

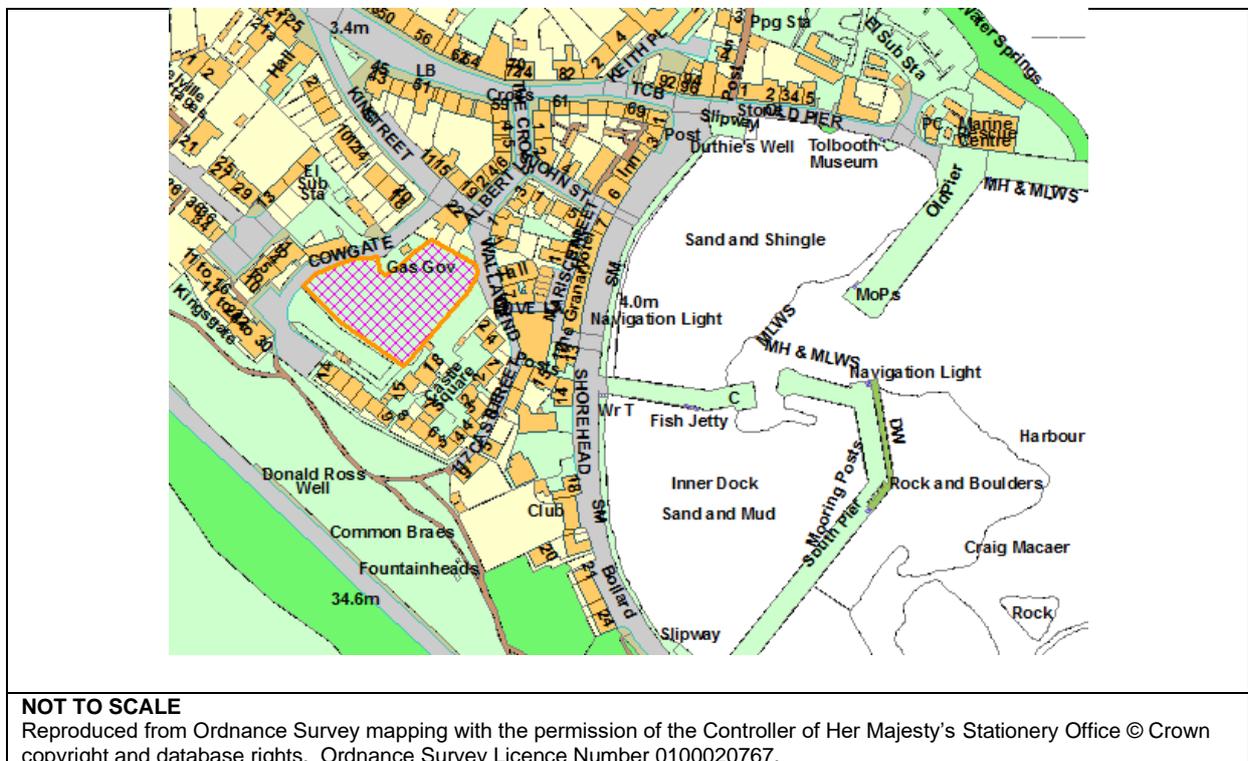
Kincardine & Mearns Area Committee Report

Reference No: APP/2020/1233

Full Planning Permission for Erection of 57 Bed Care Home with Associated Infrastructure, Car Parking and Landscaping at Land at Cowgate, Stonehaven, Aberdeenshire

Applicant: Scape Homes, Seaview Steading, Balmedie
Agent: Scott Hobbs Planning, 24A Stafford Street, Edinburgh

Grid Ref: E:387606 N:785437
Ward No. and Name: W18 - Stonehaven And Lower Deeside
Application Type: Full Planning Permission
Representations: 20
Consultations: 10
Relevant Proposals Map: Aberdeenshire Local Development Plan 2017
Designations: Within Settlement, Stonehaven Conservation Area
Complies with:
Development Plans: No
Main Recommendation: Refuse



1. Reason for Report

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

Cllr Dennis Robertson - I would refer this to area committee as I believe it meets the requirements of Policies H3 Special needs housing and P3 Infill and householder developments within settlements.

