

INFRASTRUCTURE SERVICES COMMITTEE – 24 JANUARY 2019

Reference No: APP/2018/2227

Full Planning Permission for Erection of 13 Dwellinghouses and 34 Flats and Associated Infrastructure at Phase 01-A, Mackie Village, Ury Estates, Ury, Stonehaven

And

Reference No: APP/2018/2228

Full Planning Permission for Erection of 20 Dwellinghouses and 24 Flats and Associated Infrastructure at Phase 01-B, Mackie Village, Ury Estate, Ury, Stonehaven

Applicant: Kirkwood Homes Ltd, Kirkwood Business Park,
Sauchen, Inverurie, AB51 7LE
Agent: Yeoman McAllister Architects, Waterside Studios, 64
Coltbridge Avenue, Edinburgh, EH12 6AH

Grid Ref: E:386150 N:787184
Ward No. and Name: Stonehaven And Lower Deeside
Application Type: Full Planning Permission
Representations 0
Consultations 15
Relevant Proposals Aberdeenshire Local Development Plan
Map
Designations: Aberdeen Housing Market Area
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 applications are local developments, where in the professional opinion of the Head of Planning and Building Standards, approval would be a significant departure from the Development Plan and the Area Committee have decided to approve the applications.
- 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. They are satisfied that the Report complies with the Scheme of Governance and relevant legislation.

2. Principal Planning Issues (Summary)

- 2.1 The applications combine to propose 91 dwellings on unallocated land in the Aberdeen Housing Market Area, on the outer edge of Stonehaven. The proposals deliver the affordable housing requirements identified within consented developments at Ury Estate, namely 230 enabling houses associated with the restoration of Ury House; and 90 dwellings associated with enabling a golf course associated with the end use of Ury House. Neither of the aforementioned developments included affordable housing within those sites. Both associated Section 75 Legal Agreements sought to deliver the requisite affordable housing requirement “off-site”, with the site subject of these applications being identified at that time as the most suitable and likely location.
- 2.2 The proposal, by virtue of the scale and number of units proposed, significantly exceeds the policy limitation set out for small-scale development in Aberdeenshire Local Development Plan 2017 Policy R2 Housing and Employment Development Elsewhere in the Countryside. However, the applications deliver the affordable housing required by consented developments elsewhere on the Ury Estate and will bring considerable social benefits. As such there are significant material considerations which lead to supporting the applications as departures from Policy R2.
- 2.3 The sites form part of the wider development context of Ury Estate, with the overall site covered by both applications, fitting within wider site constraints to deliver a mix of house types. The need and mix have been informed by the Council’s Infrastructure Services (Housing) to ensure the development meets the needs of local demand. The scale and design of the houses fit in with adjacent proposals within Ury Estate, and the site can be appropriately serviced and

accessed. The development will be well connected to Stonehaven through formal and informal walking routes and will not impact on any adjacent or nearby land use. There remains an unresolved matter relating to contaminated land to ensure compliance with Policy P4 Hazardous and potentially polluting developments and contaminated land. This will be addressed as a delegated matter.

3. Representations (Summary)

3.1 No representations have been received.

4. Area Committee Decision (Summary)

4.1 At its meeting of 11 December 2018, following an 8 to 2 vote, the Kincardine and Mearns Area Committee agreed the recommendation to refer to the Infrastructure Services Committee with support for both applications as departures. There was some concern raised about the clustering of all the affordable houses into one area whereas 'pepper-potting' and thus integrating the houses throughout the site would be preferable. The balance of consideration in this instance is between the provision of much needed affordable housing in the Stonehaven area and the emphasis on good quality layout and the materiality of a range of exceptional circumstances. The Local Development Plan Supplementary Guidance indicates that in design terms agreed affordable housing elements must be considered as an integral part of the development and have good linkages to surrounding services, should be, as far as possible visually in character with the market housing and be physically integrated.

Several exceptional circumstances are present in this instance whereby the development is considered acceptable as a departure from policy. These range from existing physical constraints of the wider estate to the achieving of a viable scheme through economies of scale. Furthermore, it was highlighted that the materiality of previous decisions and legal agreements had triggered the need for the proposed housing and had earmarked the site for such purposes.

Some further concern was raised in relation to the landscape and visual impact of the required noise attenuation bund and fence on the southern boundary, adjacent to the A90. Finally, the Area Committee were verbally updated that SEPA had responded to the consultations and had no objection to either proposal.

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 Kincardine and Mearns Area Committee Report of 11 December 2018
- **Appendix 3:** Extract of Minute of the Kincardine and Mearns Committee meeting of 11 December 2018

5. Implications and Risk

- 5.1 An Equality Impact Assessment is not required because the proposal 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 APP/2018/2227 be delegated to the Head of Planning and Building Standards subject to:**

- i) The incorporation of this application into existing S75 agreements;**
- ii) Securing the required Developer Obligations;**
- iii) The resolution of issues relating to contamination;**
- iv) The following conditions;**

01. No works in connection with the development hereby approved shall commence unless an archaeological Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the Planning Authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the Written Scheme of Investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought in to use unless a Post-Excavation Research Design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and

approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

Reason: To safeguard and record the archaeological potential of the area.

02. No individual dwellinghouse hereby approved shall be erected unless an Energy Statement applicable to that dwellinghouse 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.

03. No dwellinghouse or flat hereby approved shall be occupied unless its driveway, turning and 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.

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.

04. Prior to the occupancy of the 51st dwelling, in either Phase 01-A covered by APP/2018/2227 or phase 01-B covered by APP/2018/2228, the emergency access and footway, as detailed in APP/2018/2441 or an alternative approved arrangement, shall be formed and operational.

Reason: To ensure appropriate access is in place to serve the level of development consented.

05. Prior to the occupation of any part of the development, pedestrian and cycle routes must be formed within the site so that they provide for full connection to neighbouring committed development sites, specifically the required link road (APP2015/2163), and additionally provide uninterrupted linkage with existing

pedestrian/cycle infrastructure provision on the A957 Slug Road leading into Stonehaven.

Reason: In the interests of promoting sustainable travel.

06. Prior to the occupation of any part of the development, full road access to the site (including construction of roundabouts at the site access off the link road and at the link road access with the A957 (APP/2012/1612)), served by that section of link road must be designed and constructed in accordance with the Council's Guidelines and Standards for Road Construction Consent and Adoption, the Design Manual for Roads and Bridges, and Designing Streets, as appropriate.

Reason: To ensure full vehicular access to and from the site is in place to serve the development.

