

REPORT TO INFRASTRUCTURE SERVICES COMMITTEE – 3 OCTOBER 2019

Reference No:	APP/2019/0953
Proposal:	Erection of 20 Flats and 17 Dwellinghouses with Associated Infrastructure and Landscaping
Address:	Land Adjacent to Tesco Stores Ltd, Deveron Way, Huntly, Aberdeenshire, AB54 8TS
Applicant	Knight Property Group, 62 Queen's Road, Aberdeen, AB15 4YE
Agent	Aleksandra Fidos, 3 Bon Accord Crescent, Aberdeen, AB11 6XH
Grid Ref:	E:351815 N:840261
Ward No. and Name:	Huntly, Strathbogie And Howe Of Alford
Application Type:	Full Planning Permission
Representations	1
Consultations	11
Relevant Proposals	Aberdeenshire Local Development Plan
Map	
Designations:	Huntly Settlement BUS1 Employment Site
Complies with	No
Development Plans:	
Main Recommendation	Delegated Grant

1. Reason for Report

- 1.1 The Committee is able to consider and take a decision on this item in terms of Section F.4.1 of Part 2A List of Committee Powers and Section C.3.1d of Part 2C Planning Delegations of the Scheme of Governance as the application is a local development, where in the professional opinion of the Head of Planning and Environment Service, approval would be a significant departure from the Development Plan and the Area Committee have decided to approve the application.
- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this Report, their comments incorporated within the Report and are satisfied that the Report complies with the Scheme of Governance and relevant legislation.

2. Principal Planning Issues (Summary)

- 2.1 The proposal seeks full planning permission for a residential development consisting of 20 flats and 17 dwellings, on a site adjacent to the Tesco retail store, on the western edge of Huntly. The applicant has promoted the development as being 100% affordable housing. The site forms part of the BUS1 designation within the Aberdeenshire Local Development Plan (2017). However Policy B1 Employment and business land makes it clear that, even when an alternative to the allocated use has been justified we “*will not allow houses, even if also designed as workplaces, on land identified in the plan specifically for business uses.*” The proposal is therefore a departure from Policy B1. However the Planning and Environment Service and the Marr Area Committee consider that there is adequate justification to support the proposal as a departure.
- 2.2 Sufficient evidence has been provided, in the form of marketing the site for the allocated employment/business use for several years, with no success. The attempts to utilise the site for its intended purpose are acknowledged, and in line with Policy B1, the Planning and Environment Service is satisfied that the applicant has demonstrated suitable justification to allow consideration of an appropriate alternative use. The proposed housing is of a good design and layout, would enhance the western entrance to Huntly, and is promoted as 100% affordable housing which will help meet local demand. The proposal is, on this basis, therefore supported as a departure from Policy B1.
- 2.3 All technical matters such as vehicular access, waste collection, drainage and connectivity/permeability have been satisfactorily resolved. There are two outstanding matters; in relation to the final solution to some noise mitigation matters (provision of high boundary wall between the houses and the adjacent petrol filling station or use of other measures such a triple glazing), and receipt of the final air quality assessment in relation to emissions from the adjacent petrol filling station. The final resolution of these matters, and to the satisfaction of Infrastructure Services (Environmental Health), is proposed to be resolved as delegated matters.

3. Representations (Summary)

- 3.1 A total of 1 valid representation (objection) has been received as defined in the Scheme of Governance.
- 3.2 A copy of the letter is available for inspection in the Members Support Unit and is also available to view online.

<https://upa.aberdeenshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PQKS9YC AIPJ00>

4. Area Committee Decision (Summary)

- 4.1 The Marr Area Committee queried the site’s connectivity and access to public

transport, and asked for play equipment within the open space. These queries were addressed through demonstrating the path network within the site which connects to the existing path network that serves the adjacent housing and retail store; identifying the location of the current bus stop some 100m away on the A920 to the north of the site; and outlining that play equipment in the site would add to the factoring/maintenance costs of the affordable housing. This could jeopardise the affordability of the housing for some. It was also highlighted that sufficient open space and play parks exist in adjacent housing developments within 500m of the site. Having had these concerns addressed, the Marr Area Committee were unanimous in supporting the recommendation to refer the application to ISC for support as a departure from the Aberdeenshire Local Development Plan (2017). An extract of the Minute of the Marr Area Committee is attached as **Appendix 3**.

4.2 The following documents are attached as Appendices to this Report:

- **Appendix 1A:** Location Plan
- **Appendix 1B:** Site Plan
- **Appendix 2:** Copy of the Marr Area Committee Report of 20 August 2019
- **Appendix 3:** Extract of Minute of the Marr Area Committee meeting of 20 August 2019

5. Implications and Risk

5.1 An Equality Impact Assessment is not required because the proposed development does not have a differential impact on any of the protected characteristics.