Cllr Sarah Dickinson - To consider further the parking, access and servicing issues.

- 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 The application site of approximately 0.215 hectares relates to a former gas works site, in the heart of the Old Town of Stonehaven. The site was occupied by Scottish Gas Networks until in mid 1990's when the site was cleared and partially restored. The site is bound to the south east and east by Castle Square, and its associated car parking area, a development of two and three storey properties of rendered walls and tiled roofs from the 1970's; to the north east by Wallace Wynd, which contains a number of residential properties as well as the Shepherds Hall. To the north west is the retained Scottish Gas Networks Gas Governor, and yard, with Class 5 vehicle garages/workshops beyond on Cowgate. To the west is Kingsgate which also includes a combination of two and three storey properties similar to those on Castle Square, while to the south west is an amenity playground, with a terrace of single storey dwellings beyond.
- 2.2 The site is accessed from High Street, then via either King Street, which Cowgate on the west side, or via The Cross, Albert Land, and Wallace Wynd to the east.
- 2.3 Existing boundary treatments include a mix of palisade fencing, and granite rubble walling.
- 2.4 In this instance, full planning permission is sought for a 57 bed care facility. The proposed building would have an L-shaped footprint, which would extend across the width of the majority of the site (47.6 metres) between Kingsgate and Castle Square, with a return of 40 metres northwards adjacent to the parking area for Castle Square.

- 2.5 The main accommodation would be spread over the first 3 storeys, while amenity space would be provided via a stepped back 4th storey, which would take advantage of views across the harbour, and towards the Bervie Braes. In addition, other external amenity space is shown to the south of the building footprint, adjacent to the existing children's play area.
- 2.6 Proposed materials for the development include a scraped finish white render; coursed ashlar stone cladding, with sections of quartz-zinc lock panels. Natural sandstone would also be utilised to the base course, and detailed walls, with further walls clad with timber effect trespa cladding. Aluminium windows and doors coloured graphite grey are also proposed. The design would incorporate various step outs, and changes in materials so as to create visual interest, over what are sizeable elevations
- 2.7 Provision is made for a total of 26 car parking spaces, although the applicant has identified that of those 21 would be within the current application site and the remaining 5 would be within the adjacent SGN Governor site, which would be the subject of a separate application should this application ultimately be approved.
- 2.8 In respect of other infrastructure, the development would be connected to the public water supply, with a foul connection to public water infrastructure. In respect of surface water drainage, due to the made up nature of the ground filtration to ground is not possible therefore it is proposed to discharge to the existing surface water sewer at a specified run-off rate.

Relevant Planning History

- 2.9 While there is no formal planning history to the site in respect of relevant planning applications, the site has been the subject of a pre application enquiry (Ref: ENQ/2020/0177) for the residential care home proposals, and a previous enquiry (Ref: ENQ/2013/2022) for a residential development that did not come to fruition.

Supporting Information

- 2.10 This application has been supported by a number of submissions which include:
- Planning Statement by Scott Hobbs Planning dated 30 June 2020
 - Outlined the history of the site, and an assessment of the surroundings, together with a detailed analysis against Local Development Plan Policy and other material considerations. Also outlined are the consultation exercises undertaken, as a best practice approach, despite no legislative requirement to do so.
 - Drainage Strategy (Rev 02) by Curtins dated 12 June 2020
 - Design and Access Statement (including day and sunlight assessment)
 - Phase 1 Preliminary Risk Assessment
 - Transport Statement by ECS Transport Planning Ltd dated June 2020

- Refuse Vehicle Swept Paths, including those of a 7.5T vehicle which is larger than that to be used by intended refuse operator
- Proposed visualisations
- Emergency Vehicle Swept Paths
- Photographs of Refuse vehicle circulation
- Supplementary Supporting Statement by Scott Hobbs Planning dated April 2021

The latter covers a number of different topic areas and flagged that the proposal is envisaged to create a total of around 35 jobs from professional and care staff to administrative, maintenance and catering. During the construction process it is likely to require 65 FTE employees during the 12-14 months construction programme.

