

## Kincardine & Mearns Area Committee Report 29 October 2019

Reference No: APP/2018/0829

### Full Planning Permission for Erection of 94 Dwellinghouses and Associated Infrastructure at Land Adjacent to East Lodge, Ury Estate, Ury, Stonehaven

**Applicant:** Kirkwood Homes Limited/Ury Estate Limited, C/o Agent

**Agent:** Kirkwood Homes, Kirkwood Business Park, Sauchen, Inverurie, AB51 7LE

Grid Ref: E:386597 N:787476

Ward No. and Name: W18 - Stonehaven and Lower Deeside

Application Type: Full Planning Permission

Representations 1

Consultations 13

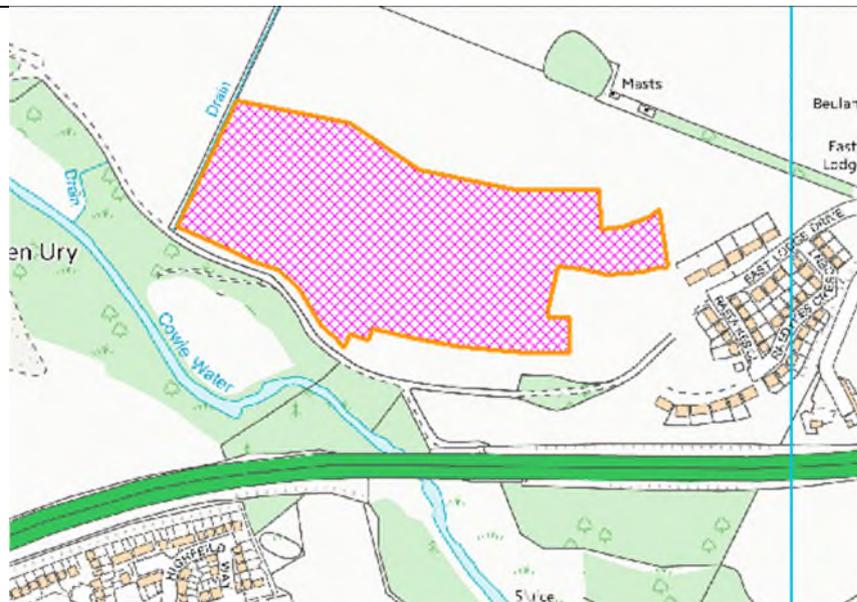
Relevant Proposals Map Aberdeenshire Local Development Plan

Designations: ALDP 2017 Allocated Site OP2 (205 Homes), Aberdeen Housing Market Area

Complies with

Development Plans: Yes

Main Recommendation Delegated Grant



#### NOT TO SCALE

Reproduced from Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright and database rights. Ordnance Survey Licence Number 0100020767.

## **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.2.1 as the application is for major development.
- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments have been incorporated into this report and they are satisfied that the report now complies with the Scheme of Governance and relevant legislation.

## **2. Background and Proposal**

- 2.1 Full planning permission is sought for the erection of 94 dwellings on land at East Lodge, within Ury Estate to the north of Stonehaven. The site lies to the north of Stonehaven, north of the A90, and lies largely within the allocated site OP2, which is allocated in the Aberdeenshire Local Development Plan 2017 (LDP) for 205 dwellings. The site slopes down from north to south, and has a minor ditch to the west, the ongoing first phase of development at East Lodge to the south and east of the site, and open agricultural land to the north of the site. The site at present is agricultural land, albeit has a temporary road traversing the site to retain private access for residents of Ury Estate whilst development is ongoing. The western edge of the site is prime agricultural land. Further west, outwith the site, lies the Cowie Water and a woodland belt of trees that is largely made up of Ancient Woodland. Running from the east, through the existing East Lodge site, and continuing through Ury Estate to the west, lies an existing core path (Core Path 52004).
- 2.2 The proposed dwellings form part of the enabling development associated with the restoration of Ury House. Historically a total of 230 dwellings were consented in 2011 in principle (APP/2007/2015 and APP/2008/0113), with 205 identified east of the Cowie Water, and 25 to the west, and the general application sites of those consents were included within the Aberdeenshire Local Development Plan (2012). Subsequent detailed applications progressed the final design solutions, and proposed to redistribute the enabling units as 51 to the west of the Cowie Water (at Blue Lodge) and 179 at East Lodge. An application for 85 units (APP/2014/1970) was granted under the original permission in principle at East Lodge and is now nearing completion. Further consents were granted for the remaining 94 units at East Lodge; APP/2014/3297 gained full planning permission for 84 dwellings, and APP/2014/3284 gained MSC consent for 10 dwellings. Both those later consents have expired without implementation, and this application now seeks to deliver the remaining 94 enabling units at East Lodge, effectively reapplying for what was previously consented.