5.2 There are no staffing and financial implications.

5.3 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.

6. Officer Recommendation

6.1 That authority to GRANT be delegated to the Head of Planning and Environment Service subject to:

- final resolution of delegated matters in relation to noise mitigation and air quality assessment to the satisfaction of Environmental Health, and any subsequent additional conditions they require.
- the signing of a Section 75 Legal Agreement to secure developer obligations and the provision of affordable housing; and
- the following conditions;

01. No development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility of 59 metres in both directions along the channel line of the public road has been provided from a point 2.4m metres measured at right angles from the existing edge of the carriageway surface along the centre line of the approved access road in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

Reason: To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road safety.

02. No residential unit hereby approved shall be occupied unless its driveway, turning and/or parking area has been provided and surfaced in accordance with the details shown on the approved plans. Once provided, all parking and turning areas shall thereafter be permanently retained as such. For the avoidance of doubt, inclusive of visitor parking, 65 off-street car parking spaces are required to serve the full development.

Reason: To ensure the timely completion of the driveway to an adequate standard to prevent the carriage of loose driveway material on to the public road in the interests of road safety.

03. No building hereby approved shall be brought into use unless a Travel Plan has been submitted to and approved in writing by the Planning Authority. The Travel Plan shall encourage more sustainable means of travel and shall include mode share targets. It shall identify measures to be implemented, the system of management monitoring review, reporting, and duration of the incorporated measures designed to encourage modes other than the private car. No building shall be brought into use unless the measures set out in its approved Travel Plan have been implemented in full.

Reason: In the interests of encouraging a more sustainable means of travel to and from the proposed development.

04. No works in connection with the development hereby approved shall commence unless details of permanent accessible nesting spaces for swifts have been submitted to and approved in writing by the Planning Authority. The development shall not be occupied unless the swift nesting spaces has been provided in accordance with the approved details. Once provided, the nesting spaces shall thereafter be permanently retained.

Reason: To secure the long-term protection and enhancement of the species.

05. All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme, detailed on drawing 536.01.01 by DWA Landscape Architects Ltd dated April 2019. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

06. No individual dwellinghouse or building hereby approved shall be erected unless an Energy Statement applicable to that dwellinghouse or building has been submitted to and approved in writing by the Planning Authority. The Energy Statement shall include the following items:
- a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development;
 - b) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy C1 of the Aberdeenshire Local Development Plan 2017.

The development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and Policy C1 of the Aberdeenshire Local Development Plan 2017.

6.2 That the committee agree the reason for departing from Aberdeenshire Local Development Plan (2017).

01. The potential for an alternative use to that designated in the Plan has been justified, the principle of housing on the allocated BUS1 site does not comply with Policy B1 Employment and business land, however the proposed affordable housing development is considered to be of a high standard, providing much needed affordable housing and enhancing the western entrance to Huntly through good design and active frontage

onto the A920 and merits support as a departure from 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 Environment Service 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.