07. The development shall be carried out in full accordance with the details contained within the Street Engineering Review (SER) and Quality Audit (QA) – Issue 02, dated 27th November 2018. Due to the bespoke design standards contained within the SER/QA, which may heavily impact safety and functionality of the street layout, any future amendments to adjacent boundary treatments or street access to properties must be fully reassessed against the SER/QA, which must then be updated and amended accordingly, and submitted for further agreement by Roads Development prior to any changes taking place within the development.

Reason: To ensure the street layout, form and function of the development remains acceptable.

08. Prior to the commencement of development, a construction management plan, including proposed routing of construction traffic, shall be provided for further written approval by Roads Development. Once agreed, development shall take place in complete accordance with the agreed management plan.

Reason: To ensure the development does not have any undue impact on the existing road network, in the interests of public safety.

09. No dwelling shall be occupied until the noise attenuation bund (1.6m high) and close boarded timber fence (2m high) on the southern boundary of the site, adjacent to the A90, are in place.

Reason: In the interests of the residential amenity

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

The proposal will deliver affordable housing required in association with extant permissions for enabling development for Ury House. The site has been long

identified for this and does reflect the agreed masterplan for Ury Estate, and provides a development of appropriate scale and design, integrating with its surrounding in a location that can be suitably serviced and accessed. The proposal will deliver much needed affordable housing for the local area. As such the proposal is supported as a departure from Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan (2017)

6.3 That authority to GRANT APP/2018/2228 be delegated to the Head of Planning and Building Standards subject to:

- i) The incorporation of this application into existing S75 agreements;**
- ii) Securing the required Developer Obligations;**
- iii) The resolution of issues relating to contamination;**
- iv) The following conditions;**

01. No works in connection with the development hereby approved shall commence unless an archaeological Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the Planning Authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the Written Scheme of Investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought in to use unless a Post-Excavation Research Design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the Planning Authority. The PERD shall be carried out in complete accordance with the approved details.

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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.

03. No dwellinghouse or flat hereby approved shall be occupied unless its driveway, turning and 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.

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.

04. Prior to the occupancy of the 51st dwelling, in either Phase 01-A covered by APP/2018/2227 or phase 01-B covered by APP/2018/2228, the emergency access and footway, as detailed in APP/2018/2441 or an alternative approved arrangement, shall be formed and operational.

Reason: To ensure appropriate access is in place to serve the level of development consented.

05. Prior to the occupation of any part of the development, pedestrian and cycle routes must be formed within the site so that they provide for full connection to neighbouring committed development sites, specifically the required link road (APP2015/2163), and additionally provide uninterrupted linkage with existing pedestrian/cycle infrastructure provision on the A957 Slug Road leading into Stonehaven.

Reason: In the interests of promoting sustainable travel.

06. Prior to the occupation of any part of the development, full road access to the site (including construction of roundabouts at the site access off the link road and at the link road access with the A957 (APP/2012/1612)), served by that section of link road must be designed and constructed in accordance with the Council's Guidelines and Standards for Road Construction Consent and Adoption, the Design Manual for Roads and Bridges, and Designing Streets, as appropriate.

Reason: To ensure full vehicular access to and from the site is in place to serve the development.

07. The development shall be carried out in full accordance with the details contained within the Street Engineering Review (SER) and Quality Audit (QA) – Issue 02, dated 27th November 2018. Due to the bespoke design standards contained

within the SER/QA, which may heavily impact safety and functionality of the street layout, any future amendments to adjacent boundary treatments or street access to properties must be fully reassessed against the SER/QA, which must then be updated and amended accordingly, and submitted for further agreement by Roads Development prior to any changes taking place within the development.

Reason: To ensure the street layout, form and function of the development remains acceptable.

08. Prior to the commencement of development, a construction management plan, including proposed routing of construction traffic, shall be provided for further written approval by Roads Development. Once agreed, development shall take place in complete accordance with the agreed management plan.

Reason: To ensure the development does not have any undue impact on the existing road network, in the interests of public safety.

09. No dwelling shall be occupied until the noise attenuation bund (1.6m high) and close boarded timber fence (2m high) on the southern boundary of the site, adjacent to the A90, are in place.

Reason: In the interests of the residential amenity

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

The proposal will deliver affordable housing required in association with extant permissions for enabling development for Ury House. The site has been long identified for this and does reflect the agreed masterplan for Ury Estate, and provides a development of appropriate scale and design, integrating with its surrounding in a location that can be suitably serviced and accessed. The proposal will deliver much needed affordable housing for the local area. As such the proposal is supported as a departure from Policy R2 Housing and Employment Development Elsewhere in the Countryside of the Aberdeenshire Local Development Plan (2017)

For noting:-

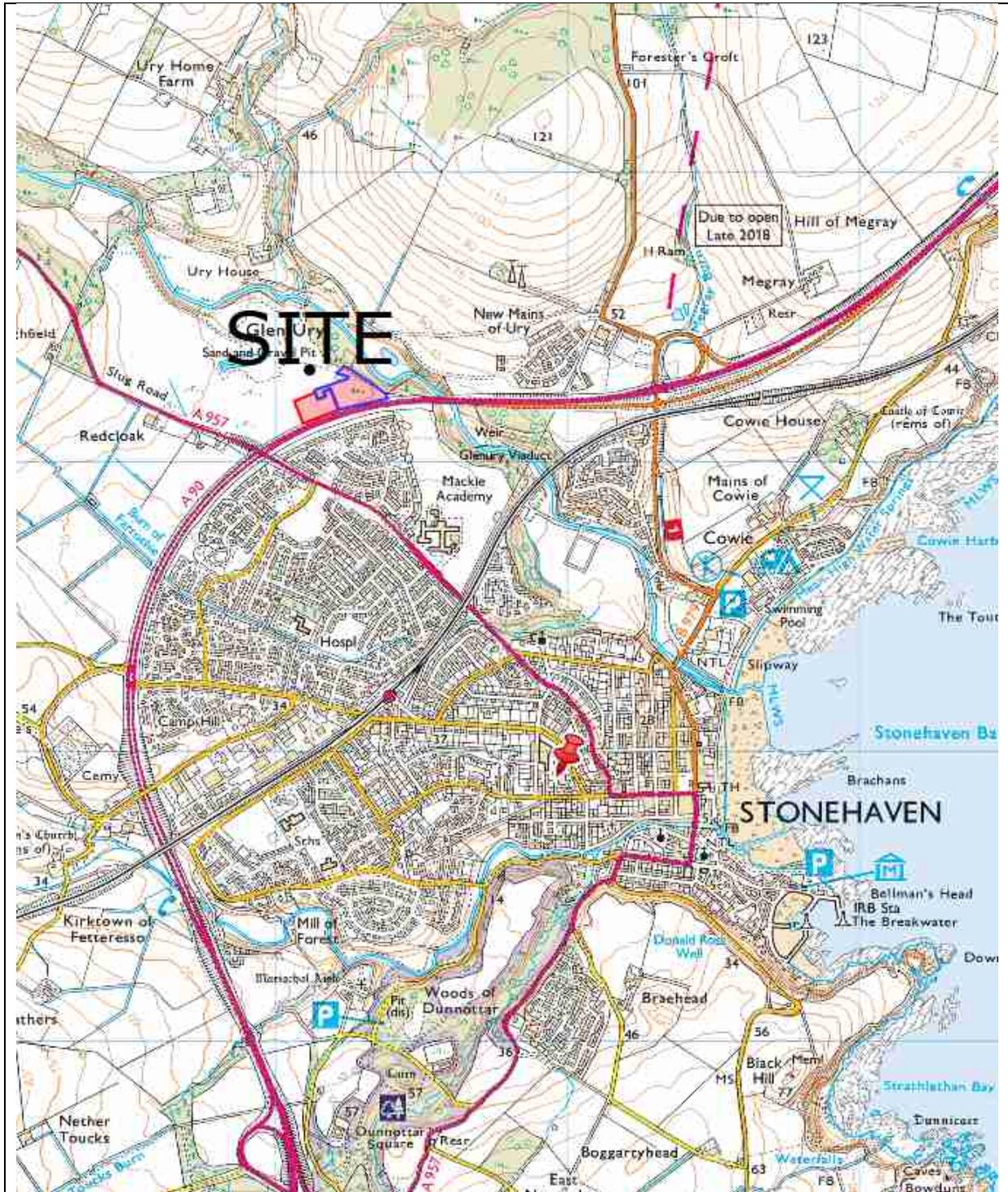
Part 2C (Planning Delegations) states at Section C.3.2b for Local Development, that following consultation with the Chair and Vice-Chair of the determining Committee, the Head of Planning and Building Standards can refuse planning applications for which Section 75 Agreements are not completed or Developer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