- 2.3 For completeness, the remaining relevant associated planning consents associated with the wider enabling development and restoration of Ury House are:

APP/2012/1616 and 1617 – consent granted for 51 enabling dwellings at Blue Lodge. APP/2012/1617 has been implemented. APP/2012/1616 has an application for renewal pending determination. This represents the remainder of the 230 enabling units that are not sited at East Lodge.

APP/2015/2163 - consent granted and implemented for a link road through the entire Estate (from Slug Road to Netherley Road), to serve the developments.

APP/2018/2227 and 2228 – consent granted and development underway for 91 affordable housing units, meeting the provision required for the original 230 enabling units, and additional provision required through the consent for a golf course and enabling housing (APP/2015/0541).

APP/2015/2710 and APP/2018/0849 – consent granted and implemented for full planning and listed building consent for the restoration of Ury House to form a hotel, inclusive of gym, pool, spa, golf clubhouse facilities, bar and dining facilities.

APP/2017/2362 and 2772 – consent granted for full planning and listed building consent for 32 hotel rooms within walled garden, close to Ury House.

APP/2015/0541 – consent granted and implemented for a golf course (to help provide an end function for Ury House as a golf clubhouse and hotel) and 90 dwellings.

- 2.4 It should be noted, restrictions are well established by conditions through the original permission for 230 enabling dwellings, and other consents within Ury Estate, that no more than 85 dwellings on either side of the Cowie Water shall be occupied until such time as the consented link road, or an agreed alternative, is in place. That restriction would still be applied, and with the 85 units already consented at East Lodge nearing completion, none of these units are currently envisaged to be occupied until such time as further infrastructure is in place, or an agreed alternative has been identified and accepted.
- 2.5 The detail of this proposal proposes two linear roads that form a continuation of the consented 85 houses that are already built at East Lodge. The southern road is a continuation of the existing street that branches off from East Lodge Drive at an area of triangular open space within the existing development, and would run westwards to the edge of this application site, with housing fronting on to the road from the north and south. The proposed road follows the contours of the existing landform, with the houses to the north side of the road sitting on a higher level than those to the south.

- 2.6 The northern street similarly follows the contours and has housing fronting on to it from the north and south. This street is disconnected from the southern road, and would require a link from the east, outwith the application site, to connect to the consented link road.
- 2.7 A pending application (APP/2019/1961) for 33 dwellings, on land to the west of this site, includes road infrastructure to link the two roads within this proposal, effectively finishing the street scene to the west of this site, and providing suitable permeability that can function with the ground levels that exist on site. At the western edge of each road within this application turning heads are proposed, intended to provide sufficient manoeuvring space for vehicles to reach the edge of this site and turn. The applicant's intention is that the turning heads would not be required, and the full layout of this and the adjacent site would be progressed under a single submission for Roads Construction Consent for each road (north and south), thus avoiding the need for a temporary solution to the potential "dead end". However, for the purposes of assessing this application in isolation, the turning heads shown in the layout intend to present adequate space, particularly for refuse collection vehicles, for safe manoeuvring.
- 2.8 The mix of house types within this proposal reflect those consented in the adjacent East Lodge development, and will very much follow on the pattern of development in terms of road frontages, scale, plot size and general siting and separation distance. The specific mix proposed is as follows:
- 26 three-bedroom homes, mixed of three different house types;
  - 37 four-bedroom homes, mixed of six different house types;
  - 28 five-bedroom homes, mixed of five different house types;
  - 3 six-bedroom homes, all of the same house type.