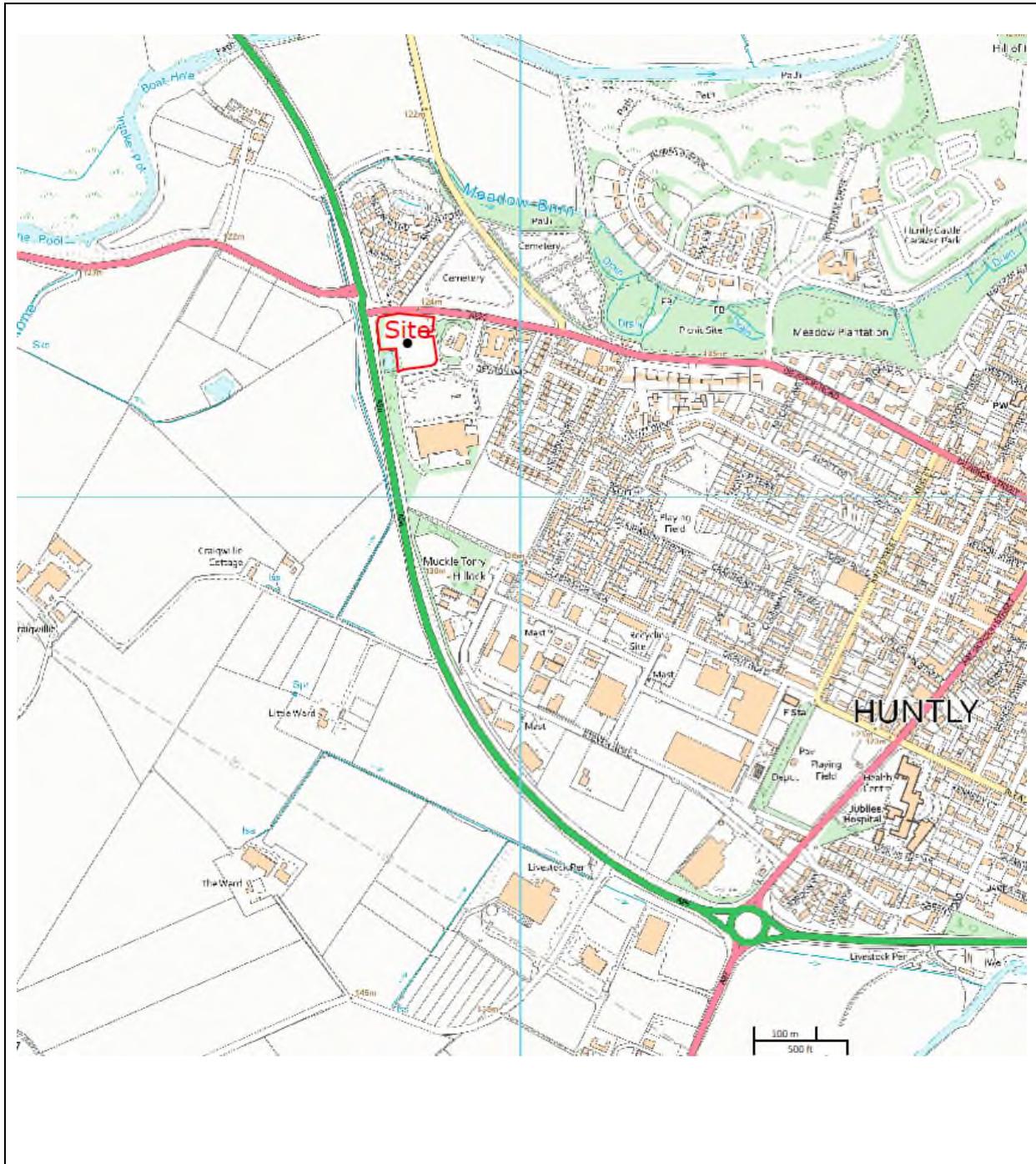
Please note that this power may be exercised in respect of the application which is the subject of this report if the application is approved by the Committee.

Stephen Archer
Director of Infrastructure Services

Author of Report: Neil Mair
Report Date: 02/09/2019

Development Management & Environment Service

Appendix 1A



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Aberdeenshire Council

Date 20/08/2019

Application Reference No APP/2019/0953

Development Management & Environment Service

Appendix 1B



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Aberdeenshire Council

Date 20/08/2019

Application Reference No APP/2019/0953

Marr Area Committee Report 20 August 2019

Reference No: APP/2019/0953

Full Planning Permission for Erection of 20 Flats and 17 Dwellinghouses with Associated Infrastructure and Landscaping at Land Adjacent to Tesco Stores Ltd., Deveron Way, Huntly, Aberdeenshire, AB54 8TS

Applicant: Knight Property Group, 62 Queen's Road, Aberdeen, AB15 4YE
Agent: Aleksandra Fidos, Norr, 3 Bon Accord Crescent, Aberdeen, AB11 6XH

Grid Ref: E:351815 N:840261
Ward No. and Name: W14 - Huntly, Strathbogie And Howe of Alford
Application Type: Full Planning Permission
Representations: 0
Consultations: 11
Relevant Proposals: Aberdeenshire Local Development Plan Map
Designations: Rural Housing Market Area
Complies with: No
Development Plans:
Main Recommendation: Refer to Infrastructure Services Committee



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.3.1c 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 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 Full planning permission is sought for a residential development consisting of 20 flats and 17 dwellings, on a site adjacent to the Tesco retail store, on the western edge of Huntly. The applicant has promoted the development as being 100% affordable housing. The site forms part of the BUS1 designation within the Aberdeenshire Local Development Plan (2017) (LDP), specifically sitting in the north western corner of the overall site.
- 2.2 The BUS1 designation in the LDP states the site is “safeguarded for employment uses with part of the site still to be occupied”. A large portion of the BUS1 site is already developed, primarily by the Tesco retail store, with its ancillary petrol station to the north. There is also the Balhousie Care Home in the north eastern portion of the BUS1 site. The southern portion of the BUS1 site, to the rear of the Tesco retail store, is undeveloped. No part of the BUS1 site has been developed for the intended class 4, 5 or 6 uses, which are uses typical of business/employment sites.
- 2.3 The site is bordered by the A920 to the north, and a landscaping belt adjacent to the A96 to the west. South of the site lies the internal access road serving the Tesco retail store, which sits further south. East of the site is the Tesco petrol filling station. The site is relatively flat and has open views to the north and south at present.
- 2.4 The proposed layout shows vehicular access from the south eastern corner of the site via an existing service access, close to the petrol station, with a road heading north into the site before turning westwards and branching off to the west and south. A total of 20 flats are proposed in blocks on the western side of the site, with two L shaped footprint, two storey buildings containing 8 x 1 bedroom flats, sitting to the north and south of a two storey building containing 4 x 2 bedrooms flats. The housing is all contained within terraces, with the southern edge of the site containing two blocks of 3 and 4 units fronting onto the access road to Tesco, with each unit’s private garden and car parking space to the rear/north. A block of 3 units sits centrally on the eastern side of the side, fronting onto the internal road with parking to the front/east. The remaining terraces, one of 3 units and one of 4 units, are on the northern edge of the site, with the architectural principal elevation facing northwards

onto the A920, with private gardens and parking to south. The mix of house sizes across the 17 units consist of 4 x 2 bedroom, 11 x 3 bedroom and 2 x 4 bedroom units.