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

Stephen Archer
Director of Infrastructure Services
Author of Report: Neil Mair
Report Date: 27 December 2018

Development Management & Building Standards

APPENDIX 1A



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Aberdeenshire Council

Date 11/12/2018

Application Reference No APP/2018/2227 & APP/2018/2228

Development Management & Building Standards

APPENDIX 1B



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Aberdeenshire Council

Date 11/12/2018

Application Reference No APP/2018/2227 & APP/2018/2228

APPENDIX 2

Kincardine & Mearns Area Committee Report 11 December 2018

Reference No: APP/2018/2227

Full Planning Permission for Erection of 13 Dwellinghouses and 34 Flats and Associated Infrastructure at Phase 01-A, Mackie Village, Ury Estates, Ury, Stonehaven

And

Reference No: APP/2018/2228

Full Planning Permission for Erection of 20 Dwellinghouses and 24 Flats and Associated Infrastructure at Phase 01-B, Mackie Village, Ury Estate, Ury, Stonehaven

Applicant: Kirkwood Homes Ltd, Kirkwood Business Park,
Sauchen, Inverurie, AB51 7LE
Agent: Yeoman McAllister Architects, Waterside Studios, 64
Coltbridge Avenue, Edinburgh, EH12 6AH

Grid Ref: E:386150 N:787184
Ward No. and Name: Stonehaven And Lower Deeside
Application Type: Full Planning Permission
Representations 0
Consultations 15
Relevant Proposals Aberdeenshire Local Development Plan
Map
Designations: Aberdeen Housing Market Area
Complies with No
Development Plans:
Main Recommendation Refer to ISC (Delegated Grant)



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, and Section C.3.1g of Part 2C Planning Delegations of the Scheme of Governance as there is an unresolved objection from a consultee.
- 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 report covers two planning applications;
- *APP/2018/2227 – phase 01-A, proposing 13 dwellings and 34 flats and associated roads and drainage infrastructure.*
 - *APP/2018/2228 – phase 01-B, proposing 20 dwellings and 24 flats and associated roads and drainage infrastructure.*
- 2.2 The overall proposal is for a total of 91 residential properties, all of which shall be affordable housing. The basis for the proposal is to deliver the affordable housing requirements of proposals within Ury Estate, namely the provision required alongside the consented 230 dwellings to enable the restoration of Ury House, and the provision required from the consented 90 dwellings to enable the formation of a golf course. The works to Ury House and delivery of its enabling housing have commenced, and works to purify conditions and implement the golf course and associated housing consent are at an advanced stage. For absolute clarity, the required affordable housing provision, as stipulated in the s.75 agreements associated with each of the aforementioned developments, is 52 units stemming from the Ury House proposals, and 30 units from the golf course proposal, giving a total requirement of 82 units. There is therefore an overprovision of 9 units being proposed.
- 2.3 The site sits to the southern edge of Ury Estate, to the east of the consented retail unit which itself sits in the south western corner of the estate, adjacent to the Slug Road and A90. The A90 forms the southern boundary of this application site, with the Cowie Water to the east, and the proposed link road through Ury Estate sitting some 50m to the north. Ury House sits approximately 550m to the north west; consented housing at Blue Lodge is approximately 360m to the west; and the consented and underway housing at East Lodge is approximately 270m to the east across the Cowie Water.
- 2.4 In terms of constraints, the Ineos Forties Pipeline sits to the north west of the site, with the middle and outer zones encroaching into phase 01-A; a former Waste Management Licenced site sits to the north, but the site sits outwith

and immediately south of this; the Cowie Water SEPA River Extent and Surface Water Extent sits to the east outwith the site; the woodland to the east that aligns the Cowie Water is Ancient Woodland of semi natural origin; and the listed buildings of Ury House, and associated structures close by, sit 550m to the north. The A90 to the south also poses a constraint in relation to noise nuisance and the need to ensure the housing is designed in a way to provide suitable amenity to residents.