Finishing materials are proposed to be an off-white render, timber front/utility doors, PVC French doors and windows, PVC rainwater goods, and charcoal grey concrete roof tiles. Rear gardens are to be enclosed by 1.8m high timber fences, some with rendered wall features for the lower part with occasional pillars to break up the fence. Front gardens shall have a low hedge set back from the pavement, with some amenity grassland and sporadic trees planted along the pavement/roadside.

- 2.9 The site lies on a modest slope down from north to south, and to allow for the roads to follow the contours, there is a steep change in level between the houses south of the northern road, and those north of the southern road. In the earlier phase at East Lodge, the change in levels was addressed by retaining walls, which fall within the curtilage of some dwellings. An alternative approach is proposed here, to site the change in level outwith curtilages, and have planting on the sloping ground to help separate plots and provide a more natural feel to the development once the planting reaches maturity. The planting will form a linear green network through the site, which presents some opportunity for habitat and biodiversity, and will help soften the appearance of the development from any views of the site from Stonehaven.

- 2.10 Affordable housing provision for this development is to be offsite, and has already been consented and is underway, as outlined in 2.3 above. Therefore, none of the units within this site are to be affordable homes.
- 2.11 Two areas of open space are shown, one at the eastern edge of this site and one centrally within this site. Both provide permeability between the two streets in the application, with a meandering footpath descending the sloping landform, with green space and tree planting featuring along the length of each path, with several pieces of play equipment proposed at the southern end of the central path. The central path connects to the street consented in the initial consent for 85 units, tying in with the pedestrian pavement along the link road, and providing connectivity with the peripheral footpath consented within the original phase of development. Wider pedestrian links into Stonehaven are provided by the existing footpaths within the built development to the east and the footpath now in place along the Netherley Road which adjoins the footpaths adjacent to the AWPR junction, leading into the northern side of Stonehaven. The link road will provide further pedestrian links through the Estate to join the footpaths in place on the Slug Road, leading into the western side of Stonehaven. The link road footpath will also provide connection to the informal footpath that crosses under the A90 adjacent to the Cowie Water.
- 2.12 Water supply shall be via the public supply. Foul drainage shall discharge to the public sewer on the Netherley Road, via an existing pumping station. Surface water shall discharge to the existing SUDS basin to the south west of the development site.
- 2.13 In support of the application, the applicant has provided the following documents:
- Supporting Planning and Design & Access Statement by EMAC Planning – identifies relevant planning history, planning policy and provides an overview of the development proposal;
  - Pre- Application Consultation Report (PAC Report) by EMAC Planning – identifies the long process of engagement for the wider development proposals at Ury Estate, and more recent engagement with the Community Council prior to the submission of this application;
  - Energy Statement by Kirkwood Homes – identifies broad principles of construction, seeking to reduce carbon emissions. Full reports for each house type shall be provided for building warrant/planning condition;
  - Drainage Assessment by Fairhurst – identifies existing infrastructure, development requirements, and proposed pipelines for foul and surface water;
  - Street Engineering Review & Quality Audit (SER/QA) by Fairhurst – provides a road safety audit, swept paths analysis, road drainage details, parking schedule, and was expanded to look at the road network outwith the specific application site to attempt to remedy wider concerns by Roads Development and Transportation.

### 3. Representations

- 3.1 A total of 1 valid representations (objection) have been received as defined in the Scheme of Governance. All issues raised have been considered. The letters raise the following material issues:
- Loss of intended parkland/tree areas;
  - Lack of public space/parkland;
  - Lack of footpath connection to Stonehaven;
  - Lack of recreational walking routes;
  - Lack of accessible local shops, requiring residents to drive to town centre;
  - Potential overlooking towards existing houses