- 2.5 All buildings for the flats and houses are to be two storeys in height. Finishing materials throughout the development are a smooth grey concrete roof tile; dark grey PVC rainwater goods, soffits and fascias; grey synthetic stone basecourse; smooth silicon render in a mix of colours, including feature swatches and window/door surround detailing on some elevations; and grey PVC windows and doors.
- 2.6 The site makes provision for pedestrian access through the centre of the site, linking the footpath adjacent to the A920 to the Tesco access road and path network. Green space is included around the flats and to the north eastern corner of the site, where a small substation is located, and centrally within the site where the pedestrian path dissects the site. Access is also provided for maintenance of the SUDS pond to the south west of the site, and retained service access for the Scottish Water pumping station. Two bike stores are shown to the west/rear of the blocks of flats, accessible via a pathway leading from the car park. Bin stores for the flats are proposed at the north and southern ends of the car park. Parking provision is provided throughout the site, with each dwelling having dedicated private parking, with the flats having a shared car park. Visitor parking is dispersed throughout the site, with a total of 9 visitor spaces provided.
- 2.7 A landscaping plan has been provided to identify the tree planting within the site, and protective fencing to be in place to ensure the existing landscaping strip adjacent to the A96 is protected and retained. Trees that currently sit adjacent to the A920 are to be felled, along with some trees on the periphery of the landscaping strip of the A920, and 4 that spill into the site close to the SUDS basin to the south west. To protect remaining trees at the SUDS basin, a cellular support system shall be put in place to form car parking spaces without damaging the roots. The proposed planting mix contains a mix of shrubs and trees, containing Rowans, Crab Apple, White Birch and Horse chestnut trees, and Hebe, Hydrangea, and Lavandula shrubs. Laurel hedging shall bound the frontages of the northern and southern terraces, which front onto the Tesco access road and A920.
- 2.8 A Drainage Impact Assessment has been provided, which identifies the connections to the public infrastructure and shows the foul water drainage shall follow the vehicular access road into the site to connect with the existing foul system in the public access road serving the Tesco retail store. Surface water shall also follow the internal road network, but shall exit the site under the "SUDS access" road to the south western corner of the site, before connecting to the existing surface water sewer, which then discharges into the adjacent SUDS basin.
- 2.9 Other supporting documents that have been provided are;

- Planning Statement (Norr) identifies the site context, relevant planning considerations, wider implications of the development, and outlines the benefits of the proposed affordable housing development.
- An Environmental Survey (Astell Associates, dated 29th March 2019) of the site, which found no evidence of protected species on site and does not consider the development to impact on nesting birds.
- Noise Impact Assessment (RMP, 24th April 2019, updated 11th July 2019) outlines potential noise sources, sensitivity of the site, noise measurements and suggested mitigation of a 1.8m high acoustic fence along the eastern boundary.
- Geo-environmental Study (Green Cat, April 2019) identifies a low risk of contamination, however, suggests that the developer undertakes some chemical analysis of trial pits to be sure.
- An Air Quality Assessment is expected to be submitted in response to the request from Environmental Health

3. Representations

- 3.1 No valid letters of representation have been received.

4. Consultations

- 4.1 **Infrastructure Services (Roads Development)** does not object to the proposal subject to conditions relating to provision of off-street car parking spaces and the provision and retention of visibility splays at the junction with the public road.
- 4.2 **Infrastructure Services (Waste Management)** has no objection to the proposal, subject to the layout being designed to the satisfaction of Roads Development.
- 4.3 **Infrastructure Services (Transportation)** note the site benefits from an acceptable level of pedestrian and cycle connectivity, and good bus route connectivity. A condition relating to a Travel Plan is required.
- 4.4 **Infrastructure Services (Environmental – Natural Heritage)** are satisfied with the survey information submitted in relation to habitats, species and trees. However they requested enhancement for swifts be incorporated into the development in the form of swift box provision, which could be secured by condition.
- 4.5 **Infrastructure Services (Housing)** identify that 9 units are required to meet the affordable housing requirement, and these have been identified as 5 x 3 bed units and 2 x 4 bed units at Social Rent, with a 2 bed unit and 3 bed unit as Low Cost Shared Equity. Housing note the intention for 100% provision of affordable housing, and welcome this and shall look to assist in securing the deliverability of the project in full.
- 4.6 **Infrastructure Services (Environmental Health)** raised initial concern about the potential noise implications and sought further information in that regard.