- 2.5 These constraints largely dictate the layout of the site, resulting in the linear west-east layout. The site sits between the A90 and the former landfill site, whilst minimising the number of houses within the pipeline zones, and keeping development within the natural boundary of the Ancient Woodland and Cowie Water to the east. The pipeline, and initial concern from HSE, resulted in some minor amendments to the original layout in terms of open space being provided to remove some properties from the pipeline “middle zone”.
- 2.6 Access is to be taken from the consented link road (APP2015/2163) via a southern spur from a roundabout, which shall also serve the nearby retail store which is pending detailed MSC consent (APP/2018/1842). Phase 01-A occupies the western half of the overall site, and takes immediate access from the spur road, with a road heading east before forming a T junction, with a dead-end to the south, and the northern point of the T then turning eastwards to serve phase 01-B, which contains a P shaped road layout, with a car park area extending to the further east point of the site. An emergency access is shown on the plans to serve the overall site, which itself is pending determination (APP/2018/2441), and will require to be in place to serve 50+ dwellings.
- 2.7 The access to the site will be flanked by three storey blocks of flats, creating a symmetrical gateway feature to the neighbourhood. The west facing elevation of both blocks propose a uniform window pattern, with Cedral cladding to the central projecting gable. Moving into phase 01-A, the T shaped road is bound on the north and south by a mix of semi-detached, two storey dwellings; buildings containing 4 flats; one detached dwelling; and a terrace of three dwellings to the eastern side of this phase. There is an area of open space on the northern side of the road, between the detached dwelling and a flatted property. Progressing eastwards into phase 01-B, the P shaped road layout delivers a range of semi-detached dwellings, with some detached two storey dwellings and a bungalow, along with 5 buildings each containing four flats.
- 2.8 In terms of the overall mix of property, the entire development, covered by both applications, shall deliver;
- 40 x one bed “cottage” flats (flats which have their own “front door”)
 - 18 x two bedroom flats (flats served by communal entrance in three storey blocks)
 - 6 x two bed semi-detached dwellings
 - 23 x three bed semi-detached/terraced dwellings
 - 1 x three bed detached bungalow

- 3 x four bed detached dwellings
- 2.9 All dwellings have dedicated parking within driveways, with the flatted properties having parking adjacent to them. The entire southern boundary of the site shall be screened from the A90 by the formation of a 1.6m high bund, and 2m high screen fence. All properties shall be finished with mock slate roof tile, PVC rainwater goods, fascias and soffits, white dry-dash render, dark grey facing brick basecourse, PVC windows in either white or grey, and some properties will have grey Cedral cladding to break up elevations.
- 2.10 Surface water shall drain to an adjacent consented SUDS basin, which has capacity to serve development at Blue Lodge, the western part of the link road, the retail site and this proposed development. Foul water shall be pumped to connect to the existing public infrastructure on the Slug Road.
- 2.11 The following supporting documents have been provided, covering both applications;
- Acoustic Statement and Report on Road Traffic Sound, by Charlie Fleming Associates, provides an overview of noise sources, projected levels, impacts and mitigation required. The report, and additional statement, focus on noise from the proposed adjacent retail development and the A90. No mitigation is required for noise from the retail site, as site servicing is distant and separated by the retail store itself. Mitigation from noise from the A90 is required, and the proposal is for a 1.6m high bund with 2m high fence atop, to run alongside the A90 to separate the site and mitigate noise nuisance.
 - Desktop Study Report and Site Investigation Report, by Bayne Stevenson Associates Ltd, looks at the site history and provides an overview of the ground conditions of the land.
 - Design Statement, by Yeoman McAllister, outlines the site location, nearby developments, context and general characteristics, whilst identifying relevant planning policy and outlining the proposed layout.
 - Flood Risk Assessment and Drainage Strategy, by Bayne Stevenson Associates Ltd, provides the drainage details, with surface water going to a previously approved SUDS basin, and foul connecting to the public infrastructure via a pumping station. In relation to flood risk, the report outlines the sites are not within SEPAs flood risk areas.
 - Road Safety Audit, by Wyllie Lodge, looks at the proposed layout and provides commentary on aspects in relation to pedestrian movement and safety through the site.
 - Street Engineering Review, by ECS, looks at the form and function of the street layout from the perspective of all users, including details relating to road drainage, kerbing and other materials.

2.12 In terms of planning history, there are a lot of applications relating to the 230 enabling houses for Ury House, all of which combine to deliver the detail of the housing, and all of which are covered by the s.75 agreement that requires 52 affordable units. As outlined above, the 90 houses consented for the golf course requires provision of 30 units. These applications therefore tie in with the planning history, and delivers much needed affordable housing in the locale that will satisfy the relevant clauses within s75 agreements pertinent to each development. There were previous submissions to try to deliver the affordable housing, APP/2015/3840 and 3850, which proposed 32 and 37 affordable houses. This pre-dated the approval of the golf course and the requirement for its enabling housing. The 2015 applications progressed through Kincardine and Mearns Area Committee with support given as a departure, but were subsequently withdrawn due to issues relating to contaminated land and the waste management licence. The revised applications, subject of this report, have progressed beyond the scope of those previous applications, including provision required by the now consented golf course and housing application, and moved to address previous issues through revised layout, site boundary and mix of house type.

3. Representations

3.1 No valid letters of representation have been received.

4. Consultations

4.1 **Business Services (Developer Obligations)** confirm that contributions have been agreed towards sport and recreation, and healthcare.

4.2 **Education and Children's Services (Education)** do not object to either application.

4.3 **Infrastructure Services (Affordable Housing)** are satisfied with the proposed mix and type of housing proposed, and confirm that this provision over both applications will meet the requirements of existing consented developments within Ury Estate, namely the 230 enabling houses relating to Ury House, and the 90 houses relating to the proposed golf course. The total units proposed in these applications would deliver an overprovision of 9 units, which is welcomed. Phasing triggers shall be secured by legal agreement, to ensure the timely delivery of units on site.

4.4 **Infrastructure Services (Archaeology)** are satisfied with the proposals, subject to conditions on each application relating to a programme of archaeological works, and a series of accompanying informatives.

4.5 **Infrastructure Services (Contaminated Land)** confirm that the site investigation report submitted does identify potential sources of contamination. A full investigation is required to identify the risks posed and required remedial works. Until such investigation is submitted, and any required mitigation is identified, this service objects to the proposals.

- 4.6 **Infrastructure Services (Environmental Health)** has no observations to make on either proposal, and has no objection.
- 4.7 **Infrastructure Services (Flood and Coast Protection)** initially expressed concern in relation to surface water drainage, but having received further detail in relation to overland flows and the wider drainage network, and confirmation that the SUDS basin has capacity to accept the discharge from this development along with other consented developments, they have no further comments and are accepting of the proposals.
- 4.8 **Infrastructure Services (Roads Development)** have reviewed the submitted Street Engineering Review (SER) and Quality Audit (QA), and have no objections to either proposal subject to conditions relating to off-street car parking provision, emergency access being in place prior to the occupation of the 51st dwelling, provision of pedestrian and cycle connections, provision of the access road, future updates to the SER/QA provided should any minor changes be required, and a construction management plan to detail routing of construction traffic.
- 4.9 **Infrastructure Services (Waste Management)** confirm their acceptance of the proposals, subject to Roads Development accepting the layout(s).
- 4.10 **The Health and Safety Executive** were formally consulted on the proposals, and having initially expressed concern about the number of properties and density of properties within the middle zone, the proposal was amended slightly and HSE now do not advise against the granting of consent, for either proposal, on health and safety grounds.
- 4.11 **Ineos** have no comments to make on either application.
- 4.12 **Scottish Water** has no objection to either application.
- 4.13 **Forestry Commission** has no comments to make on either application.
- 4.14 **SEPA** have not, at the time of writing, responded to their consultations.
- 4.15 **Stonehaven and District Community Council** object to both applications on the basis of their desire to see up to date drainage calculations, and confirmation that the SUDS system can cope with this and other developments. They also highlight concern over potential cumulative construction impacts should this proposal be developed at the same time as several others in the wider vicinity.