### 4. Consultations

- 4.1 **Infrastructure Services (Roads Development)** have a holding objection in place due to concerns regarding the wider connectivity issues in relation to tying in with other consented developments within Ury Estate, and control mechanisms to ensure essential infrastructure is provided to serve the development.
- 4.2 **Infrastructure Services (Flood and Coast Protection)** has received further information in relation to surface water and works to a minor watercourse, and are satisfied with the proposal subject to a condition relating to the diversion of the minor watercourse and provision of a 6m buffer strip, along with a condition preventing work on plots 179, 132, 113 and 112 taking place until the works to divert the minor watercourse to the west of the site are complete. For the avoidance of doubt, the works to the watercourse will have to be subject of a separate planning application, and are captured within the pending application APP/2019/1961 to the west of this site.
- 4.3 **Infrastructure Services (Waste Management)** initially objected to the proposal on the basis of insufficient information in relation to vehicular movements within the site, however have since confirmed they do not object subject to the layout being accepted by Roads Development.
- 4.4 **Infrastructure Services (Housing)** confirmed that this site forms part of the original 230 house enabling development, and the associated s.75 agreement secured the provision of 52 affordable homes, which has now been consented (APP/2018/2227 and 2228). A variation to the existing s.75 agreement will be required to ensure this development aligns with the overall strategy.
- 4.5 **Infrastructure Services (Transportation)** have a holding objection to the proposal on the basis of concerns relating to site connectivity and infrastructure delivery.
- 4.6 **Infrastructure Services (Contaminated Land)** note the landfill to the east of the site, however there is no evidence to suggest gas migration from the landfill poses a risk to development on this site, and consequently no mitigation is required.

- 4.7 **Education and Children's Services (Education)** do not object to this application.
- 4.8 **Business Services (Developer Obligations)** has confirmed the affordable housing provision for this proposal is covered by an existing s.75 legal agreement. Contributions towards sport & recreation and healthcare have been agreed, and will require to be secured by an additional legal agreement.
- 4.9 **Scottish Water** do not object to the proposal.
- 4.10 **Transport Scotland** has no objection to the proposed development.
- 4.11 **SEPA** require a condition in relation to a Construction Environmental Management Plan (CEMP). They identify that matters relating to surface water are not within their remit and the comments from the Council's Roads and Flooding team should be sought, along with that of Scottish Water. They note that foul water shall drain to the public sewer. In relation to contamination, they suggest that comments from the Council's Contaminated Land team be obtained.
- 4.12 **The Health and Safety Executive** does not advise against the granting of this planning application.
- 4.13 **Stonehaven and District Community Council** object stating that there is not a valid SUDS analysis in place for the development, and 2014 data is outdated.

## 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

Allocated site OP2 – Ury House East Lodge, allocated for 205 homes.

Policy H1 Housing land

Policy H2 Affordable housing

Policy P1 Layout siting and design

Policy P2 Open space and access in new development

Policy P4 Hazardous and potentially polluting developments and contaminated land

Policy E1 Natural heritage

Policy E2 Landscape

Policy HE1 Protecting historic buildings, sites and monuments

Policy HE3 Helping to reuse listed buildings at risk

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 considerations for this application relate to the principle of development; the layout, siting and design; access and servicing; and any resultant impact on built or natural heritage.
- 6.2 The principle of development is established through the allocated site, OP2, which identifies the site for 205 dwellings and identifies the previous grant of planning permission in principle in 2011. As outlined in section 2.2 above, further applications in 2014 gained consent for the detailed design and layout to deliver 94 units on this site, but both of those consents have since expired. The site has been long identified for development, associated with the restoration of Ury House. The principle of 94 units on this site falls within the allocation in the LDP, and is part of the overall 230 enabling units consented to restore Ury House. The principle of development is compliant with Policy H1, in that it will deliver housing in accordance with the allocation and strategy set out in the LDP, and is also compliant with Policy HE1 as it will deliver part of the enabling development for Ury House.
- 6.3 As with all new housing development, the LDP seeks appropriate affordable housing provision. The original consents for the 230 enabling units secured affordable housing provision off-site, and this has now been consented and implemented, as detailed in 2.3 of this report. The affordable housing requirement for this proposal has therefore already been met, and the proposal complies with Policy H2 of the LDP.
- 6.4 The proposed layout of the development follows the contours of the site, with streets running along the contours with housing fronting onto two linear roads, which provides ample surveillance and safety for residents, whilst providing an open and welcoming street scene. Houses are set back from the road on the northern street, with green space and trees adjacent to the road with hedging proposed at the front of each plot, which would create a natural and open street scene. The houses on the northern road are generally storey and a half, and of reasonably large footprint. Houses on the southern road are also shown to be bound by hedging, but do not have the same green space to set them back from the roadside, and are typically of a smaller scale with a mix of storey and a half, storey and  $\frac{3}{4}$  and two storey dwellings. Each street is distinctive in its own way, with the different scale of dwellings and treatment to the front of plots, however both are reflective of the established character of East Lodge, and very much contribute to, and enhance, the sense of place at East Lodge whilst creating a safe and pleasant environment.
- 6.5 The palette of materials is detailed to be consistent throughout, however final details of the finish shall be addressed by condition. The Planning Service consider a mix of renders, to break up the possible monotone street scene and enhance the sense of place and create a more welcoming appeal, would be worth exploring. The individual house types reflect those in the adjacent consented phase, with a number of house types already being used at East Lodge. All house plots have adequate amenity space, with appropriate boundary treatment to ensure privacy, and sufficient space within each

