

REPORT TO INFRASTRUCTURE SERVICES COMMITTEE – 8 JUNE 2022

Reference No. APP/2021/2104

APP/2021/2104 Full Planning Permission for Erection of 10 Dwellinghouses and Associated Infrastructure at Land at South Ythsie, By Tarves

1. Reason for Report

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

2. Local Development Plan 2017

- 2.1 The Aberdeenshire Local Development Plan 2017 has now become technically out-of-date (more than five years since adoption).
- 2.2 Paragraph 33 of Scottish Planning Policy (SPP) states that where a development plan is more than five years old, the presumption in favour of development that contributes to sustainable development will be a significant material consideration.

This must be balanced against any adverse impacts of the proposed development which would significantly and demonstrably outweigh the benefits.

3. Principal Planning Issues (Summary)

- 3.1 The policies contained in the Local Development Plan 2017 remain compliant with the principles of sustainable development as guided by the SPP and therefore provide an appropriate basis for the determination of this application.
- 3.2 The principal planning issue associated with this application is the conflict with Local Development Plan policy R2 Housing and employment development

elsewhere in the countryside and whether material considerations outweigh this policy and warrant a departure from the Plan. It is also important to consider layout, siting, and design of the development as well as the impact on the wider landscape and connectivity issues. The site is located in a rural location, approximately 1.5 km southeast of Tarves and 2.8km north of Pitmedden. The proposal would exceed the threshold of small-scale residential development as defined through Policy R2 Housing and employment development elsewhere in the countryside, in that the development is for more than three houses. In addition, while the site was once a brownfield opportunity site, the site has been cleared of all buildings and has naturalised.

- 3.3 It is acknowledged that the proposed development departs from Policy R2 Housing and employment development elsewhere in the countryside, however, significant weight should be given to the planning history and extant permissions. This history is a significant material planning consideration which, in this instance, warrants a departure from the plan. These are detailed in the Report to the Formartine Area Committee at **Appendix 2**. The development was once a brownfield opportunity site that had previously obtained planning permission for four houses, which the developer has been unable to deliver due to changes in the housing market. The development of the proposed 10 houses would allow the applicant to deliver a better choice of house types and make efficient use of the former brownfield space, allowing for an improved development designed to reflect the scale and character of the adjacent houses and complete a longstanding development site.
- 3.4 The development provides a good balance of traditional and contemporary features, allowing the development to sit well within the cluster of predominately traditional granite houses at the roadside, positively contributing to the area's sense of place. The houses proposed would provide appropriate design progression and update from those initially approved. Setting aside the principle of development, the development would comply with Policy P1 Layout, siting and design and Policy E2, Landscape.
- 3.5 This development also provides an opportunity for the installation of a footpath that links the development to facilities to the west and the bus stop on the B999, complying with Policy RD1 by improving connectivity and improving the sustainable credentials of the development from previous permissions.
- 3.6 With regard to technical matters, all relevant consultees are satisfied with the proposal.
- 3.7 This report recognises that the development is a significant departure from policy. The significant material weight of the planning history must be taken into account. Therefore in conclusion, and notwithstanding the SPP requirement to address sustainable development, this proposal is not considered to comply with the principles of sustainable development. However the extant planning history is

considered to outweigh the current planning policies.

4. Representations (Summary)

- 4.1 5 valid representations (5 objection/0 support) have been received as defined in the Scheme of Governance.
- 4.2 A copy of these letters is available at [APP/2021/2104 | Erection of 10 Dwellinghouses and Associated Infrastructure | Land At South Ythsie By Tarves \(aberdeenshire.gov.uk\)](https://www.aberdeenshire.gov.uk/app/2021/2104-erection-of-10-dwellinghouses-and-associated-infrastructure-land-at-south-ythsie-by-tarves)

5. Area Committee Decision (Summary)

- 5.1 At its meeting of 26 April 2022, the Formartine Area Committee agreed that there would be no adverse impacts which would significantly and demonstrably outweigh the benefits of the proposal, and with the recommendation to a delegated grant as a departure from the Aberdeenshire Local Development Plan, subject to conclusion of developer obligations and exploration with the developer of the potential extension of the country style footpath to Tarves and planning conditions.
- 5.2 The following documents are attached as Appendices to this Report:

Appendix 1 A:	Location Plan
Appendix 1B:	Site Plan
Appendix 1C:	Block Plan
Appendix 2:	Copy of the Formartine Area Committee Report of 26 April 2022
Appendix 3:	Extract of Draft Minute of the Formartine Area Committee meeting of 26 April 2022

6. Implications and Risk

- 6.1 An Integrated Impact Assessment is not required because the granting or refusing of the application will not have a differential impact on the protected characteristics of the applicant or any third parties.
- 6.2 There are no staffing and financial implications.
- 6.3 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and integral with the planning process against the policies of which it has been measured.
- 6.4 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.

7. Officer Recommendation

7.1 That authority to GRANT be delegated to the Head of Planning and Economy subject to:

1. Developer Contributions through the conclusion of Section 75 agreement
2. Exploration with the developer of the potential extension of the country style footpath to Tarves and;
3. The following conditions;
 01. 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.

02. The proposed development shall be connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply without the separate express grant of planning permission by the Planning Authority.