They also requested an Air Quality Assessment to assess any potential implications in relation to air quality pollution from the adjacent petrol station.

- 4.7 **Business Services (Developer Obligations)** have confirmed that contributions have been agreed for sports facilities and health care.
- 4.8 **Education and Children's Services (Learning Estates)** do not object to the proposal.
- 4.9 **Scottish Gas Networks** confirm the HP Pipeline will not be affected by the proposed development.
- 4.10 **Scottish Water** confirm there is capacity for water supply and foul drainage within their network.
- 4.11 **Transport Scotland** does not advise against the granting of permission.

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 went 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 B1 Employment and business land

Policy H2 Affordable housing

Policy P1 Layout siting and design

Policy P2 Open space and access in new development

Policy P3 Infill and householder developments within settlements (including home and work proposals)

Policy P4 Hazardous and potentially polluting developments and contaminated land

Policy E1 Natural heritage

Policy E2 Landscape

Policy PR1 Protecting important resources

Policy C1 Using resources in buildings

Policy RD1 Providing suitable services

Policy RD2 Developers' obligations

6. Discussion

- 6.1 The key consideration of this proposed residential development is the general principle of housing on a site identified in the Local Development Plan (LDP) for business uses. Policy B1 makes clear that the Council "*will not allow houses, even if also designed as workplaces, on land identified in the plan specifically for business uses.*" The proposal therefore does not comply with Policy B1. However, Policy B1 does also make provision for alternative uses on BUS sites where "*there is a constraint on the site whereby there is no reasonable prospect of it ever becoming marketable for business development or it is poorly located for employment use. The alternative use*

must benefit the local community and must not prejudice the strategic employment land requirement. It must respect the character of the area and be compatible with nearby uses.”

- 6.2 The potential for alternative uses on the site, in this instance, has been justified in the submitted Planning Statement, with evidence provided about marketing the site for employment uses and the lack of interest over several years, and the recognised availability of other sites within the Strategy Growth Corridor (A96) and Huntly itself, both on sites designated in the LDP and opportunist consented development to the south of the settlement adjacent to the OP6 allocation. A case has been made to identify that the site, despite marketing attempts, is not desirable for employment uses, which does suggest that it is unlikely to be developed for business uses and is perhaps poorly located for employment use, and the availability of land in Huntly and the wider growth corridor prevent the loss of 0.74Ha in this location having any strategic employment land supply issues. The proposal therefore does, in general, present a case for an alternative use on the allocated BUS site, as set out in Policy B1.
- 6.3 The remaining criteria of B1 to justify alternative uses on the site are that *the proposed use must benefit the local community*, which the provision of housing would help meet the need for new homes in Huntly, which is a known issue given the lack of delivery of the main allocations in Huntly (OP1, OP2 and OP3 to the east of the settlement). Very few new homes have been built in Huntly in the last plan period, with only minor infill developments and sporadic small scale housing development around the periphery of Huntly coming forward.
- 6.4 Finally, Policy B1 requires the alternative use to *respect the character of the area and be compatible with nearby uses*. Whilst not commercial or retail uses, housing would not pose any issue itself on those uses, and is compatible with the residential area to the immediate north of the A920, and the care home to the east, beyond the petrol station. The supporting documents, outlined above and discussed below, combine to demonstrate the site is suitable for the proposed use in terms of servicing, infrastructure provision and integration, and the development does propose a good layout and mix of house types, all of appropriate design and scale.
- 6.5 However, notwithstanding the appropriateness of housing as the alternative use, as outlined in 6.1 above, Policy B1 is explicit in stating that housing is not allowed within the Policy. This rigid approach is to prevent all commercial sites coming under undue pressure and being lost to residential development. However, in some instances, where sufficient justification has been provided and material considerations present a suitable case, there is scope to depart from Policy and support the proposal.
- 6.6 In this specific instance, in a settlement where little new housing development has taken place in recent years and on a site which has been marketed for several years for employment uses and had no interest, and where suitable employment land remains in the settlement and wider growth corridor, a case

does exist to support the proposal for housing as a departure. As outlined above, the consideration in terms of the loss of this part of the BUS designation is not significant, that aspect has been justified in compliance with the terms of Policy B1. It is merely the proposed alternative use for housing that is contrary to Policy B1. However, the intention to deliver 100% affordable housing has materiality, and the proposed scale, design, layout and servicing of the site combine to deliver a good quality development on the edge of the settlement which can provide a welcoming environmental and enhance the character of the settlement.