curtilage to allow for future extension, thus allowing each house type to grow with the needs of the occupant, where required. The gradient of the site is addressed by sloping landscaped areas to sensitively manage the change in level between the houses of the northern and southern roads, and the planting of this area will provide a visual green corridor throughout the site, aiding the integration and long term softening of the development. The submitted layout, plot sizes, house types, green space and landscaping are considered to deliver a layout that is distinctive and appropriate for the site, whilst the inclusion of pedestrian links on a north-south axis, to compliment the east-west street scene, is considered to provide good permeability and connectivity through the site. The proposal is considered to fully comply with Policy P1 of the LDP, and subject to a condition to obtain the energy efficiency measures of each dwelling shall comply with Policy C1 of the LDP.

- 6.6 Whilst green space has been mentioned in the context of creating a sense of place in the street, functional open space is also provided within the site in two separate areas, adjacent to the pathways which link the two roads in this proposal and provide connectivity into the existing development at East Lodge. As outlined in 2.11 above, the two areas provide visual and functional open space, which provides links to the existing path network at East Lodge, and links beyond the Estate to connect to Stonehaven. Further open space is provided between the plots of the north and south roads, and between the south eastern plots and the existing plots at East Lodge, albeit this is not to be usable open space, it is to be planted. The planting of the graded space between plots is still an important part of the open space provision in terms of helping naturalise and soften the impact of development, and it will help separate the houses and provide a high degree of privacy and amenity for occupants. The overall provision of open space, including both functional play and connectivity space, along with strategic open space that will be planted, fits in well with the layout, complementing the street scene and general aesthetic of the proposal, and enhance the existing development adjacent which shall benefit from the recreational open space provision. The proposal is considered to fully comply with Policy P2 through providing the appropriate level of open space in a varied and suitable manner. Furthermore, the green corridors are considered to provide ample opportunity for biodiversity enhancements, compliant with Policy E1 Natural heritage.
- 6.7 The planting on the open space between the houses will, as outlined above, help soften the appearance of the development. The linear street scene and pattern of development will result in quite a continual ridge height, following the contours of the land, however the functional open space shall break up the lengthy streets into blocks of built development, and the planting, once matured, shall help soften and break up the vertical emphasis of built development through the provision of green corridors. The site does sit reasonably low in the landscape, when viewed from the south in Stonehaven, where visible. The ground continues to rise north of the site, and the fields beyond are more prominent in a wider landscape setting. There are limited views of the site from further afield, and those views and generally from the south east where the existing East Lodge development can already be seen. This development does form a naturel extension to the existing development,

and very much compliments and enhances the setting of that development through improved open space provision and tree planting. The site is not considered to give rise to any potential negative landscape impacts, and the proposal is considered to pose no landscape or visual impacts, and subsequently comply with Policy E2 of the LDP.