Reason: To ensure the long-term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

03. No dwellinghouse hereby approved shall be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plans and the Drainage Statement Revision 03 dated 12.1.22 by Cameron and Ross. The foul

and surface water drainage systems shall be permanently retained thereafter in accordance with the approved maintenance scheme.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

04. No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority.

Details of the scheme shall include:

- a) Existing and proposed finished levels;
- b) The location of new trees, shrubs, hedges, and grassed areas
- c) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- d) The location, design and materials of all hard landscaping works including walls, fences, gates, and street furniture
- e) An indication of existing trees, shrubs and hedges to be removed;
- f) A programme for the implementation, completion and subsequent management of the proposed landscaping.

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

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

05. All landscaped areas and public open space outwith the curtilages of the dwellinghouses and shown on the approved drawing number S01 Revision C shall be permanently retained as such and shall at no time be used as private garden ground nor incorporated within the curtilage of any of the dwellinghouses hereby approved without the express grant of planning permission by the Planning Authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order amending, revoking or re-enacting that Order no means of enclosure, other than that shown

on the approved plans, shall be erected within the landscaped areas without an express grant of planning permission by the Planning Authority.

Reason: In the interests of the character and appearance of the development.

06. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order amending, revoking or re-enacting that Order no means of enclosure, other than that shown on drawing numbers s300 Revision A and S02 revision C shall be erected on the site under the terms of Class 3E of Schedule 1 to that Order without an express grant of planning permission from the Planning Authority.

Reason: In the interests of the character and appearance of the development.

07. Each dwellinghouses hereby approved shall not be occupied unless their driveway, parking and turning areas for that plot have been provided in full. The maximum gradient of each access over the first 5 metres measured back from the footpath shall not exceed 1:20 gradient and the first 5 metres of the access shall be fully paved. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

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

08. No development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility of 45 metres in both directions along the channel line of the public road has been provided from a point 2.4 metres measured at right angles from the existing edge of the carriageway surface along the centre line of the approved new access in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter, and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

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

09. No dwellinghouse hereby approved shall be occupied unless the passing places as shown on drawing numbers 190890-902-3-REV5 and 190890-902-2-Rev5 have been provided and surfaced in accordance with the Council's Standards for Road Construction Consent and Adoption in the locations shown on the approved plans.

Reason: To ensure the existing road network can accommodate the traffic likely to be associated with the proposed development in the interests of road safety.

10. No dwellinghouse hereby approved shall be occupied unless a country style footpath has been formed in accordance with drawing numbers 190890-902-3-Rev5, 190890-902-2-Rev5 and 190890-902-1-Rev7, constructed in accordance with the Council's Standards for Road Construction Consent and has been provided in its entirety. Once provided, the footpath shall thereafter be permanently retained as such.

Reason: To ensure safe access for pedestrians to the existing bus stop.

- 7.2 That the Committee agree the reason for departing from Aberdeenshire Local Development Plan (2017) for the following reason;

The presumption in favour of sustainable development is a significant material consideration, this must be balanced against any adverse impacts of the proposed development which would significantly and demonstrably outweigh the benefits.

In assessing the proposed development there were no adverse impacts which would significantly and demonstrably outweigh the benefits of the proposal.

The Planning Authority considers that the application is for a development that is not in accordance with the Aberdeenshire Local Development Plan 2017.

The development is contrary to Policy R2 Housing and employment development elsewhere in the countryside, as the development exceeds what is considered to be acceptable small scale residential development in the countryside. The site has extant planning history for the redevelopment of this former brownfield development site. The changes in the local housing market since the development was originally approved, has forced the developer to amend the scale and design to meet market forces. The development makes efficient use of the former brownfield site while delivering open space and affordable housing and provides a good balance of house types. The development has been well designed to better reflect the scale and character of the original houses at Ythsie, while achieving an overall contemporary design. Therefore, the development is an acceptable departure from this policy.

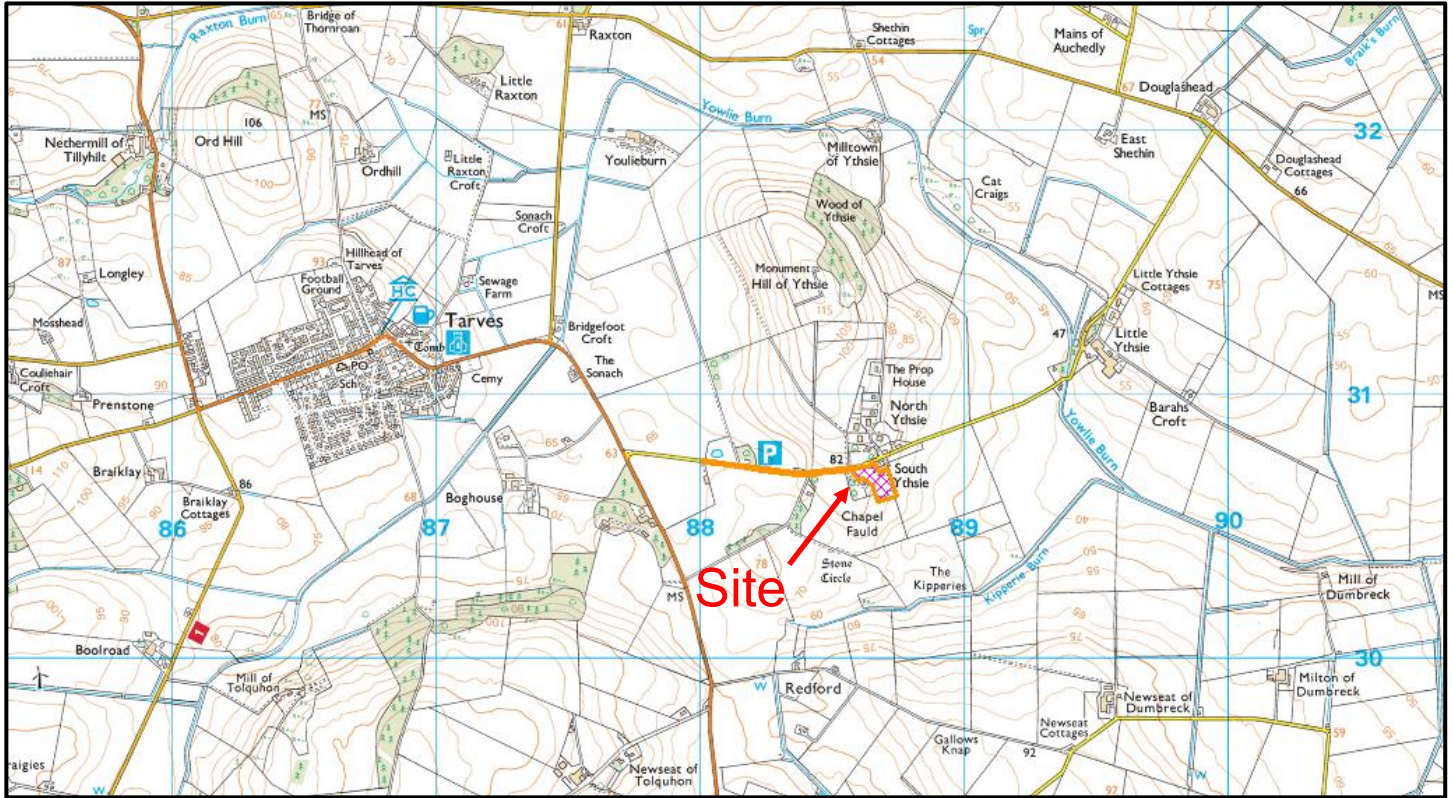
For noting:

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 Economy 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.

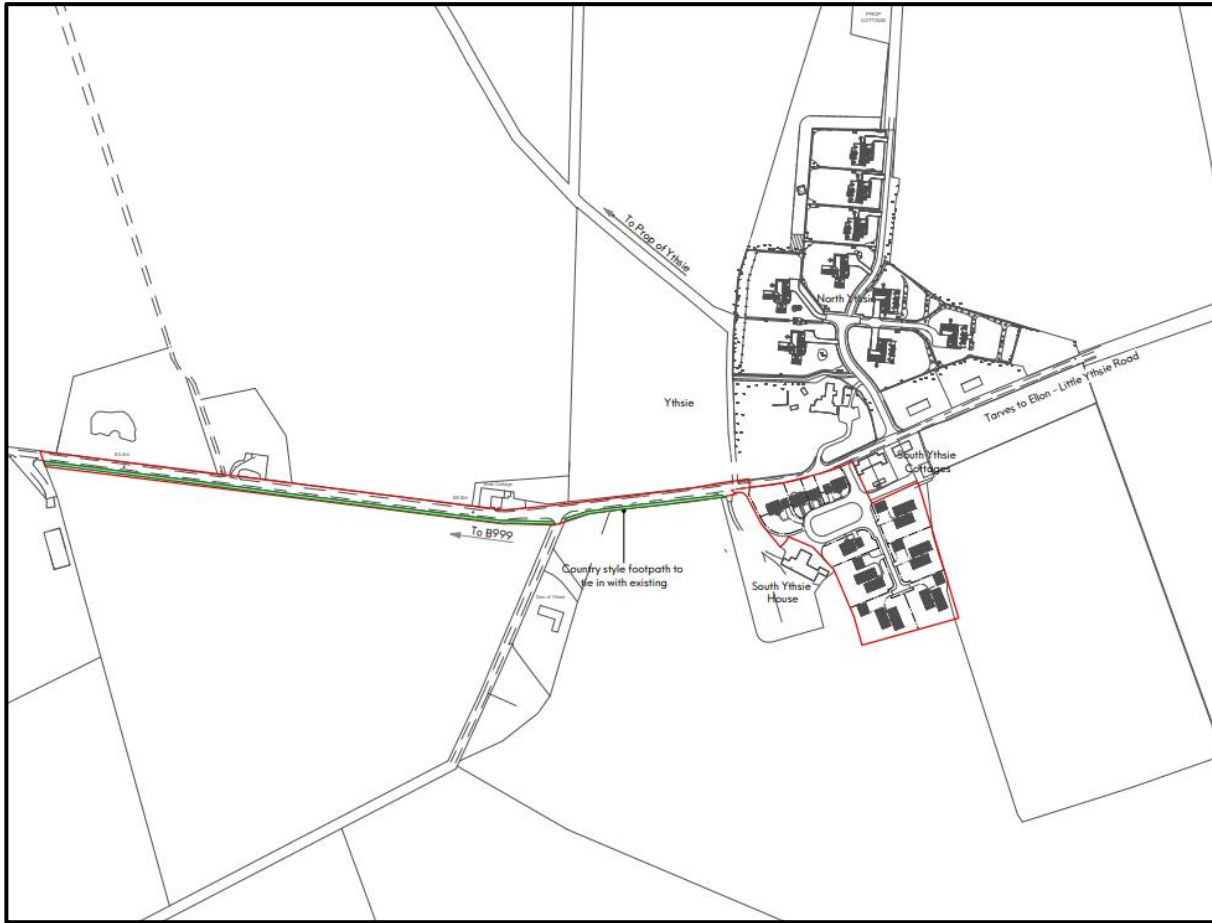
Please note that this power may be exercised in respect of the application, which is the subject of this report if the application is approved by the Committee.