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

R2 Housing and employment development elsewhere in the countryside
H2 Affordable housing
P1 Layout siting and design
P2 Open space and access in new development
P4 Hazardous and potentially polluting developments and contaminated land
E2 Landscape
HE1 Protecting historic buildings, sites and monuments
PR1 Protecting important resources
C1 Using resources in buildings
C4 Flooding
RD1 Providing suitable services
RD2 Developers' obligations

5.4 Other Material Considerations

Section 75 agreements attached to APP/2007/2011, 2014, 2015 and APP/2008/0114 relating to Ury House enabling housing; and APP/2015/0541 relating to proposed golf course enabling housing.

Ury Estate Masterplan – An informal Masterplan which provided an overview of the Estate, taking account of constraints and infrastructure requirements, identifying the consented developments and associated affordable housing provision, and set out aspirational future developments.

6. Discussion

- 6.1 The overall proposal, outlined in detail above, is split over two separate planning applications totalling 91 affordable homes. This caters for the affordable housing requirements of previously consented residential developments within Ury Estate, with a small overprovision of 9 units.
- 6.2 Whilst not allocated, the principle of development has been, to a large extent, established through the associated housing approvals at Ury Estate, with this location identified within the s75 agreements, and within a Masterplan for the estate, as providing affordable housing. However, the proposal is not compliant with the LDP due to the site not being allocated in the current LDP, and the proposals far exceed the “small scale” allowance within Policy R2 for housing development in the countryside. The principle of development does not comply with the LDP, however the proposals provide the affordable housing requirements of consented residential developments, on land that has been identified and masterplanned for such use, and as expanded on later in the report the site layout fits within the surrounding constraints, does not pose any significant landscape impact, can be appropriately accessed and serviced, and provides much needed affordable housing within the local area. The proposals therefore have significant merit, and can be supported as a departure from the LDP. Previous proposals, for a lesser number of units, were also supported by the Planning Service and accepted by Members as a departure from the 2012 LDP, and whilst those applications were withdrawn prior to determination, they did set a precedent for support for affordable housing in this location.
- 6.3 The layout of the site has been largely dictated by constraints, however does provide a simple and easy to move-through layout in an area that, when the required link road is formed, is well connected to Stonehaven and Ury Estate as a whole. The housing fronts onto the internal road network, creating a sense of place and making for a safe and pleasant street scene. The finishing materials replicate what has been consented at Blue Lodge, tying in with the aesthetic of the western part of Ury Estate to ensure the overall visual appeal of this site fits in with the wider estate, and maintains the distinctive sense of place within region. The individual house types provide a mix of size of property, with all buildings providing a consistency in materials, scale and fenestration. Overall the siting, layout, scale, proportions of buildings,

materials and mix of house types are all acceptable, and the proposals comply with Policy P1 of the LDP.

- 6.4 The development does provide a small amount of open space within phase 01-A. There is also some green space around the two 3 storey blocks of flats at the site entrance. Policy P2 sets out aspirations for open space provision within sites, but is quite lax in its demands. These sites are not allocated, therefore are not strictly bound by the requirements of P2 where it seeks 120sqm open space per dwelling on allocated sites. Given the nature of the proposal, to deliver affordable housing, and the constraints that dictate the layout and density, the Planning Service are content with the level of open space proposed. The modest provision within the layout will help meet local need and provide some usable public open space close to homes, and further amenity space will be available close by within Ury Estate within the nearby retail site, as well as open space adjacent to the link road towards Blue Lodge, and links to the wider recreational walking routes within Ury Estate, including the Core Path which crosses the Estate from Slug Road to Netherley Road. The link road will also provide good pedestrian links into Stonehaven and its open space and amenities, and there is an informal walking route close to the site, adjacent to the Cowie Water, that underpasses the A90. The proposal therefore provides some amenity space within the development, and good access and connectivity to existing and proposed, formal and informal open space, which satisfies the requirements of Policy P2 of the LDP.
- 6.5 Turning to landscape considerations, as outlined in 6.3 the proposals are acceptable in a local layout, siting and design context. Going beyond this, the landscape of Ury Estate is ever changing, with the original approval of 230 enabling dwellings establishing this. Ury Estate is very much on the edge of the Stonehaven settlement, and development of this particular part of Ury Estate, closest to Stonehaven, helps with the wider integration of other parts of the development into the town. When viewed in the context of the Masterplan, the land south of the link road on the western part of the Estate is well planned, with the Slug Road bounding the western edge, with some open space adjacent to the retail store, its car park adjacent, with an access road branching off to serve the retail to the west and the affordable housing to the east. This all fits neatly into the site, with the link road and its associated landscape bund helping integrate the new built development into its surroundings, and protecting Ury House from any adverse visual impacts or inter-visibility between the new developments and its current open setting, in compliance with Policy HE1 of the LDP. The boundary to the south, adjacent to the A90, requires a bund and timber fence to be erected to help mitigate any potential noise nuisance. The 1.6m bund and 2m fence is not unusual in such proximity to a trunk road, but it is accepted that this could have a short term landscape impact in terms of a quite harsh and stark appearance to passing vehicles on the A90. However, landscaping will, in time, soften the visual appearance, and the necessary function of the fence does outweigh this short term impact. The proposals are, therefore, not considered to have any significant landscape impact and comply with Policy E2 of the LDP.