- 6.8 The good integration and lack of wider landscape impact is also relevant in the context of built heritage, in that the siting and design will not impact on the setting of Ury House, or other listed structures close to Ury House. The mature tree belt that aligns the Cowie Water provides ample screening and separation between the built heritage assets and the development site. The proposal has no impacts on built heritage and is compliant with Policy HE1 of the LDP. The aforementioned tree belt is to be retained, and there are no other significant resources on or adjacent to the site, therefore the proposal is compliant with Policy PR1 of the LDP.
- 6.9 Ury Estate, to the west of the Cowie Waters, contains a former waste management landfill site. Whilst contamination issues exist there, the Council's Contaminated Land team have confirmed that gas migration from the landfill is unlikely to have crossed the Cowie Waters, and no mitigation is therefore required. The Health and Safety Executive has no concern about development. The proposal therefore complies with Policy P4 of the LDP.
- 6.10 Part of the site is prime agricultural land, however permission in principle, subsequent detailed consents, and an allocation in the LDP have all identified this site as suitable for housing development. The historical acceptance of development on this land, based on the original enabling case made for the restoration of Ury House, does present a social and economic benefit to outweigh the loss of the small area of prime agricultural land. Other resources, such as the woodland belt at the Cowie Water, are not affected by the development. The proposal therefore is compliant with Policy PR1 of the LDP.
- 6.11 Servicing of the site is a key consideration, particularly due to the significant infrastructure requirements identified to serve development within Ury Estate. Surface water drainage shall be to an existing consented soakaway, which has capacity for the development and has been subject to a full drainage assessment. Foul drainage shall connect to the public infrastructure, and water supply will also be via the public infrastructure. The minor watercourse to the west of the site did raise a potential issue in relation flood risk to plots at the west end of the site, however the applicant has identified a solution to realign the watercourse, which is shown within the adjacent pending application (APP/2019/1961). The potentially affected plots should therefore not be built until the watercourse is realigned, which can be conditioned, and the actual works to the watercourse are included in the adjacent pending application, from this same applicant, therefore the Planning Service, and the Council's Flood and Coast Protection Team, are content that this solution is acceptable. SEPA require a condition in relation to construction management, which shall be attached and address any potential impacts on the water environment during development. The water infrastructure and

flood risk considerations are acceptable to consultees, which satisfies the water infrastructure part of Policy RD1 of the LDP.

- 6.12 Turning to road infrastructure, there are outstanding holding objections from the Council's Roads Development and Transportation teams at the time of writing the report. Meetings and discussions have taken place to resolve these concerns, which centred on concerns about delivery of the link road and the level of development that could occur without key infrastructure being in place. General concerns about the layout, including visitor parking and manoeuvring within the site, were previously addressed and accepted. Discussion between the Planning Service, consultees, the landowner and developer have identified solutions, phasing triggers and control measures that are required to allow development to progress and have comfort that the required infrastructure will be delivered. These largely involve conditions and/or clauses within a s.75 legal agreement to ensure that the necessary consents (both planning and road construction matters) are in place at the right time, and that the required infrastructure is delivered at the correct time. A formal response from each consultee, along with clarification on the required thresholds and controls to be subject of conditions/legal agreement is expected prior to the Committee meeting, where a verbal update shall be provided. Alternatively, if the formal response has not yet been received, the matters can be delegated to the Planning Service to then ensure the required controls are in place. Upon receipt of the forthcoming positive responses from Roads Development and Transportation, and securing their requirement via condition or legal agreement, the proposal shall comply with the relevant access requirements of Policy RD1 of the LDP.
- 6.13 As outlined above, affordable housing provision has been provided off-site already. Further contributions towards sport & recreation and healthcare have been agreed, and will require to be secured by an additional legal agreement. This will ensure the development complies with Policy RD2 of the LDP.
- 6.14 To respond to the points raised in the representation;
- There is no loss of open space "parkland" or tree areas. The site does not impact on the woodland belt along the Cowie Water, and the agricultural land is not usable public open space;
  - The development provides the requisite level of open space/parkland, dispersed well through the site with good access throughout the site;
  - The layout is permeable and offers a range of routes through the site to connect with the adjacent East Lodge development, and the footpath from East Lodge to join the path network leading into Stonehaven is now complete. The link road, which is required to serve this development, will provide full connection through Ury Estate for vehicles and pedestrians. The core path remains in place to walk the route from East Lodge to the Slug Road, passing Ury House. Therefore suitable footpath connection to Stonehaven does exist and shall be enhanced in the future by the link road;

- The routes identified above, both formal routes along the roadside within the development and on the link road, and the core path on the private estate road past Ury House, provide ample recreational walking routes;
- Footpath connections do exist to walk to the amenities of Stonehaven. A public transport strategy identified for consents to the west of the Cowie Water identify a strategy to look at bus provision once the link road is in place. A retail store has been consented and implemented within Ury Estate which would be in short walking distance from the site. The site is therefore well located in relation to local amenities;
- The orientation, spacing and boundary treatments of the houses is not considered to give rise to potential overlooking or amenity impacts on existing nearby dwellings.