Alan Wood, Director of Environment and Infrastructure Services
Report Prepared by: Laura Dingwall, Planner, Planning & Economy

Appendix 1A - Location Plan



Appendix 1B – Site Plan



Appendix 1C - Block Plan



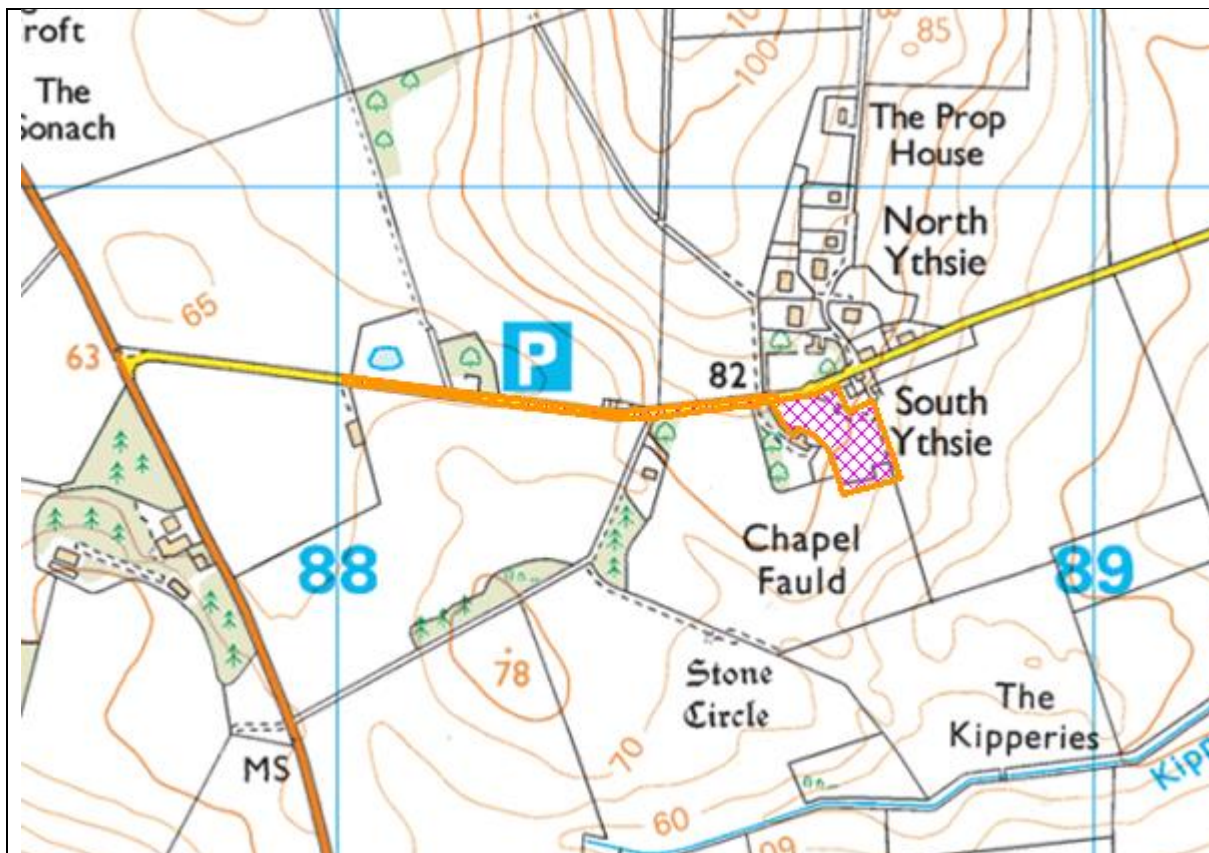
Formartine Area Committee Report - 26 April 2022

Reference No: APP/2021/2104

Full Planning Permission for Erection of 10 Dwellinghouses and Associated Infrastructure at Land at South Ythsie, By Tarves

Applicant: Churchill Homes (Aberdeen) Limited
Agent: THE Architecture + Planning

Grid Ref: E:388376 N:830674
Ward No. and Name: W08 - Mid-Formartine
Application Type: Full Planning Permission
Representations: 5
Consultations: 8
Relevant Proposals Map: Aberdeenshire Local Development Plan
Designations: AHMA
Complies with Development Plans: No
Main Recommendation: 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.
- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments are incorporated within the report and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

2. Background and Proposal

- 2.1 Full Planning permission is sought for the erection of 10 dwellinghouses at South Ythsie, Tarves. The site is located approximately 1.5 km southeast of Tarves and 2.8km north of Pitmedden. North and South Ythsie were once farmyards with a number of traditional steadings and other farm buildings. The buildings associated with the farm have been demolished to accommodate the approved developments by Churchill Homes. While development has commenced on the North Ythsie site, with several homes occupied, South Ythsie is currently not developed and overgrown. To the north of the site lies "North Ythsie Farmhouse", a Category B Listed Building. To the northeast of the site lie "South Ythsie Cottages" which are two sets of semi-detached cottages and to the west is "South Ythsie Farmhouse", a Category C listed building. **The location plan is attached to this report as Appendix 1.**
- 2.2 The site has a long planning history however it has no specific designation afforded to it within the Aberdeenshire Local Development Plan (ALDP) 2017. The site was once allocated in the Consolidated Aberdeenshire Local Plan 1998 (CALP) as a redevelopment opportunity site for residential use. This resulted in North and South Ythsie achieving planning permission in 2004, under application reference APP/2002/0017, for the formation of an access road and plot boundaries. In 2008, permission was granted under planning application reference APP/2008/3854, for the erection of dwellinghouses on plots 1-5 and 7-9. North Ythsie was granted subsequent planning approval under reference APP/2013/2341 for five houses and APP/2013/2330 to change the house types on three of the plots. In 2014 planning permission was refused for the erection of six dwellinghouses at South Ythsie, but in June 2015, planning permission was granted under reference APP/2015/0197 for four houses, doubling the number of houses originally approved on South Ythsie. Churchill Homes have implemented application APP/2015/0197 by forming the private access road through the site.
- 2.3 The applicant proposes 10 houses on the South Ythsie site and seeks to utilise the existing access into the site, to access all 10 units. The layout design includes four cottages located parallel to the public road, designed with

double frontages, and six detached houses within the site. **The site layout plan is attached to this report as Appendix 2.**