- 6.6 As outlined in paragraph 2.4 above, there are a number of constraints in and around the overall site. The natural constraints are the Cowie Water and the woodland belt that runs along its edge, and these natural assets must be protected from undue harm from new development. The site boundary is purposefully outwith the route protection zone of the adjacent woodland, and well away from the water course. The appropriate surface water drainage solution will prevent any run-off entering or affecting the watercourse, ensuring that all surface water is appropriately channelled into the consented drainage basin, which minuses any potential flood risk within or outwith the site, in compliance with Policy C4. The proposal therefore does not pose any potential impacts on the water environment or adjacent woodland, in compliance with Policy PR1 of the LDP. The original submission was amended slightly to pull some properties outwith the “middle zone” of the Forties Pipeline, thus satisfying HSE that the development is acceptable to them from a health and safety perspective, therefore complying with Policy P4 of the LDP.
- 6.7 The road layout and access arrangement is acceptable to Roads Development, subject to conditions, and subsequently also acceptable to Waste Management, with the layout providing ample manoeuvring space for refuse vehicles, sufficient parking provision, and appropriate pedestrian thoroughfares. Foul water shall discharge to the public network, with the surface water drainage solution, which has confirmed its capacity to serve this and other developments within Ury Estate, being acceptable to the Council’s Flood and Coast Protection team. The acceptance of the surface water drainage by the Council’s Flood and Coast Protection team addresses the concerns posed by the Community Council. The proposed sites therefore can be fully serviced and accessed, and the proposals comply with Policy RD1 of the LDP.
- 6.8 The final policy matters relate to the energy efficiency of the proposed houses, and the detail of this shall be secured by condition in order to comply with Policy C1 of the LDP. Finally, as outlined in 4.1 above, contributions have been agreed towards sport and recreation, and healthcare, which would either be paid in full or secured via s.75 agreement, prior to the issue of consent, in compliance with Policy RD2 of the LDP.
- 6.9 The remaining point raised by the Community Council, in relation to cumulative impacts of construction traffic on the local road network should this proposal go ahead at the same time as other significant projects in the local area, is not a material consideration to the determination of these applications. Impacts during construction are inevitable, and should any individual application pose significant concern in terms of construction disturbance, then it could be appropriate to attach a condition in relation to a construction method statement, with particular reference to any specific issue, such as noise during construction, traffic management, pollution prevention etc. In this case, Roads Development have sought a condition relating to construction traffic management, which shall be attached to the consent(s). This, however, only relates to this application, and it would not be possible for

such a construction management plan to overlap other, unrelated developments. It would be reasonable, on the applicant's part given the clear links to Ury Estate and other consented developments within, that consideration within the management plan is had to a holistic approach to delivering development within Ury Estate, and the Planning Service, in consultation with Roads Development, shall endeavour to ensure the management plan does take account of other development associated with the ownership of this site, ie those within Ury Estate. In terms of cumulative considerations of potential impacts outwith Ury Estate, this would be incredibly difficult to predict and manage, given the different developers, contractors and issues encountered by each unrelated proposal. The concern from the Community Council is noted, and the construction management at Ury Estate can be tied together and managed accordingly, but other proposals referenced by the Community Council, such as large windfarm projects in the region, cannot be taken account of.

- 6.10 To conclude, the proposals seek to deliver the affordable housing requirements related to extant developments within Ury Estate, with an overprovision of 9 houses. The site has been long identified for this use, and the proposals that have now come forward fits within the surrounding constraints, delivering a mix and type of affordable house that meets the requirements of the Council's Housing Service, whilst delivering a development of appropriate scale, density and design, in an accessible site that can be serviced without impacting on any adjacent or nearby land use. The proposal does not comply with Policy R2 of the LDP due to exceeding the prescribed limits for housing in the countryside, however the reasons stated above present significant material considerations to merit supporting both applications as a departure from the LDP.

7. Area Implications

- 7.1 In the specific circumstances of these applications 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 proposals do 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 applications 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

R2 Housing and employment development elsewhere in the countryside

- 10.3 The applications are a Departure from the valid Local Development Plan and have 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 applications do 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 developments are, in the opinion of the Head of Planning and Building Standards, in significant conflict with Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan (2017) and if the Committee is minded to approve then the applications will have to be referred to Infrastructure Services Committee.

11. Recommendation

- 11.1 **That Members agree that the application APP/2018/2227 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 Building Standards subject to:**

- i) The incorporation of these applications into existing s.75 agreements;**
- ii) Securing the required Developer Obligations;**
- iii) The resolution of issues relating to contamination;**
- iv) The following conditions;**

01. No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with

the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought in to use unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

Reason: To safeguard and record the archaeological potential of the area.

02. No individual dwellinghouse hereby approved shall be erected unless an Energy Statement applicable to that dwellinghouse 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.

03. No dwellinghouse or flat hereby approved shall be occupied unless its driveway, turning and 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.

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.

04. Prior to the occupancy of the 51st dwelling, in either Phase 01-A covered by APP/2018/2227 or phase 01-B covered by APP/2018/2228, the emergency access and footway, as detailed in APP/2018/2441 or an alternative approved arrangement, shall be formed and operational.

Reason: To ensure appropriate access is in place to serve the level of development consented

05. Prior to the occupation of any part of the development, pedestrian and cycle routes must be formed within the site so that they provide for full connection to neighbouring committed development sites, specifically the required link road (APP2015/2163), and additionally provide uninterrupted linkage with existing pedestrian/cycle infrastructure provision on the A957 Slug Road leading into Stonehaven.

Reason: In the interests of promoting sustainable travel

06. Prior to the occupation of any part of the development, full road access to the site (including construction of roundabouts at the site access off the link road and at the link road access with the A957 (APP/2012/1612)), served by that section of link road must be designed and constructed in accordance with the Council's Guidelines and Standards for Road Construction Consent and Adoption, the Design Manual for Roads and Bridges, and Designing Streets, as appropriate.

Reason: To ensure full vehicular access to and from the site is place to serve the development

07. The development shall be carried out in full accordance with the details contained within the Street Engineering Review (SER) and Quality Audit (QA) – Issue 02, dated 27th November 2018. Due to the bespoke design standards contained within the SER/QA, which may heavily impact safety and functionality of the street layout, any future amendments to adjacent boundary treatments or street access to properties must be fully reassessed against the SER/QA, which must then be updated and amended accordingly, and submitted for further agreement by Roads Development prior to any changes taking place within the development.

Reason: To ensure the street layout, form and function of the development remains acceptable.

08. Prior to the commencement of development, a construction management plan, including proposed routing of construction traffic, shall be provided for further written approval by Roads Development. Once agreed, development shall take place in complete accordance with the agreed management plan.

Reason: To ensure the development does not have any undue impact on the existing road network, in the interests of public safety.

09. No dwelling shall be occupied until the noise attenuation bund (1.6m high) and close boarded timber fence (2m high) on the southern boundary of the site, adjacent to the A90, are in place.

Reason: In the interests of the residential amenity

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

The proposal will deliver affordable housing required in association with extant permissions for enabling development for Ury House. The site has been long identified for this and does reflect the agreed masterplan for Ury Estate, and provides a development of appropriate scale and design, integrating with its surrounding in a location that can be suitably serviced and accessed. The proposal will deliver much needed affordable housing for the local area. As such the proposal is supported as a departure from Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan (2017)

11.3 That Members agree that the application APP/2018/2228 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 Building Standards subject to:

- i) The incorporation of these applications into existing s.75 agreements;**
- ii) Securing the required Developer Obligations;**
- iii) The resolution of issues relating to contamination;**
- iv) The following conditions;**

01. No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought in to use unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

Reason: To safeguard and record the archaeological potential of the area.