Variations and amendments

2.11 During the assessment of this application, the following variations and amendments have taken place:

- Reduction in overall number of bedrooms from 59 to 57;
- Amendment to design to reduce perceived scale/overbearing towards Castle Square at South East Corner; and
- Various amendments to car parking layout to cater for swept paths through the site and a one way system from Wallace Wynd/Castle Street to Cowgate.

3. Representations

3.1 A total of 20 valid representations (0 support / 20 objection) have been received as defined in the Scheme of Governance. This does not include multiple representations from the same household which equate to 21 letters in total. All issues raised have been considered. The letters raise the following material issues:

- Parking and roads access being inadequate, and the additional pressure on an already congested area of narrow streets particularly at times of tourist traffic;
- Parking should be incorporated beneath the building;
- Existing issues with refuse collections could be exacerbated, as well as potential problems for emergency vehicles the use for which would increase;
- Obstruct daylight/sunlight;
- Design is out of place with the existing architecture and Conservation Area designation which is not protected or enhanced;
- The developers website demonstrates that they are capable of sensitive design elsewhere and this should be revisited;
- Pattern of materials not generally seen in the conservation area at present;
- Proposals overdevelop the site with an overwhelming monolithic building;
- Existing footpaths are inadequate;

- The use of the site for this purpose is not appropriate as this is a busy and noisy area;
- The applicant has not sufficiently demonstrated the need;
- Potential litter;
- Implications on infrastructure on both healthcare/medical practice, and upon drainage infrastructure;
- Increased risk of flooding in a problem area;
- Threat of yellow lines as a result of insufficient parking provision;
- Carbon neutrality of proposals haven't been demonstrated in respect of efficiency;
- Potential overlooking; and
- Noise and light pollution during and after construction.

3.2 Matters raised which are not material considerations included potential devaluation in property and loss of private view.

4. Consultations

Internal

4.1 **Aberdeenshire Health and Social Care Partnership** has commented that it is difficult to comment with complete accuracy to predict the Covid-19 impact on the demand for care home places. However, at the time of writing it was identified that in the Kincardine and Mearns area as a whole between 3 main areas (Portlethen, Stonehaven, and Laurencekirk/Coast) there is a provision of 4 nursing homes, and 4 residential homes, which meets current demand to a sufficient level.

They further identified that *“The availability of care staff is a challenge in the area and so there is concern that an additional facility would stretch further a scarce staffing resource. The GP practice have also expressed concerns about the impact on their resources of a possible, significant increase of frail, elderly new patients into the area”*. It was further added that there would be benefit to the area if a Very Sheltered Housing complex was provided.

4.2 **Infrastructure Services (Contaminated Land)** has commented that they have no objection to the application. Having review a revised Phase 1 site investigation report, they accept the reports conclusions and recommendations. In light of the site previous used, and the sensitivity of the proposed use, an intrusive site investigation is required. Ordinarily this should be carried out prior to planning permission being granted. However, due to the level of foreknowledge, the carrying out of the full site investigation can be adequately controlled by planning condition.

4.3 **Infrastructure Services (Environmental Health)** has commented that they have no objection to the proposals.

4.4 **Infrastructure Services (Flood Risk and Coast Protection)** has commented that following receipt of additional information in relation to the

drainage strategy and specific information on the diameter of pipes, direction of flow etc, they have no further comment on the application.

- 4.5 **Infrastructure Services (Roads Development)** has indicated their objection to the proposals. While the slight reduction in the overall number of rooms, has allowed a parking level of 26 spaces to be agreed (23 spaces; 2 disabled spaces; and 1 ambulance space), having reviewed the latest drawing submissions and carried out further site visits, they cannot support the application. It is considered that the proposals would require significant parking restrictions to be introduced on at least King Street, Cowgate and Wallace Wynd in order to allow safe access for service, refuse, construction and emergency service vehicles. The nett loss of circa 18-20 spaces would require a Traffic Regulation Order (TRO) to be implemented, where parking is already at a premium, and parking displaced could lead to indiscriminate parking within the surrounding area, thereby worsening the existing situation.