- 2.4 The proposed house types along the road site are “The Croft”, “The Cottage” and “The Bothy”. “The Croft” house type is a one and a half storey, four bed detached dwelling. This house is a contemporary take on a traditional rural croft. The simple materials, fashionable off white and grey finishes and variation in window sizes contributes to the modern appearance of the house. However, the pitched roofs on the house and porch gives rural character to the design. A single garage is attached to the house within a flat covered walkway. The house measures 10.6 metres by 9.8 metres, with a ridge height of 8.6 metres. Internally, “The Croft” would have a kitchen, dining, living area and lounge on semi open plan, a wc and utility room on the ground floor. The upper floor would have a master bedroom with ensuite, and three further bedrooms.
- 2.5 “The Cottage” house type is a three bedroom, one and a half storey house within a simple, traditional design. The design features include a grass roof canopy above the front door and dormers on the rear elevation. The house would measure 10.6 metres by 7.6 metres with a ridge height of 7.6 metres. Internally the house would have an open plan kitchen/living/dining room, bathroom, bedroom and utility room on the ground floor. The upper floor would accommodate two bedrooms, each with ensuite.
- 2.6 “The Bothy” is a detached three bedroom house and is the affordable housing provision for this development. The house measures 6 metres by 8.1 metres with a ridge height of 6.8 metres. The design features of this house include a green roof canopy above the front door, dormer feature on the rear elevation and traditional features through simple design and symmetry. Internally the house would accommodate an open plan living/dining/kitchen, shower room and bedroom on the ground floor. The upper floor would accommodate two bedrooms and a bathroom.
- 2.7 The only other house type in the development is “The Shieling”, which is the larger four bed detached dwelling. The Shieling’s design includes two single storey, pitched roof elements that are linked together with a flat roof link. The two main elements of the house are to be rendered in an off-white render, while the flat roof link would be clad in timber in a natural colour or dark grey and have a green roof. The proposed house type would measure 16 metres by 20 metres, at its greatest lengths, with a ridge height of 5.9 metres. Internally, this house type would accommodate an open plan kitchen/dining/family room, utility room, wc, lounge, master bedroom with ensuite, bathroom and three further bedrooms.
- 2.8 Each of “The Sheiling” house types would have a detached single garage that would be clad in timber with a concrete tile pitched roof. Attached to the garage would be a pitched roof carport.
- 2.9 The proposed site layout includes a centralised area of open space that provides a “Square” with the access road encircling it. The area of open

space measures approximately 690 sqm. In addition, the application includes a footpath that runs along the western boundary of Plot 7 and links to a countryside style footpath that the developer proposes to install between the development and the entrance to “The Shed” gym to the west. The footpath proposed will be private and non-adopted and be maintained by a factoring agreement.

- 2.10 The developer proposes a private arrangement for the disposal of foul and surface water. Each property would have individual treatment plants that discharge to soakaways located in the garden grounds. The maintenance of the treatment plants will be the responsibility of each individual property owner, but it is recommended that the system be de-sludged on a six monthly basis.
- 2.11 Plots 1 – 6 will have their own surface water soakaway to treat roof water within each plot. However, Plots 7 – 10 will have a single surface water soakaway located within the open space. Adopted road water will be collected by gullies and conveyed through a road-water drainage to an end of line soakaway located within communal green space. The areas of private roads and driveways are to be constructed using porous block paving with runoff discharging directly to the ground.
- 2.12 In support of this application the following documents have been submitted:
- Street Engineering and Quality Audit dated January 2022 by Cameron and Ross
 - Design and Access Statement by Churchill Homes
 - Planning Statement dated September 2021 by THE Architecture and Planning
 - Drainage Statement by Cameron and Ross.
 - Letter from THE Architecture and Planning addressing issues raised in representations.

3. Representations

- 3.1 Five valid representations (0 support/5 objection) have been received as defined in the Scheme of Governance. All issues raised have been considered. The letters raise the following material issues:
- *Narrow access road (C43c) off the B999*
 - *Road Safety concerns with additional traffic*
 - *There should be provision for on site car parking for residents and visitors.*
 - *10 houses on a greenbelt site should not be supported*
 - *The application site is currently a haven for wildlife and its supports important biodiversity in the area*
 - *Development will damage the character of the area.*
 - *Footpath must be constructed to an adoptable standard and maintained by the developer or council.*