- 6.7 A bid for the next (2021) Local Development Plan for residential development on this site was made by the applicant, and the Planning Service outlined this as a preferred option for inclusion in the next Plan. The emerging plan is very much in its infancy, and has no materiality at this stage, but the early signs are that the case for housing on the site is a logical one in terms of the plan led system, and this does add some momentum for progressing this proposal in a positive manner. The Planning Service, notwithstanding the ongoing LDP process, consider that a suitable case has been made to justify an alternative use on the BUS1 site, in compliance with Policy B1, and the proposed alternative use in the form of a residential development of affordable housing can be supported as a departure from Policy B1 on the basis of the provision of much needed homes for Huntly, and the good quality of layout, design and enhancement of the eastern edge of the settlement that development would bring.
- 6.8 Whilst touched on above, the layout of the proposed development is of a high standard but still requires full consideration in terms of compliance with policy. The detail of the layout, discussed in section 2 of this report, provides a welcoming layout with private amenity space and open space, with a permeable layout including dedicated footpaths and shared services, with houses fronting onto the main roads outwith the site to create a safe and pleasant environment. The mix of house type provides a good range to meet the varied needs of the population, and the introduction of feature render panels or change in colour on some elevations will add intrigue and enhance the sense of place and street scene within the development. Sufficient open space is provided within the development, with activity space in the centre and recreational walking routes offering connectivity to the wider open space and amenity provision within the settlement. The design and layout combine to provide a good quality development which can create a welcoming entrance to Huntly on the A920, and complies with the provisions of Policies P1, P2 and P3 of the LDP.
- 6.9 The proposed use of the existing access, whilst retaining an access to the existing pumping station, provides a safe access from the existing public road. The internal layout has been supported by a Street Engineering Review and Quality Audit, and satisfies the technical requirements of Roads Development and provides safe manoeuvrability for cars and refuse collection vehicles, with suitable pedestrian access and parking provision being catered for within the site. In terms of water infrastructure, surface water is to connect to an existing basin which has capacity, and Scottish Water have confirmed capacity for

water supply and foul drainage. The proposal therefore fully satisfies the requirements of Policy RD1 of the LDP.

- 6.10 In terms of potential impacts on natural heritage, the site survey has not identified any protected species on site, and whilst the adjacent landscape strip to the west has potential for nesting birds, it is to be protected during development and therefore the proposal is not considered to have any impact on natural heritage. The Council's Environment Team raised awareness of the opportunity for habitat enhancement, in the form of swift box provision within the development, and the applicant is amenable to this. A condition shall be attached to the consent to obtain details of swift box provision within the development, which in turn will enhance biodiversity on the site. The proposal is compliant with Policy E1 of the LDP. Furthermore, the site lies within the settlement boundary and will be screened from the passing trunk road by the existing landscape belt, is on land allocated for employment uses and sits adjacent to a petrol station and retail store, subsequently the proposed design, with integrated open space and landscaping, is not considered to give rise to any wider landscape impacts, or affect the setting and character of the existing settlement. The proposed development, with active frontage onto the A920 to the north of the site with appropriately designed dwellings with low level hedging at their frontage, will create a welcoming environment on the northern gateway entrance to Huntly, enhancing the character of the settlement, all in accordance with Policy E2 of the LDP.
- 6.11 The site at present does appear to look like open space, which could be used by the public. However, the designation in the LDP identifies it as a development site, therefore the loss of the current open green space is not an issue in terms of open space set out in Policy PR1 Protecting important resources. The trees on and around the periphery are protected by Policy PR1, and the submitted tree survey and protection measures outline the steps taken to minimise tree loss, protect those to remain, and include adequate compensation for those lost and enhance the edges of the site through additional planting. The trees that exist on site at present are not of significant landscape, habitat, recreational or shelter value, therefore their loss poses little concern. The proposal is not considered to raise any issues in relation to Policy PR1 of the LDP.
- 6.12 The site survey of the ground has not identified any significant issues in relation to the soil quality in terms of contaminants. However, the site is adjacent to a petrol filling station and an Air Quality Assessment was requested to ensure that the existing air quality is suitable for residential accommodation to be so close to the petrol filling station. The assessment has not yet been provided by the applicant, and Environmental Health have subsequently not been able to provide a final response on this matter. However, given the continued operation of the petrol filling station in close proximity to the residential care home to the east, the Planning Service do not expect the resultant Air Quality Assessment to raise any significant issue that would prevent development going ahead, possibly with mitigation measures if the survey findings identify the need. The final resolution of this matter shall

be resolved as a delegated matter, and providing Environmental Health accept the findings of the Air Quality Assessment demonstrate suitable air quality, the proposal will comply with Policy P4 of the LDP.