02. No individual dwellinghouse hereby approved shall be erected unless an Energy Statement applicable to that dwellinghouse 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.

03. No dwellinghouse or flat hereby approved shall be occupied unless its driveway, turning and 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.

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.

04. Prior to the occupancy of the 51st dwelling, in either Phase 01-A covered by APP/2018/2227 or phase 01-B covered by APP/2018/2228, the emergency access and footway, as detailed in APP/2018/2441 or an alternative approved arrangement, shall be formed and operational.

Reason: To ensure appropriate access is in place to serve the level of development consented

05. Prior to the occupation of any part of the development, pedestrian and cycle routes must be formed within the site so that they provide for full connection to neighbouring committed development sites, specifically the required link road (APP2015/2163), and additionally provide uninterrupted linkage with existing pedestrian/cycle infrastructure provision on the A957 Slug Road leading into Stonehaven.

Reason: In the interests of promoting sustainable travel

06. Prior to the occupation of any part of the development, full road access to the site (including construction of roundabouts at the site access off the link road and at the link road access with the A957 (APP/2012/1612)), served by that section of link road must be designed and constructed in accordance with the Council's Guidelines and Standards for Road Construction Consent and Adoption, the Design Manual for Roads and Bridges, and Designing Streets, as appropriate.

Reason: To ensure full vehicular access to and from the site is place to serve the development

07. The development shall be carried out in full accordance with the details contained within the Street Engineering Review (SER) and Quality Audit (QA) – Issue 02, dated 27th November 2018. Due to the bespoke design standards contained within the SER/QA, which may heavily impact safety and functionality of the street layout, any future amendments to adjacent boundary treatments or street access to properties must be fully reassessed against the SER/QA, which must then be updated and amended accordingly, and submitted for further agreement by Roads Development prior to any changes taking place within the development.

Reason: To ensure the street layout, form and function of the development remains acceptable.

08. Prior to the commencement of development, a construction management plan, including proposed routing of construction traffic, shall be provided for further written approval by Roads Development. Once agreed, development shall take place in complete accordance with the agreed management plan.

Reason: To ensure the development does not have any undue impact on the existing road network, in the interests of public safety.

09. No dwelling shall be occupied until the noise attenuation bund (1.6m high) and close boarded timber fence (2m high) on the southern boundary of the site, adjacent to the A90, are in place.

Reason: In the interests of the residential amenity

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

The proposal will deliver affordable housing required in association with extant permissions for enabling development for Ury House. The site has been long identified for this and does reflect the agreed masterplan for Ury Estate, and provides a development of appropriate scale and design, integrating with its surrounding in a location that can be suitably serviced and accessed. The proposal will deliver much needed affordable housing for the local area. As such the proposal is supported as a departure from Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan (2017)

Stephen Archer
Director of Infrastructure Services
Author of Report: Neil Mair
Report Date: 28th November 2018

For noting:-

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

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

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Reference No: APP/2018/2227

Full Planning Permission for Erection of 13 Dwellinghouses and 34 Flats and Associated Infrastructure at Phase 01-A, Mackie Village, Ury Estates, Ury, Stonehaven

And

Reference No: APP/2018/2228

Full Planning Permission for Erection of 20 Dwellinghouses and 24 Flats and Associated Infrastructure at Phase 01-B, Mackie Village, Ury Estate, Ury, Stonehaven

Applicant: Kirkwood Homes Ltd, Kirkwood Business Park,
Sauchen, Inverurie, AB51 7LE
Agent: Yeoman McAllister Architects, Waterside Studios, 64
Coltbridge Avenue, Edinburgh, EH12 6AH

A report by the Director of Infrastructure Services was circulated advising Members that the Committee was able to consider these items in terms of the Scheme of Governance as the applications for development were a departure from the Development Plan and were recommended for approval. In the event of the Committee recommending approval then the applications would have to be referred to Infrastructure Services Committee.

The Senior Planning Officer advised that the proposals were for a total of 91 residential properties, all of which shall be affordable housing within Ury Estate. The site was located between the A90 and the former landfill site, whilst minimising the number of houses within the pipeline zones, and keeping development within the natural boundary of the Ancient Woodland and Cowie Water to the east.

The Senior Planning Officer went on to say that the proposals seek to deliver the affordable housing requirements related to extant developments within Ury Estate, with an overprovision of 9 houses. The site has been long identified for this use, and the proposals that have now come forward fit within the surrounding constraints. They delivered a mix and type of affordable house that meets the requirements of the Council's Housing Service whilst delivering a development of appropriate scale, density and design, in an accessible site that can be serviced without impacting on any adjacent or nearby land use. The proposals do not comply with Policy R2 of the LDP due to exceeding the prescribed limits for housing in the countryside, however it was considered that both applications be supported as a departure from the LDP.

The Senior Planner then responded to Members' questions in relation to the proposed bund and timber fence, the link road, the reason for two applications and the design and materials to be used.

After careful consideration and discussion of all aspects of the proposals Councillor Wallace, seconded by Councillor Robertson, moved to agree planning permission for erection of 13 dwellinghouses and 34 flats and 20 dwellinghouses and 24 flats and associated infrastructure at Phase 01-A and 01-B, Mackie Village, Ury Estate, Stonehaven for the reasons given in the planning reports, subject to the planning conditions attached to the reports.

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As an amendment, Councillor Hutchison, seconded by Councillor Agnew, moved to refuse Planning Permission for erection of 13 dwellinghouses and 34 flats and 20 dwellinghouses and 24 flats and associated infrastructure at Phase 01-A and 01-B, Mackie Village, Ury Estate, Stonehaven, for the following reasons:

1. The proposals were contrary to Policy H2 (Affordable Housing) due to the concentration of affordable housing in one location which would not create a sustainable mixed community;
2. The proposals were contrary to Policy E2 (Landscape) in relation to the proposed bund and timber fence;
3. The proposals were contrary to Policy P1 (Layout, siting and design) as the scale and design were inappropriate to the setting of Ury House; and
4. The site was not allocated in the Local Development Plan.

The Committee voted:

- | | | |
|-------------------|-----|--|
| For the motion | (8) | Councillors, Carr, Evison, Dickinson, Mollison, Robertson, Wallace, Pike and Wilson. |
| For the amendment | (2) | Councillors, Hutchison and Agnew. |

Councillor Bews was absent from the division.