4. Consultations

- 4.1 **Business Services (Developer Obligations)** have sought contributions towards affordable housing (1 x 3 bedroom house for low cost shared equity plus a commuted sum), secondary education and healthcare. The developer has agreed to the heads of terms.
- 4.2 **Education & Children's Services (Education)** do not object to this application. Mitigation will be required for Meldrum Academy.
- 4.3 **Environment and Infrastructure Services (Affordable Housing)** advised that 1 x 3 bed Low Cost Shared Equity houses and a commuted sum equivalent to 1.5 units would meet the housing need as identified by Aberdeenshire Council's waiting list 2020. Approval has already been given for four units through application APP/2015/0197 with the Affordable Housing contribution secured through a Section 75 as a commuted sum.
- 4.4 **Environment and Infrastructure Services (Contaminated Land)** advised that under an earlier application (99-1781-01, 99-1782-01) a site investigation and remedial works carried out at this site. A subsequent application (APP/2013/2336, APP/2015/0197) recommended the appending of a formal note to the applicant to that decision advising the application to notify the Planning Authority should any contamination of the ground be discovered during the development. The same applies to the current application.
- 4.5 **Environment and Infrastructure Services (Roads Development)** originally objected to this application. However, on receipt of roads package, which included Street Engineering Review and Safety Audit, the Roads Development team were able to remove their objection subject to conditions regarding provision of access, car parking, visibility splays and formation of a footpath.
- 4.6 **Environment and Infrastructure Services (Waste Management)** do not object to this application
- 4.7 **Scottish Water** has no objection to this application. The Turriff Water Treatment Works would feed the development, but Scottish Water are unable to confirm capacity at this time. However, there is no public Scottish Water, Waste Water infrastructure within the vicinity of this development.
- 4.8 **Tarves Community Council** objects to this application for the following reasons:
- The land is not allocated in the Aberdeenshire Local Development Plan 2017
 - Not small scale development in the countryside
 - The site is not a brownfield site as it has naturalised.
 - Lack of onsite affordable housing on this application and in the overall development.
 - Access road to Ythsie is narrow and unsuitable for additional traffic.

- Introduction of a speed limit should be considered.
- Lit foot/cycle path to the B999 should be provided
- Developer should provide fibre broadband before houses are occupied to prevent the need for the roadside “Green box”

Tarves Community Council’s consultation response is attached to this report as Appendix 3.

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 (SDP) 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 R2 Housing and employment development elsewhere in the countryside

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 C1 Using resources in buildings

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 2022 should be. 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 the Planning Authority is awaiting the outcome of the LDP 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.

On the 18 April 2022 with reference to the legislation the LDP 2017 becomes technically 'out of date'. Notwithstanding this the Aberdeenshire LDP 2017 remains the primary document against which planning applications should be determined until such time as a new LDP for the area is adopted.

Currently Scottish Planning Policy (SPP) deals with this circumstance at Paragraphs 32 to 34. In summary the primacy of the existing plan is maintained, but SPP and the presumption in favour of sustainable development will be a material consideration.

All these matters however are already considered within the policies of the Local Development Plan 2017 and considered robust in their consideration.

6. Discussion

- 6.1 The main issues to consider are the principle of development, the impact the development may have on the character of the area and provision of services and infrastructure.

Principle of development

- 6.2 Ythsie is not identified as a settlement within Appendix 4 or 8c of the Aberdeenshire Local Development Plan 2017. As such the proposed development is located within the countryside and therefore the principle of development is assessed, in the first instance, under Policy R2 Housing and employment development elsewhere in the countryside. This policy allows for small scale development under certain criteria, which includes the remediation of redundant brownfield land opportunities, or the replacement, on the same site of an existing house or disused building. Small scale is defined as up to 3 houses. While the applicant has retained the same development boundaries as the previous applications, the development is contrary to Policy R2 as the development clearly exceeds what is defined as small scale development in the countryside.
- 6.3 The supporting Planning Statement submitted by the applicant explains that the Ythsie site is an incomplete development. The original farm buildings have been removed in accordance with previous planning permissions. While development did not progress at South Ythsie, other than the formation of the access road and provision of services, the statement advises that in its current state, the site could not be returned to agricultural use and remediation is only possible through residential development.
- 6.4 The applicant's supporting documents state that their objectives are to revise the plans for South Ythsie, updated to reflect the latest design principle and six qualities of successful places. The applicant states that previous planning permission proposed large houses on large plots. The floor area of the original buildings at South Ythsie was approximately 2,200sqm and the building footprint of all the houses proposed under this application is 1,621sqm. Due to the decrease in overall built footprint, the impact on the countryside is no greater than the derelict buildings on the site previously.
- 6.5 The applicant also highlights that the market has changed in the last 20 years, since the Development Brief for Ythsie was agreed. There is no longer a demand for the large house types at a viable value in the current market and the development cannot continue while the costs of development are greater than the market value. However, with reduced sales prices there requires to be an increase in the number of units to achieve the same level of return.
- 6.6 The Planning Service recognises that this application departs from Policy R2 as the development exceeds what is considered to be small scale residential development. The applicant is promoting the development as the redevelopment of a brownfield opportunity site. While all the original farm buildings have been removed from the site and the site appears to have

naturalised, the long planning history and the extant planning permission for the erection of four dwelling houses on the site should be taken into account.

