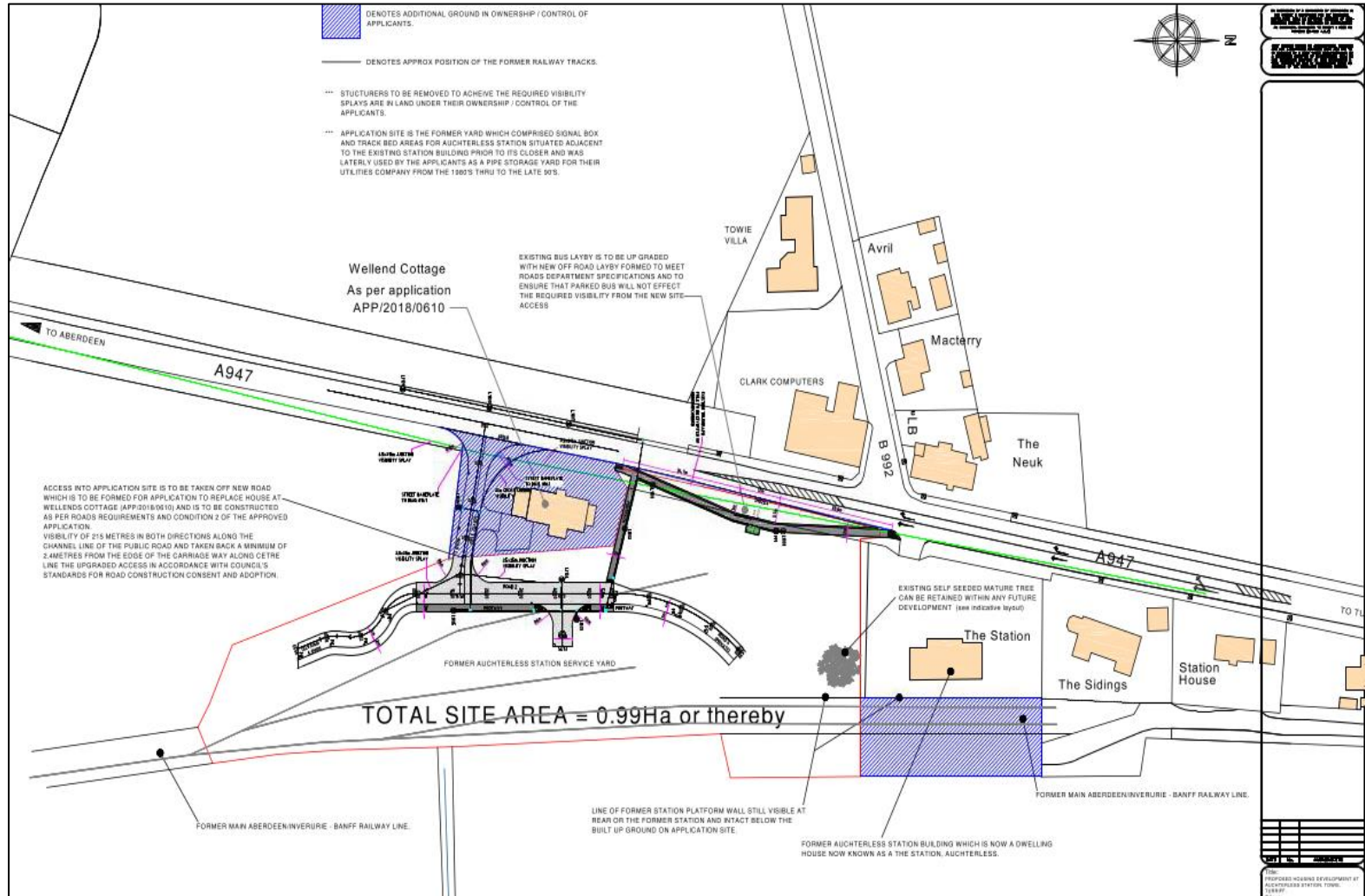
Part 2C (Planning Delegations) states at Section C.3.3b for Local Development, that following consultation with the Chair and Vice-Chair of the determining Committee, the Head of Planning and Building Standards can refuse planning applications for which Section 75 Agreements are not completed or Developer 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: Roslyn Purdie  
Report Date: 29 January 2019



APP/2018/2660



Appendix 2