6.15 The concern raised by the Community Council, relating to the submitted supporting drainage information being outdated, came early in the determination period. Full drainage details, dated June 2019, were provided in support of the application. These details have been accepted by the Council's Flood and Coast Protection Team, and give a full and thorough appraisal of the drainage requirements for the development, compliant with Policy RD1 of the LDP.

6.16 The concerns raised by an objector and the Community Council are therefore addressed, and as outlined in detail above all relevant policies of the LDP are, or can be, met. The ongoing wider development at Ury Estate is complex, however progress on site, particularly the delivery of the link road, is important in delivering allocations in the Local Development Plan and meeting strategic housing growth in the A90 growth corridor. The development has been assessed in great detail by the Planning Service and consultees, and has now reached a point where it can be supported and recommended for approval.

## **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 will 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**

None

- 10.3 The application is not a Departure from the Local Development Plan or Strategic Development Plan and no departure procedures apply.
- 10.4 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.
- 10.5 The application would not have to be referred to Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

## **11. Recommendation**

- 11.1 That authority to GRANT be delegated to the Head of Planning and Environment Service subject to:-
- i) Satisfactory consultation responses from Infrastructure Services' Roads Development and Transportation, and inclusion of any additional controls they require by condition or legal agreement;
  - ii) A s.75 legal agreement to tie in with the original enabling s.75 agreement, and to secure the required contributions towards sport & recreation and healthcare, along with any additional control measures identified through i above;
  - iii) The following conditions;
01. No works in connection with the development hereby approved shall commence unless an Access Plan for continuing non-motorised public access has been submitted to and approved in writing by the planning authority. Details of the plan shall include:
- a) The location of existing paths, including core paths and desire lines on or adjoining the site;

- b) The location and duration of temporary diversions during construction of the approved development;
- c) Details of new routes and proposed route changes;
- d) Path construction specifications;
- e) Details of structures, fittings and signage;
- f) Details of and timescales for the implementation and phasing of the path works;
- g) Details of the future maintenance of the proposed path(s);
- h) Written justification for the measures proposed.

The Access Plan MUST include timescales for the implementation and completion of the works.

The development shall be carried out in complete accordance with the approved Access Plan.

Reason: To ensure the adequate provision of public access within and around the site during and after development.

02. No works on plots 112, 113, 132 or 179 shall take place until the minor watercourse to the west of the site has been diverted, and buffer strips of 6m are in place on both sides of the watercourse. For the avoidance of doubt, the works to the water course lie outwith this application site and shall be subject of separate consent in their own right.

Reason: In the interests of managing the water environment, to prevent potential flood risk.

03. No development shall commence on site until a site specific Construction and Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the Planning Authority in consultation with SEPA. All works on site must be undertaken in accordance with the approved CEMP unless otherwise agreed in writing with the Planning Authority.

Reason: In order to minimise the impacts of necessary construction works on the environment.

04. 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.

## **11.2 Reason for Decision**

The proposed layout and design presents a continuation of the adjacent development, proposing a good range of house types in a permeable layout with good connectivity and open space within the site, compliant with the relevant policies, and delivers housing on an allocated site, within the Aberdeenshire Local Development Plan (2017).

**Stephen Archer**  
**Director of Infrastructure Services**  
**Author of Report: Neil Mair**  
**Report Date: 10 October 2019**

### **For noting:-**

Part 2C (Planning Delegations) states at Section C.2.2 for Major Development, that following consultation with the Chair and Vice-Chair of the determining Committee for applications initially dealt with by the Area 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 six 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.”