- 6.7 The development of these 10 houses would allow the applicant to deliver a better choice of house types. This site is one of the few large, longstanding former brownfield opportunity sites in Aberdeenshire. The development of 10 houses on this site would deliver a development that makes efficient use of the former brownfield space and provides a better balance of development to that at North Ythsie and reflecting the scale and character of the original houses at Ythsie, whilst providing an area of open space and affordable housing that would not be achievable through small scale development. Whilst Ythsie itself has no facilities, the applicant proposes a footpath that would lead to the “The Shed” gym which has planning approval for an extension that includes a small vending café and breakout room and a bus stop providing connectivity to services in Pitmedden, Tarves and beyond. As such the proposed development is not considered to be entirely isolated from services and facilities.
- 6.8 The Planning Service recognises the changes in the housing market over the last 20 years, since the vision for this once allocated redevelopment opportunity site, that have placed constraints on concluding the development. The Planning Service is committed to seeing this development completed, bringing closure for the developer and the surrounding residents. As such, it is recommended that this application is supported as a departure from Policy R2 Housing and employment development elsewhere in the countryside

Layout and Design

- 6.9 Through Policy P1 Layout, siting and design, a high quality of design is expected across Aberdeenshire demonstrating the six qualities of successful places, which are:
- Distinctive with a sense of local identity through creation of sense of place and aesthetics of design features and elements.
 - Safe and pleasant, encouraging both activity and privacy, providing security and protecting amenity.
 - Welcoming through visual appeal.
 - Adaptable to future needs.
 - Efficient in terms of resources.
 - Well connected to create well connect places that promote active travel.
- 6.10 In term of design, the houses have been designed to incorporate traditional features such as narrow gables, pitched roofs and dormer features. These characteristics are mainly reflected in plots 7 to 10, which will be visible from the public road. These plots have been designed to have double frontages, so that the houses contribute positively to the character of this development, but also with the existing cottages that front the public road.
- 6.11 “The Shieling” house types of which there are 5, are the largest of the homes being proposed within this development. They have been designed to be

single storey in order to have minimal impact on the character of the wider area and not to over dominate the character and setting of “South Ythsie House” to the west. “The Sheiling” house types have also been designed to reflect the scale of traditional cottages within rural Aberdeenshire, however the use of the flat roof link with green roof and variation window sized provides a contemporary appearance to the house.

- 6.12 The Planning Service has no concerns regarding the design of the houses. The development provides a good balance of traditional and contemporary features that allows the development to sit well within this cluster of houses at Ythsie, which are predominately traditional granite houses at the road side, positively contributing to the area’s sense of place. The houses at North Ythsie have a design that is very much reflective of their time of construction. The proposed development will follow that timeline of development, providing appropriate design progression. Furthermore, the range of house types proposed delivers a balanced and inclusive development.
- 6.13 The Planning Service has no concerns regarding the layout of the development. The site has been designed around a central green that can be used by all residents. The layout provides use of the former farm yard without requiring any additional greenfield land, whilst still providing access to the rear of “South Ythsie Cottages”. Each house will have adequate useable garden space and will not give rise to any privacy issues within the development or for the adjacent neighbours due to the orientation of the houses and the separation distance between the properties.
- 6.14 One of the qualities of successful place making is creating well connected places. The development achieves this by installing a foot and cycle path that connects to the gym to the east and down to the bus stop on the B999. The residents of Ythsie currently have no safe access to the bus stop, therefore this provision improves connectivity for the area.
- 6.15 The Planning Service is satisfied with the design and layout of the development and finds the development in compliance with Policy P1 and Policy E2 of the Aberdeenshire Local Development Plan 2012.

Affordable housing and Developer Obligations

- 6.16 Policy H2 Affordable Housing requests that all new development of 4 or more houses provides an affordable housing contribution that equates to 25% of the proposed development to meet current housing demand. In this case, the affordable housing provision would equate to 2.5 units. Aberdeenshire Council’s Affordable Housing Service have advised that, based on the housing need identified by the Aberdeenshire Council waiting list 2021 and the Housing Need and Demand Assessment 2017 that 1 x 3 bed house is required to be delivered on site on a Low Cost Shared Equity basis. The remaining provision would be a commuted sum equal to 1.5 units. The developer has agreed to these terms and the affordable unit is to be provided on plot 9. This application therefore complies with Policy H2.

- 6.17 Policy RD2 states that contributions from the development must be fairly and reasonably related to the scale of the development and will be needed to make the proposed development acceptable in planning terms. In addition to the affordable housing provision, the developer is required to contribute towards secondary education and Healthcare. The applicant has agreed to the head of terms and proposes to secure these terms through a Section 75 planning agreement. Therefore, this application complies with Policy RD2.

Open space

- 6.18 All new development between 5 and 49 houses should provide at least 120 sqm of public open space per house. In addition, new development must include appropriate opportunities for informal recreation and promote walking or cycling. In this case, the development would provide at least 1,200sqm of open space. As residential development is limited in the countryside up to 3 units, this proposal offers an opportunity to provide an element of open space within a development in the countryside. The development will provide approximately 931sqm of green space within the site, which is provided by a central green that measures 691sqm and other areas of green space totalling 240sqm.
- 6.19 In addition, the applicant proposes a country style path that leads through the development, to the west of Plot 7 and along the public road to the entrance of “The Shed” gym. While this proposed path is practical in that it provides a path to the Bus stop on the B999 and to the gym, it also provides a safe place for a short walk or cycle. Therefore, the Planning Service is satisfied that the development meets the criteria of Policy P2 in regard to the provision of open space and recreation.

Historic Environment

- 6.20 The application site is adjacent to the Category C(s) Listed Building at South Ythsie Farmhouse and the Category B Listed Building at North Ythsie. Policy HE1 Protecting historic buildings, site and monuments ensures the protection of listed buildings and their settings. It is not always the case that because a building is listed there should be no development within its vicinity. The proposed development is on land adjacent to the listed buildings and not within the curtilage of those buildings. There is sufficient separation distance and existing landscape features between the proposed development and the listed buildings to ensure the development will not have an adverse impact. In addition, the location of the proposed open space provides additional comfort to ensure the character and privacy of “South Ythsie Farmhouse”. The Planning Service is therefore satisfied that there will be no significant adverse impacts on the listed buildings and that the proposal complies with Policy HE1 Protecting historic buildings, sites and monuments.