- 6.13 Contributions for sports and health care have been agreed, and shall be secured via s.75 agreement prior to the issue of consent to comply with Policy RD2, should Members agree the approval of the application. In terms of Policy H2, the proposal is being promoted as 100% affordable, and the s.75 shall, if possible, secure this full provision. However, policy requires 25% provision, which has been identified within the site and shall be specifically referenced in the s.75 agreement to ensure minimum compliance with Policy H2 is secured. The development is intended by the applicant to come forward and deliver all units as affordable housing.
- 6.14 A condition shall be attached to the consent to obtain information relating to the energy efficiency of each house type. The applicant has indicated their intention to include photovoltaic panels on the roof plane of a number of buildings to aid compliance with this condition. Full details shall require to come forward, but this can be appropriately dealt with by condition and ensure compliance with Policy C1 of the LDP.
- 6.15 To conclude, the proposal does not comply with the principle of Policy B1, in relation to housing being proposed on designated business land. However, the potential for an alternative use to that specified in the LDP has been justified, and the Planning Service consider the proposed, much needed, affordable housing to be of a high standard, proposing a good layout which would create a good sense of place within the site and enhance the wider setting of Huntly through creating a welcoming gateway entrance to the settlement from the west, which presents a case to support the proposal as a departure from Policy B1 of the LDP.

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 proposal does not have a differential impact on any of the 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 B1 Employment and business land

- 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 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 **That Members agree that the application be referred to the Infrastructure Services Committee for determination and confirm their support for the application by agreeing that Authority to GRANT be delegated to the Head of Planning and Environment Service subject to:**

- Final resolution of matters to the satisfaction of Environmental Health, and any subsequent additional conditions they require;
 - The signing of a s.75 legal agreement to secure developer obligations and the provision of affordable housing;
 - The following conditions;
1. No development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility of 59 metres in both directions along the channel line of the public road has been provided from a point 2.4m metres measured at right angles from the existing edge of the carriageway surface along the centre line of the approved access road in accordance

with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

Reason: To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road safety.

2. No residential unit hereby approved shall be occupied unless its driveway, turning and/or parking area has been provided and surfaced in accordance with the details shown on the approved plans. Once provided, all parking and turning areas shall thereafter be permanently retained as such. For the avoidance of doubt, inclusive of visitor parking, 65 off-street car parking spaces are required to serve the full development.

Reason: To ensure the timely completion of the driveway to an adequate standard to prevent the carriage of loose driveway material on to the public road in the interests of road safety.

3. No building hereby approved shall be brought into use unless a Travel Plan has been submitted to and approved in writing by the planning authority. The Travel Plan shall encourage more sustainable means of travel and shall include mode share targets. It shall identify measures to be implemented, the system of management monitoring review, reporting and duration of the incorporated measures designed to encourage modes other than the private car. No building shall be brought into use unless the measures set out in its approved Travel Plan have been implemented in full.

Reason: In the interests of encouraging a more sustainable means of travel to and from the proposed development.

4. No works in connection with the development hereby approved shall commence unless details of permanent accessible nesting spaces for swifts have been submitted to and approved in writing by the planning authority. The development shall not be occupied unless the swift nesting spaces has been provided in accordance with the approved details. Once provided, the nesting spaces shall thereafter be permanently retained.

Reason: To secure the long-term protection and enhancement of the species.

5. All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management

programme, detailed on drawing 536.01.01 by DWA Landscape Architects Ltd dated April 2019. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

6. No individual dwellinghouse or building hereby approved shall be erected unless an Energy Statement applicable to that dwellinghouse or building has been submitted to and approved in writing by the planning authority. The Energy Statement shall include the following items:
 - a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development;
 - b) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy C1 of the Aberdeenshire Local Development Plan 2017.

The development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and Policy C1 of the Aberdeenshire Local Development Plan 2017.

11.2 That the Committee agree the reason for departing from the Aberdeenshire Local Development Plan (2017).

The potential for an alternative use to that designated in the Plan has been justified, the principle of housing on the allocated BUS1 site does not comply with Policy B1 Employment and business land, however the proposed affordable housing development is considered to be of a high standard, providing much needed affordable housing and enhancing the western entrance to Huntly through good design and active frontage onto the A920 and merits support as a departure from 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 Environment Service 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: Neil Mair
Report Date: 02 August 2019

ABERDEENSHIRE COUNCIL

MARR AREA COMMITTEE MINUTE EXTRACT

ALFORD PUBLIC HALL, ALFORD, 20 AUGUST 2019

(A) Reference No: APP/2019/0953 - Full Planning Permission for Erection of 20 Flats and 17 Dwellinghouses with Associated Infrastructure and Landscaping at Land Adjacent to Tesco Stores Ltd., Deveron Way, Huntly, Aberdeenshire, AB54 8TS

**Applicant: Knight Property Group, 62 Queen's Road, Aberdeen, AB15 4YE
Agent: Aleksandra Fidos, Norr, 3 Bon Accord Crescent, Aberdeen, AB11 6XH**

There had been circulated a report dated 2 August, 2019, by the Director of Infrastructure Services, which sought consideration of an application for full planning permission for the erection of a residential development of 20 flats and 17 houses. The application was being reported to the Committee because it was a departure from the Local Development Plan and recommended for approval.