Despite the provision of additional information, it was subsequently confirmed that they cannot accept that the successful and safe operation of the proposed development will be dependent on vehicles being parked in specific locations within the narrow surrounding streets, or the type of vehicles that are parked, or that the safe operation of the servicing requirements are dependent on the occupants being able to use specific types and size of vehicle in perpetuity. Such measures cannot be effectively controlled or enforced by the Council and the development should be able to operate successfully without requiring this type of intervention. Their position therefore remains that due to the location of the site and the surrounding street layout, the site is unsuitable for a development of this scale and nature, and its introduction to this area will intensify the existing traffic pressures. As such, they must object to the application on Road Safety grounds and provision of suitable services.

- 4.6 **Infrastructure Services (Waste Management)** has indicated a holding objection on the accessibility to the development for trade refuse and trade glass, with particular reference to whether safe access can be gained given the parked traffic congestion and narrow roads. It further highlights that Roads Management would provide the ultimate advice in this regard.
- 4.7 **Legal and People – Business Services (Developer Obligations)** has indicated that a Developer Obligations Assessment Report has been sent to the agent. This outlined that a contribution would be necessary towards healthcare, and the planned extension of the Medical Centre at Robert Street. The contribution is based upon the likely number of new patients generated by each development. The applicant has confirmed that they are agreeable to the payment of the necessary contributions which could ultimately be secured through a legal agreement.

External

- 4.8 **Scottish Water** has commented that they have no objection to this application, but this does not confirm that the proposed development can currently be serviced. The development would be fed from Invercarnie Water

Treatment Works but capacity is unable to be confirmed. In respect of Waste Water, the development would be serviced by Nigg Waste Water Treatment Works, and capacity cannot be confirmed in this regard either. The applicant is recommended to complete a Pre Development Enquiry (PDE) Form direct with SW.

4.9 **SEPA** has commented that they have no objection to this application on flood risk grounds.

4.10 **Stonehaven and District Community Council** has commented that while they are broadly supportive of such developments, question whether a care home is what is required, and suggest sheltered housing may be more appropriate. In addition, they also raise concerns in respect of the following:

- Suitability of the land given its previous use and potential contamination;
- Impacts on amenity from the increase in vehicular access for larger vehicles, as the roads and access in the area does not lend itself for such activity.

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 2020

The Strategic Development Plan was approved on 12 August 2020.

The purpose of this Plan is to set a clear direction for the future development of the City Region. It sets the strategic framework for investment in jobs,

homes and infrastructure over the next 20 years. 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.

The Aberdeenshire Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Aberdeen City & Shire SDP 2020 as approved forms part of the Development Plan.

5.3 Aberdeenshire Local Development Plan 2017

Policy H3: Special Needs Housing

Policy P1: Layout, siting and design

Policy P3: Infill and householder developments within settlements

Policy P4: Hazardous and potentially polluting developments and contaminated land

Policy E2: Landscape

Policy HE2: Protecting historic and cultural areas

Policy C1: Using resources in buildings

Policy C4: Flooding

Policy RD1: Providing suitable services

Policy RD2: Developers Obligations

5.4 Proposed Aberdeenshire Local Development Plan 2020

Aberdeenshire Council on 5 March 2020 resolved to agree the Proposed Aberdeenshire Local Development Plan (LDP) 2020 as the 'settled view of the Council' on what the final adopted content of the LDP 2021 should be. A period during which representations on the Proposed LDP 2020 could be made took place between 25 May and 31 July 2020.

The Proposed LDP 2020 is a material consideration in the determination of planning applications. The Planning Authority must therefore assess what weight it should have in the context of this particular application. The Proposed LDP has been subject to public scrutiny and has now been submitted for Examination by an independent Reporter. Nevertheless, it is considered that the level of weight that should be applied to the Proposed LDP 2020 remains as not significant at this time. The Aberdeenshire LDP 2017 remains the up-to-date LDP for the area and the primary document against which planning applications should be determined until such time as a new LDP for the area is adopted.

5.5 Other Material Considerations

None.

6. Discussion

6.1 In assessing this application, the main planning issues for consideration include:

- the general principle of the development;
- whether the previous use and potential contamination has been adequately addressed;
- whether the layout, siting and design are appropriate for this site within the Stonehaven Conservation Area;
- whether the site can be adequately serviced in respect of access, parking, and general infrastructure.

