

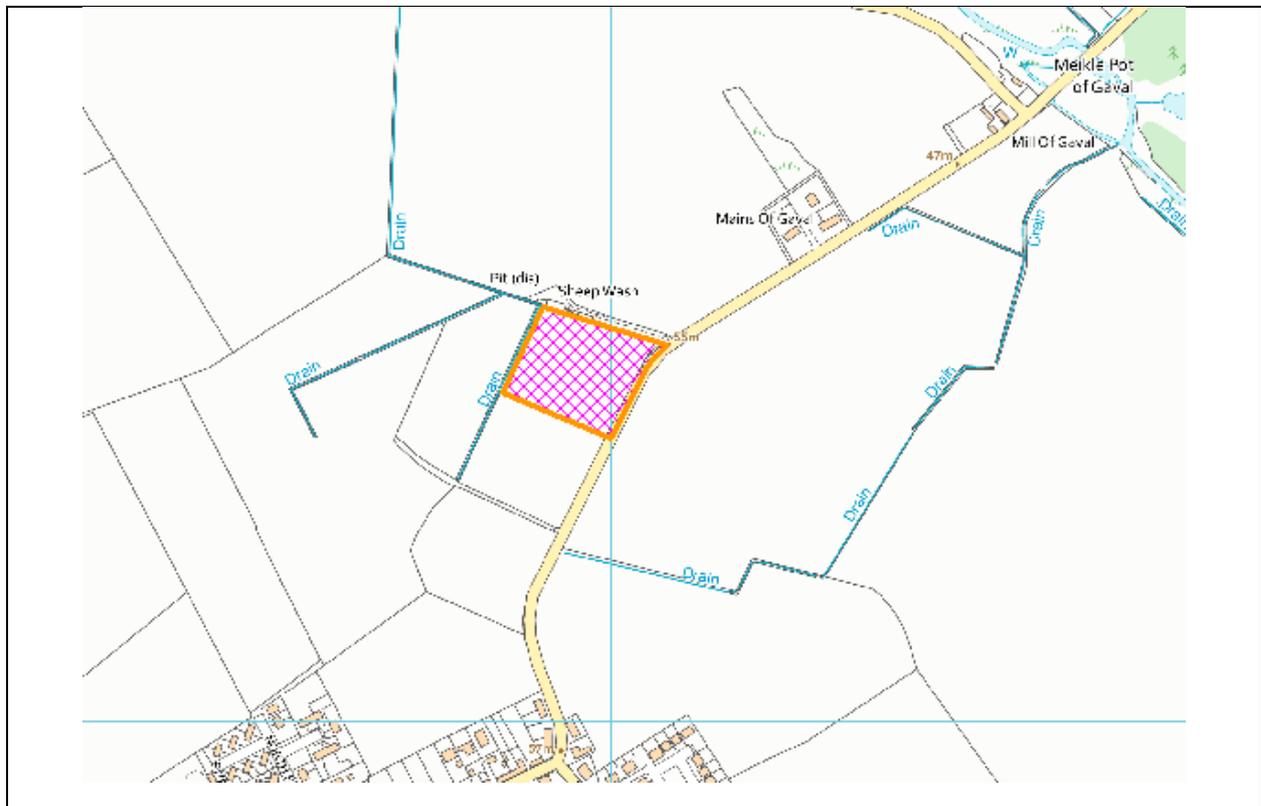
## Buchan Area Committee Report 4 June 2019

Reference No: APP/2018/3116

### Planning Permission in Principle for Erection of Dwellinghouse at Site to the North of Fetterangus

**Applicant:** Mr B Croll, 64 Balmoor Terrace, Peterhead, AB42 1ES  
**Agent:** Arcus Design Ltd, Mavisbank, Old Deer, Peterhead, AB42 5JT

**Grid Ref:** E:398970 N:851381  
**Ward No. and Name:** W04 - Central Buchan  
**Application Type:** Planning Permission in Principle  
**Representations:** None  
**Consultations:** 4  
**Relevant Proposals Map:** Aberdeenshire Local Development Plan 2017  
**Designations:** Rural Housing Market Area  
**Complies with Development Plans:** No  
**Main Recommendation:** Refuse



**NOT TO SCALE**

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## **1. Reason for Report**

- 1.1 The Committee is able to consider and take a decision on this item in terms of Section B.8.1 of Part 2A List of Committee Powers and Section C.3.1i of Part 2C Planning Delegations of the Scheme of Governance as the application is recommended for refusal but at least two Local Ward Members in the Ward in which the development is proposed, have requested that the application be referred to the Area Committee.

Cllr. Norman Smith: To further discuss Policy P1 R2 and evidence of redundant building and organic growth

Cllr. Marion Buchan: To further discuss Policy R2

Cllr. Anne Simpson: Agree the application can be determined via Officer Delegation.