Having heard that a request to speak had been received, the Committee **agreed** to hear from Daniel Harrington, Norr, the agent, and Mark Toland, Knight Property Group, the applicant.

The Senior Planner reported on the details of the application and referred to the representation from Tesco concerning impact from its operations, explaining that this had been considered by Environmental Health, solutions had been identified, and would be dealt with as a delegated matter. Reference was made to other consultees being satisfied; the proposal not complying with Policy B1 as the site was allocated for employment use; the site having been marketed for a considerable time with no interest; residential use being compatible with the area; the development being promoted as 100% affordable housing; and the good design. Agreement was sought to progress the application to Infrastructure Services Committee.

The Senior Planner then responded to questions in relation to landscaping and whether there had been any issues regarding noise impact or air quality at the care home which was a similar distance from Tesco.

The Committee heard from the applicant and agent who made reference to seeking to rezone the land for residential use in the next Local Development Plan; the site having being marketed for business/industrial use since 2013 with no interest; the prominent site requiring sensitive development; limited residential development in Huntly and the need for affordable housing; planned delivery by 2020; the mix of house types; central open space; and additional design measures to address noise impacts. They then responded to Members' questions in relation to glazing, house types including housing for those with special needs, access to public transport, and play areas. Thereafter, they confirmed they felt they had been given a fair hearing.

During discussion, Members commented on there being good access to public transport, proximity to the town centre, the need for affordable housing in Huntly, and the intention for delivery by 2020.

After due consideration, the Committee **agreed**:-

(1) that the application be referred to the Infrastructure Services Committee for determination and to confirm its support for authority to grant full planning permission being delegated to the Head of Planning and Environment subject to :

- (a) final resolution of matters to the satisfaction of Environmental Health and any subsequent additional conditions they require;
- (b) the signing of a Section 75 legal agreement to secure developer obligations and the provision of affordable housing; and
- (c) the following conditions:-

1. No development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility of 59 metres in both directions along the channel line of the public road has been provided from a point 2.4m metres measured at right angles from the existing edge of the carriageway surface along the centre line of the approved access road in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter, and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

Reason: To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road safety.

2. No residential unit hereby approved shall be occupied unless its driveway, turning and/or parking area has been provided and surfaced in accordance with the details shown on the approved plans. Once provided, all parking and turning areas shall thereafter be permanently retained as such. For the avoidance of doubt, inclusive of visitor parking, 65 off-street car parking spaces are required to serve the full development.

Reason: To ensure the timely completion of the driveway to an adequate standard to prevent the carriage of loose driveway material on to the public road in the interests of road safety.

3. No building hereby approved shall be brought into use unless a Travel Plan has been submitted to and approved in writing by the planning authority. The Travel Plan shall encourage more sustainable means of travel and shall include mode share targets. It shall identify measures to be implemented, the system of management monitoring review, reporting and duration of the incorporated measures designed to encourage modes other than the private car. No building shall be brought into use unless the measures set out in its approved Travel Plan have been implemented in full.

Reason: In the interests of encouraging a more sustainable means of travel to and from the proposed development.

4. No works in connection with the development hereby approved shall commence unless details of permanent accessible nesting spaces for swifts have been submitted to and approved in writing by the planning authority. The development shall not be occupied unless the swift nesting spaces has been provided in accordance with the approved details. Once provided, the nesting spaces shall thereafter be permanently retained.

Reason: To secure the long-term protection and enhancement of the species.

5. All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme, detailed on drawing 536.01.01 by DWA Landscape Architects Ltd dated April 2019. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

6. No individual dwellinghouse or building hereby approved shall be erected unless an Energy Statement applicable to that dwellinghouse or building has been submitted to and approved in writing by the planning authority. The Energy Statement shall include the following items:
 - (a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development;
 - (b) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy C1 of the Aberdeenshire Local Development Plan 2017.

The development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and Policy C1 of the Aberdeenshire Local Development Plan 2017.

- (2) that the reason for departing from the Aberdeenshire Local Development Plan 2017 be as follows:-

The potential for an alternative use to that designated in the Plan has been justified. The principle of housing on the allocated BUS1 site does not comply with Policy B1 Employment and business land; however, the proposed affordable housing development is considered to be of a high standard, providing much needed affordable housing and enhancing the western entrance to Huntly through good design and active frontage onto the A920 and merits support as a departure from the Aberdeenshire Local Development Plan (2017).

- (3) to note the following power may be exercised in respect of the application:-

Part 2C (Planning Delegations) of the Scheme of Governance 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 Environment 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.