Principle

6.2 In respect of the general principle of the development, the site is located within the settlement boundary of Stonehaven, with no specific allocation other than the identification that it lies within the conservation area, which shall be discussed in more detail below. Policy P3 Infill and householder development within settlements states that *“We will support development on vacant sites within a settlement boundary that have no specific land use allocation (also known as infill developments), as long as the development respects the scale, density and character of its surroundings and will not erode the character or amenity of the surrounding area. Applicants will also need to demonstrate that there will be no significant interference with the existing or proposed use of neighbouring sites”*. As a long standing brownfield opportunity site the sites clearance and partial remediation in the mid 1990’s, in principle the proposal to redevelopment the site for a care home would align with the general principle of Scottish Planning Policy in respect of the sustainable use of land, and also the wider aims within Policy P3.

6.3 Furthermore, Policy H3 Special needs housing identifies that where there is an obvious need demonstrated, we will generally support housing proposals for the elderly or those with special support needs. While the Health and Social Care partnership of Aberdeenshire Council, do not object to the proposals, they did highlight at the time of preparing the response that at that point in time, needs appeared to be adequately met with existing facilities. However, in light of the ongoing pandemic it was difficult to advise whether the need for care homes may increase as a consequence. Notwithstanding, the applicant has undertaken their own assessment of the viability of the proposals, along with considering parallel reports on the Aberdeenshire Health and Social Care Partnership Locality Plan, and associated Area Capacity Plan. In particular they note that the aforementioned statement do not address private care homes, and ultimately, as with most developments, the proposals would be at their own risk.

Historic Use and Contamination

- 6.4 As outlined in Section 6 above, through the requirements of Policy P4 Hazardous and potentially polluting developments and contaminated land, generally it is a requirement to ensure that appropriate site investigations have been undertaken to identify and actual or possible risk to public health, and remedial actions are proposed to ensure the site is made suitable for its new use. Given that this site has a long standing history since the 1860's, with its initial closure in 1968, and various stages of decommissioning up to 1995, there is potential contamination. Previous intrusive investigations in 2010 identified that there were still significant sub surface structures still present on site, via evidence of tar contamination within a well. In the revised Phase 1 Study submitted, it was identified that an intrusive ground investigation would be necessary, along with a Generic Quantitative Risk Assessment, along with ground gas monitoring. The Contaminated Land Officer has confirmed that due to the level of foreknowledge, the carrying out of the full site investigation can be adequately controlled by planning condition, and therefore they have no objection to the proposals. Any necessary remediation would have to be carried out in accordance with the findings and recommendation of that report. Therefore, the proposal can be deemed to accord with Policy P4.

Layout, Siting and Design, and potential impact on the Stonehaven Conservation Area

- 6.5 Unusually, despite the application being within the heart of the Old Town of Stonehaven, it is remarkably hidden due to the dense nature of the street network in the vicinity, and location stepped back from Shorehead, and associated harbour and beach. The immediate built form contains an exceptionally varied mix of architecture, ranging from single storey dwellings, to a hall, all of vernacular proportions to, 3 storey 1970's/1980's housing of rendered walls and slate/tiled roofs, and some commercial premises. As such, with such a varied context, it does render the site open to a degree of artistic licence in the delivery of new development.
- 6.6 Taking cognisance of the likely associated costs for further investigation and remediation of the site as noted above, the redevelopment of the site does likely bring with it, a critical mass to deliver in order to make the redevelopment of the site financially viable. At the pre-application stage, some concern was raised at the overall height of the development extending to 4 storeys, and that sufficient supporting information should accompany the application to allay potential concerns. Through the Planning Statement, and Design and Access Statement, the applicant has gone into great detail in respect of analysing the surrounding built form, and its visibility from wider area, including the Bervie Braes, harbour area, and the immediate surroundings of the site. While the development would extend up to a fourth storey, it is only for a small proportion of the overall build and is to create a small level of accommodation including a dining room, and treatment rooms, together with access onto the roof which doubles as external amenity space for residents to enjoy access outdoors and to the views available from the

site. However, it should be noted that if the application proposal were for any other form of development such as mainstream flats for example, then it is exceptionally unlikely that a development of this scale would be deemed appropriate as it would bring with it a requirement for a significantly higher level of parking, and external amenity space.