Cllr. Jim Ingram: Give further consideration to Policy R2

- 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 This application seeks planning permission in principle for the erection of a dwellinghouse on a site to the North of Fetterangus, located approximately 280 metres to the North of the settlement, and approximately 160 metres to the South-West of Mains of Gaval (Appendix 1 – Location Plan and Appendix 2 – Block Plan).

- 2.2 The site is a large field that extends to 1.43 ha. There is a modern shed that received prior notification in 2017.

- 2.3 It is proposed to connect to the public water supply network. However, private drainage arrangements are proposed by way of a treatment plant to the watercourse.

- 2.4 Relevant Planning History

APP/2017/1885 – Prior Notification application for ‘Erection of Agricultural Building and Formation of Access Track’

- 2.5 Supporting Information:

Supporting Statement by Arcus Design

Drainage Impact Assessment by Cameron+Ross dated August 2018

## **3. Representations**

- 3.1 No valid letters of representation have been received.

## 4. Consultations

- 4.1 **Business Services (Developer Obligations)** advised that the local schools, Fetterangus primary and Mintlaw Academy, are both currently operating within capacity. Therefore, the proposal does not engage Policies RD2 Developers' obligations. As the proposal is for a single dwellinghouse, the proposal does not engage policy H2 Affordable housing of the Aberdeenshire Local Development Plan.
- 4.2 **Infrastructure Services (Contaminated Land)** initially objected to the application, however in its updated comments has advised that the subsequently submitted Phase 1 Environmental Desktop Study, Proposed Development, Mains of Gaval, Fetterangus, Aberdeenshire, issue 2, dated 15<sup>th</sup> April 2019, prepared by Grampian Geotechnical (Scotland) Ltd contents, conclusions and recommendations are satisfactory and that no further investigation is required. No further comments to make on this application.
- 4.3 **Infrastructure Services (Roads Development)** does not object to the application subject to conditions and informatives, noting that vegetation would have to be cut back in order to comply with the provision of requisite visibility splays.
- 4.4 **Scottish Water** has no objection to the applications, noting that currently there is capacity within the network for public water supply, but there is no provision in the locality for foul drainage and therefore private arrangements would be required.

## 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.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In light of this, for proposals which are regionally or strategically significant, or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeenshire Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

## 5.3 Aberdeenshire Local Development Plan 2017

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

## 5.4 Other Material Considerations

None.

## 6. **Discussion**

6.1 The application seeks planning permission in principle for a new house in the countryside. The main issues that require to be considered are the principle of development as this is an application for planning permission in principle only and whether the site can accommodate a dwelling which would be appropriate in terms of siting.

### 6.2 Principle of Development

The site is located outwith a defined settlement boundary, therefore it would equate to development in the countryside under Policy R2 Housing and employment development elsewhere in the countryside. The Planning Service

supports new dwellinghouses in the countryside and the Rural Housing Market Area (RHMA) where it would:-

- be appropriate in the greenbelt; or
- involve the refurbishment or replacement, on the same site, of an existing house or disused building; or
- involve remediation of redundant brownfield land opportunities; or
- the addition of groups of no more than 3 houses within 200m of an identified settlement boundary (in this instance it is a settlement identified in Appendix 4 of the Plan); or
- the retirement succession of a viable farm holding; or
- small scale addition to an existing cluster or group of at least five houses.

6.3 In terms of the above criteria, it is considered that the proposal does not meet any of the greenbelt criteria, the proposal does not involve the remediation of redundant brownfield land opportunities and there is no retirement succession of a farm holding. Furthermore, the site does not form part of a cluster, as it is isolated from any other dwellinghouse.

6.4 The settlement of Fetterangus is an 'identified settlement' as defined in Appendix 4 of the Aberdeenshire Local Development Plan 2017; however the site is outwith the requisite 200 metre radius, being located some 277 metres away from the settlement boundary. Notwithstanding, Fetterangus has an identified growth of 10 houses and since the adoption of the current Local Development Plan there have been 10 dwellinghouses granted planning permission within 200 metres of the settlement boundary. So in any case, notwithstanding non-compliance based on distance criterion, i.e. in excess of 200 metres, the capacity of Fetterangus has already been exhausted.

6.5 The principle of the application cannot be supported as it is in conflict with Policy R2 Housing and Employment Development Elsewhere in the Countryside of the Aberdeenshire Local Development Plan 2017.

#### 6.6 Character and Amenity

As the application relates to planning permission in principle, detailed plans have not been submitted. However, the plot size is far too large and bears no resemblance in terms of size to other residential plots in the countryside. Therefore the proposal is considered to be contrary to Policy P1 Layout, siting and design of the Aberdeenshire Local Development Plan 2017. The local development supports 'small scale development' within the countryside based on the exceptions listed in paragraph 6.2, and 'small scale' for residential plots is defined as 350 square metres within the Local Development Plan. The proposed plot is noted to be 14,300 square metres (1.43 ha), which is more than 40 times the size of that defined by the Development Plan as small scale. Given the size of the site the proposal is also contrary to Planning Policy E2 Landscape, as changing the whole area of land would change the appearance of the site to domestic.