The motion was carried and the Committee **agreed** that both applications be referred to the Infrastructure Services Committee for determination and confirm their support for the applications by agreeing that Authority to grant be delegated to the Head of Planning and Building Standards subject to the following for **APP/2018/2227**:

- i) The incorporation of these applications into existing s.75 agreements;
 - ii) Securing the required Developer Obligations;
 - iii) The resolution of issues relating to contamination;
 - iv) The following conditions;
01. No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought in to use unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

Reason: To safeguard and record the archaeological potential of the area.

02. No individual dwellinghouse hereby approved shall be erected unless an Energy Statement applicable to that dwellinghouse has been submitted to and approved in writing by the planning authority. The Energy Statement shall include the following items:

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- a) Full details of the proposed energy efficiency measures and/or renewable

technologies to be incorporated into the development;

- a) 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.

03. No dwellinghouse or flat hereby approved shall be occupied unless its driveway, turning and 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.

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.

04. Prior to the occupancy of the 51st dwelling, in either Phase 01-A covered by APP/2018/2227 or phase 01-B covered by APP/2018/2228, the emergency access and footway, as detailed in APP/2018/2441 or an alternative approved arrangement, shall be formed and operational.

Reason: To ensure appropriate access is in place to serve the level of development consented.

05. Prior to the occupation of any part of the development, pedestrian and cycle routes must be formed within the site so that they provide for full connection to neighbouring committed development sites, specifically the required link road (APP2015/2163), and additionally provide uninterrupted linkage with existing pedestrian/cycle infrastructure provision on the A957 Slug Road leading into Stonehaven.

Reason: In the interests of promoting sustainable travel.

06. Prior to the occupation of any part of the development, full road access to the site (including construction of roundabouts at the site access off the link road and at the link road access with the A957 (APP/2012/1612)), served by that section of link road must be designed and constructed in accordance with the Council's Guidelines and Standards for Road Construction Consent and Adoption, the Design Manual for Roads and Bridges, and Designing Streets, as appropriate.

Reason: To ensure full vehicular access to and from the site is in place to serve the development.

07. The development shall be carried out in full accordance with the details contained within the Street Engineering Review (SER) and Quality Audit (QA) – Issue 02, dated

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27th November 2018. Due to the bespoke design standards contained within the SER/QA, which may heavily impact safety and functionality of the street layout, any future amendments to adjacent boundary treatments or street access to properties must be fully reassessed against the SER/QA, which must then be updated and amended accordingly, and submitted for further agreement by Roads Development prior to any changes taking place within the development.

Reason: To ensure the street layout, form and function of the development remains acceptable.

08. Prior to the commencement of development, a construction management plan, including proposed routing of construction traffic, shall be provided for further written approval by Roads Development. Once agreed, development shall take place in complete accordance with the agreed management plan.

Reason: To ensure the development does not have any undue impact on the existing road network, in the interests of public safety.

09. No dwelling shall be occupied until the noise attenuation bund (1.6m high) and close boarded timber fence (2m high) on the southern boundary of the site, adjacent to the A90, are in place.

Reason: In the interests of the residential amenity.

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

The proposal would deliver affordable housing required in association with extant permissions for enabling development for Ury House. The site had been long identified for this and does reflect the agreed masterplan for Ury Estate, and provides a development of appropriate scale and design, integrating with its surrounding in a location that can be suitably serviced and accessed. The proposal would deliver much needed affordable housing for the local area. As such the proposal can be supported as a departure from Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan (2018).

The motion was carried and the Committee **agreed** that both applications be referred to the Infrastructure Services Committee for determination and confirm their support for the applications by agreeing that Authority to grant be delegated to the Head of Planning and Building Standards subject to the following for **APP/2018/2228**:

- i) The incorporation of these applications into existing s.75 agreements;
- ii) Securing the required Developer Obligations;
- iii) The resolution of issues relating to contamination;
- iv) The following conditions;

01. No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the

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application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought in to use unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

Reason: To safeguard and record the archaeological potential of the area.

02. No individual dwellinghouse hereby approved shall be erected unless an Energy Statement applicable to that dwellinghouse 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.

03. No dwellinghouse or flat hereby approved shall be occupied unless its driveway, turning and 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.

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.

04. Prior to the occupancy of the 51st dwelling, in either Phase 01-A covered by APP/2018/2227 or phase 01-B covered by APP/2018/2228, the emergency access and footway, as detailed in APP/2018/2441 or an alternative approved arrangement, shall be formed and operational.

Reason: To ensure appropriate access is in place to serve the level of development consented.

05. Prior to the occupation of any part of the development, pedestrian and cycle routes must be formed within the site so that they provide for full connection to neighbouring committed development sites, specifically the required link road (APP2015/2163), and additionally provide uninterrupted linkage with existing pedestrian/cycle infrastructure provision on the A957 Slug Road leading into Stonehaven.

Reason: In the interests of promoting sustainable travel.

APPENDIX 3

06. Prior to the occupation of any part of the development, full road access to the site (including construction of roundabouts at the site access off the link road and at the link road access with the A957 (APP/2012/1612)), served by that section of link road must be designed and constructed in accordance with the Council's Guidelines and Standards for Road Construction Consent and Adoption, the Design Manual for Roads and Bridges, and Designing Streets, as appropriate.

Reason: To ensure full vehicular access to and from the site is in place to serve the development.

07. The development shall be carried out in full accordance with the details contained within the Street Engineering Review (SER) and Quality Audit (QA) – Issue 02, dated 27th November 2018. Due to the bespoke design standards contained within the SER/QA, which may heavily impact safety and functionality of the street layout, any future amendments to adjacent boundary treatments or street access to properties must be fully reassessed against the SER/QA, which must then be updated and amended accordingly, and submitted for further agreement by Roads Development prior to any changes taking place within the development.

Reason: To ensure the street layout, form and function of the development remains acceptable.

08. Prior to the commencement of development, a construction management plan, including proposed routing of construction traffic, shall be provided for further written approval by Roads Development. Once agreed, development shall take place in complete accordance with the agreed management plan.

Reason: To ensure the development does not have any undue impact on the existing road network, in the interests of public safety.

09. No dwelling shall be occupied until the noise attenuation bund (1.6m high) and close boarded timber fence (2m high) on the southern boundary of the site, adjacent to the A90, are in place.

Reason: In the interests of the residential amenity.

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

The proposal will deliver affordable housing required in association with extant permissions for enabling development for Ury House. The site has been long identified for this and does reflect the agreed masterplan for Ury Estate, and provides a development of appropriate scale and design, integrating with its surrounding in a location that can be suitably serviced and accessed. The proposal will deliver much needed affordable housing for the local area. As such the proposal is supported as a departure from Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan (2018).