- 6.7 As a result, the ultimate height to the highest part of the roof would be approximately 13.35 metres, while the height to the majority of the top of the third storey pediment wall would be 9.4 metres, which is not dissimilar to the modern housing developments at Castle Square and Kingsgate. Given the associated separation distances to neighbouring property, and orientation of those properties, it is considered that the development has been site well within the site in minimise potential impacts, including overlooking, on neighbours. Through the day/sunlight analysis, the diagrams do indicate that in March and September that there would be some overshadowing towards Castle Street to the East, although this is across the existing parking and road, and would only be for a limited time period at each time. It is not considered to be to an extent that would warrant the refusal of the development.
- 6.8 Turning to the design itself, it is acknowledged that the development is a particularly contemporary example. Ultimately, there is a balance to be met as to whether to provide a relatively uninspiring or bland design or attempt at a pastiche form of architecture, or to actually provide a statement piece on what is a prime land within the settlement. In this instance the applicant has gone with the latter. The palette of materials chosen are considered to be of a high quality, and samples could ultimately be controlled by planning condition. The general elevational treatment is also considered to help break up the massing of the development and provide various points of interest where levels and materials change to adapt within the site.
- 6.9 In respect of the potential impacts on built heritage, as noted above, the conservation area does include a number of more modern developments which themselves do not have particular architectural merit, which would necessarily add to the general character of the Conservation Area, and in particular the Old Town at its historic core. Policy HE2 Protecting historic and cultural areas states that *“The design, scale, layout, siting and materials used in development within a conservation area must be of the highest quality and respect the individual characteristics for which the conservation area was designated”*. While the development would undoubtedly be in stark contrast to some of the surrounding architecture, there is already such a varied range within this part of the conservation area that, a bold design is welcomed, in what is currently a particularly unsightly cleared site, bound with largely palisade fencing. On balance, it is compliant with Policies P1 layout, siting and design, Policy HE2 Protecting historic and cultural areas and E2 landscape.

Infrastructure and access/servicing of the site

- 6.10 One aspect of the development proposal that was abundantly clear from even the pre application stage, was that the site is heavily constrained by its

location within the heart of a network of often small streets, characteristic of the time that the area was originally developed beside the harbour. Since then, the number of residential properties has swelled in the area, and car ownership and size has also considerably increased in parallel. This has led to detailed consultation being undertaken with the Roads Development Management Team along with Transportation, in order to identify whether an appropriate level of parking can be provided, and thereafter, whether the site can be adequately accessed and serviced.

- 6.11 During the application process, numerous changes and layouts have been tabled in an attempt to resolve holding objections from Roads Development. This has also included the reversal of the one way system through the site, provision of vehicle swept paths for typical refuse vehicles, and the provision of additional car parking spaces, which has increased from 17 originally shown to 26 tabled now. However, with the latter, it would necessitate the submission of a further application to amend the layout of the existing/retained gas governor at the north of the site, which is retained in the ownership of Scottish Gas Networks, to whom the applicant has agreed in principle to obtain that land should this application ultimately be successful. They would then have to apply for planning permission for the amendments to that land to align it to be implemented in parallel should this planning permission have been approved.
- 6.12 However, despite these endeavours by the applicant and their associated advisors, Roads Development remain of the stance that this application cannot be supported.
- 6.13 While agreement has been made in respect of the level of car parking to be provided on site and despite the provision of additional information it was subsequently confirmed as noted above that the site is unsuitable for a development of this scale and nature, and its introduction to this area will intensify the existing traffic pressures. This is in light of the exceptionally unique layout and pattern of existing streets, which fundamentally hampers the types of development which can be readily accommodated on site.
- 6.14 In respect of Policy RD2 Developers Obligations, the Developer Obligations Team have confirmed that agreement was reached with the applicant over a contribution towards the planned extension of the medical practice on Robert Street. Ultimately that could be controlled through a Planning/Legal Agreement.