## 6.7 Supporting Statement

The supporting statement submitted by the agent on behalf of the applicant has highlighted the applicant's existing 'agricultural' shed noting that the use of the building is to carry out small scale rural hobby of restoration and repair of vintage agricultural tractors and machinery, a hobby which the applicant has had since childhood. The applicant has also been known to show the vehicles at the New Deer and Turriff shows.

6.8 Within the Prior Notification application APP/2017/1885, the applicant confirmed that the purpose of the agricultural building is for 'the storage of feed / small scale agricultural machinery associated with small scale livestock' and also submitted their Holding Number as further evidence. During the course of the site visit there was no evidence of any livestock on the site, furthermore, this current application shows that the applicant proposed to change the whole site (1.43ha) to residential use, therefore ruling out any agricultural use on the site. The supporting statement makes it clear that there are no proposed agricultural activities on the site.

6.9 Within the statement, submitted on behalf of the applicant, reference has also been made to both the 2012 and 2017 Aberdeenshire Local Development Plan. Reference to the 2012 Plan is entirely irrelevant to the assessment of the application, which must be considered against the prevailing Local Development Plan which states that growth of an identified settlement must be within 200 metres and not exceed the maximum amount.

6.10 In terms of any reference to the number of houses allowed within 200 metres of the settlement boundary within the supporting statement, is irrelevant as the application as submitted is not within the requisite 200 metres. Nevertheless, as aforementioned within this report, the capacity for Fetterangus has already been exhausted with the maximum number of houses already being granted planning permission during the current Plan period.

6.11 Whilst the supporting statement notes that there is currently a proposed Local Development Plan Bid for housing on a site South of and on the other side of the road from the application site, this should be noted purely as a 'bid' for consideration under the next local development plan, and as such has no material weighting to the merits of this planning application. This application must be assessed against the policies contained within the current local development plan, Aberdeenshire Local Development Plan 2017.

6.12 Finally, the site is greenfield and there is no evidence of brownfield use.

## 6.13 Access and Servicing

Infrastructure Services (Roads Development) has no objection to the proposal subject to conditions, whilst parking requirements would be assessed as part of a more detailed Matters Specified in Conditions application. It is therefore considered that the proposed development could be adequately accessed without an adverse impact upon road safety.

6.14 The proposal would be connected to the public water supply and Scottish Water have raised no objection to the proposal. The drainage for foul water would be

private by way of a treatment plant to the watercourse, and is supported by a drainage assessment report.

6.15 It is considered that the proposal is not in conflict with Policy RD1 Providing suitable services.

6.16 Developer Obligations'

In terms of Developer Obligations', in this instance, the proposed development does not engage Policy H2 of the adopted Local Development Plan or the associated Affordable Housing Supplementary Planning Guidance. The proposal is therefore not in conflict with Policy RD2.

6.17 Conclusion

In conclusion, having considered this application against the relevant policies of the Aberdeenshire Local Development Plan 2017 as noted above, it is deemed that the principle of the development proposal is in conflict with Policy R2 Housing and employment development elsewhere in the countryside, and due to the size of the plot is contrary to policies R2 Housing and employment development elsewhere in the countryside, P1 Layout, siting and design and E2 Landscape.

**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 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 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.

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 proposed development is in the opinion of the Head of Planning and Building Standards in significant conflict with Policy R2 and if the Committee is minded to approve then the application will have to be referred to Infrastructure Services Committee.

## **11. Recommendation**

### **11.1 REFUSE Planning Permission in Principle for the following reasons:-**

01. The proposed development is in conflict with the Aberdeenshire Local Development Plan 2017, in particular Policy R2 Housing and employment development elsewhere in the countryside, in that the proposed development fails to comply with any of the listed exceptions for development to be supported, including agricultural succession and growth of a settlement identified in Appendix 4 of the Local Development Plan.

02. Due to the size of the plot, which is 1.43 ha (14,300 square metres), the proposed development is contrary to the Aberdeenshire Local Development Plan 2017, in particular Policy P1 Layout, siting and design as the development would be out of keeping with the rural countryside, and E2 Landscape by introducing a large area of curtilage.

Furthermore, it is contrary to Policy R2 Housing and employment development in the countryside which defines small scale development as being appropriate under the exceptions criteria, and the Plan defines 'small scale' as a plot 350 square metres in size and therefore it is considered that plot of 14,300 square metres in area is grossly large compared with the expectation through the Development Plan.