Other matters raised in representations

- 6.15 In respect of other matters raised in the representations which have not already been addressed above each can be addressed in turn.
- 6.16 While parking being accommodated beneath a building either in underground or undercroft parking are potential solutions, agreement has been reached over the level of parking necessary on site.

- 6.17 Potential litter would be a matter for the site operator, and provision is indicated for bin storage, and waste management arrangements would be the subject of a private contract.
- 6.18 Turning to the implications on drainage infrastructure and a perceived increased risk of flooding in the area, the Flood Risk and Coast Protection Team are satisfied with the level of information received in this instance, and similarly SEPA had no objection to the proposals either.
- 6.19 The concerns relating to carbon neutrality and the efficiency of new buildings, could ultimately be dealt with through planning condition if the application had been recommended positively.
- 6.20 Lastly, in respect of noise and light pollution during and after construction, the general principles around construction hours are monitored and controlled through Environmental Health. While it is likely that some nuisance may occur, this would be the same for the majority of development sites of this size.

Conclusion

- 6.21 In summary, this is an exceptionally finely balanced application. On the one hand is the clear benefits of redevelopment a long term vacant and contaminated site, and its beneficial reuse to provide a care home catering for particular needs. This would ultimately accord with a vast majority of not only the Aberdeenshire Local Development Plan (2017), but also Scottish Planning Policy in respect of the sustainable use of land in particular.
- 6.22 As noted above, reference was made to the critical mass to make this site economically viable. Given the length of vacancy of the site following its vacation and then subsequent partial remediation and clearing of former buildings, it is perhaps reflective of the precarious position in identifying a type of development that could ultimately be achieved whilst delivering the necessary remediation, and all the necessary attributes required. For instance, in the majority of instances over the past 30-40 years, previously developed sites would largely come forward for flatted development. However, they would have an even greater standard for car parking required on site in comparison to that of the current proposal for a care home and would also have to provide particularly significant levels of external amenity space as well. Cumulatively that would drive the developable area of the site down further, and therefore necessitate the scale of development being much higher than its surrounding, which could not be supported.
- 6.23 Therefore the provision of a care home, in principle appears to be a sensible solution for the site. However, in light of the constraints of the locality, and the types of vehicles that would require access around this narrow network of streets, it has not been possible to identify a solution that would meet with the standards of Road Development/Transportation, without necessitating the potential for Traffic Regulation Orders, which themselves are a separate legislative process, and are not guaranteed a positive outcome. Even if they

were, there is the potential for a significant level of on-street parking being displaced within the already congestion network of streets, thus further exacerbating the current problem. As such, the development is deemed to be contrary to Policy RD1 Providing suitable services in light of the inability to prevent knock on impacts on the existing area.

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 Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.
- 8.2 There are no staffing and financial implications.
- 8.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.

9. Sustainability Implications

- 9.1 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

10. Departures, Notifications and Referrals

10.1 Strategic Development Plan Departures

None

10.2 Local Development Plan Departures

Policy RD1 Providing suitable services

- 10.3 The application is a Departure from the valid Local Development Plan and has been advertised as such. Any representations received have been circulated as part of the agenda and taken into account in recommending a decision. The period for receiving representations has expired.

- 10.4 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.
- 10.5 The application would 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 REFUSE Full Planning Permission for the following reason:-

01. The planning authority considers that the application is for a development that is contrary to the Aberdeenshire Local Development Plan 2017. Despite the wider benefits of redeveloping this brownfield site, it has not been demonstrated to the satisfaction of the Council that the development can be adequately accessed and serviced due to the tight and constrained nature of the local road network and creating pressure on the road network through potential erosion of existing parking which is already deficient in the area. As such, it is considered to be contrary to Policy RD1 Providing suitable services 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 Environment Service can refuse planning applications for which Section 75 Agreements are not completed or Developer Obligations are not paid within four months from the date of the Committee at which the application is determined. Local Ward Members shall be notified of any such refusal.

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

Alan Wood
Interim Director of Infrastructure Services
Author of Report: Paul Williamson
Report Date: 29 April 2021