Drainage

- 6.21 The applicant proposes a private drainage arrangement for the disposal of foul and surface water. Each plot would have its own foul treatment plant.

Plots 1 to 6 will have individual foul water soakaways located in each plot, while plots 7 to 10 will have a communal foul soakaway located in the area of open space. Each plot will have separate private surface water soakaways. Surface water for the roads will be collected by gullies and conveyed through a road-water drainage to an end of line soakaway located within communal green space.

- 6.22 Scottish Water had confirmed that there is no Scottish Water, wastewater infrastructure within the vicinity of the proposed development. Therefore, a private drainage arrangement is acceptable. A Drainage Statement by Cameron and Ross has been submitted in support of the application that demonstrates that the proposed drainage arrangements will be successful at this site.
- 6.23 The applicant will connect to the Scottish Water, public water supply. As such, the proposed development complies with Policy RD1.

Access

- 6.24 Access to the site is to be taken off the existing public road to the west of "1 South Ythsie Road". The access road is an existing road and extends into the site as shown on the submitted layout plans. The access road also leads to an area of off-street parking for the residents at "South Ythsie Cottages". The access and the section of road around the open space is to be constructed to a standard to be adopted by Aberdeenshire Council.
- 6.25 The applicant proposes to install a single sided vehicle passing place on the north side of the C43c road, located approximately 80 metres east of "Brae Cottage". In addition, two twin sided vehicle passing places are to be formed between the access road to "The Shed" and "Braw Cottage" in order to improve traffic movements along the C43c road.
- 6.26 The footpath proposed from the application site to the access of "The Shed" gym is a 1.5 metre wide countryside style path positioned in an open field. It will be privately owned and be maintained by a factoring agreement. The path would be broken at the accesses to "South Ythsie Farmhouse" and "Den of Ythsie", where drop kerbs will be formed at either side of the crossing. The applicant would provide this footpath along to the access of "The Shed" gym. The existing path between "The Shed" and the B999 will complete the route to the B999 from Ythsie. The footpath would provide safe and convenient access to public transport, as it leads directly to the bus stop on the B999, while causing minimal impact on the character of the surrounding area in accordance with Policy RD1.
- 6.27 Aberdeenshire Council's Roads Development Team have assessed the proposed access arrangements and find them to be acceptable, subject to conditions. As such, the proposed development complies with Policy RD1 in terms of access.

Representations

- 6.28 The Planning Service received an objection from Tarves Community Council and five letters of objection. Many of the issues raised in these objections have been addressed within this report. The outstanding issues include the request to reduce the speed limit on the road, a request to light the footpath down to the B999, installation of broadband, and that the site is currently a haven for wildlife and its supports important biodiversity in the area.
- 6.29 With regards to the reduction of speed limit, Aberdeenshire Council's Roads Development team have confirmed that this rural road does not meet the set criteria to reduce speed limits due to its location. As such, there is no requirement to reduce the speed limit at Ythsie at this time.
- 6.30 Tarves Community Council has requested the proposed footpath along the C43c be lit down to the B999. The proposed path is a countryside style path that is not to be adopted therefore there is no requirement to install lights along the footpath. The Planning Service is of the view that installation of lighting would have an adverse impact on the character of the wider area and would give a suburban appearance to this rural location.
- 6.31 The Community Council have also requested that fibre broadband should be installed as part of the development. The applicant has confirmed that fibre broadband was installed at the North Ythsie development and the same will be available at South Ythsie.
- 6.32 Since the removal of the existing farm buildings and lack of progression at South Ythsie, it has resulted in much of the site becoming overgrown. The Planning Service does not dispute that wild animals/insects will be present on the site, however given the development site's rural location, any impact will be minor due to the surrounding farmland.
- 6.33 The Planning Service received an additional representation after the public consultation period closed. The Planning Service did not validate this representation, however it informed the Planning Service that Kestrels were seen using this site. Kestrels will nest in cavities in trees and sometimes in buildings. They do not build nests but will often use old nests constructed by other birds such as crows. They hunt in open spaces and fields and are often seen hunting on farmland. As there are no trees or buildings on this site, the proposed development will not result in loss of their nesting site. The proposed development will not adversely affect the ability of the kestrel to breed or hunt in this area.

Conclusion

- 6.34 In light of the above, the Planning Service is satisfied that the proposed development complies with Policy P1 Layout siting and design, Policy H2 Affordable housing, Policy HE1 Protecting historic buildings, sites and monuments, Policy RD1 Providing suitable services and Policy RD2 Developers' obligations. The development had been designed sensitively to

reflect the traditional built environment and rural character, while delivering a contemporary viable development. The development can provide on-site affordable housing to meet current demand as well as services to an acceptable standard. Furthermore, the proposed development will not have a significant adverse impact on the character or setting of the surrounding listed buildings.

- 6.35 The application does however depart from Policy R2 Housing and employment development elsewhere in the countryside as the development of 10 houses exceeds what is considered small scale residential development in the countryside. The Planning Service is satisfied that the proposed development will deliver a good balance of house types and makes efficient use of the site, while delivering public open space, affordable housing and a footpath to the local gym and bus stop. Changes in the housing market since the developer acquired the site 20 years ago has resulted in the developer altering the development in order to bring the redevelopment of this site to a close. In light of this, the Planning Service recommends that Members approve this application as a departure from Policy R2.

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 integrated impact assessment is not required because the granting or refusing of the application will not have a differential impact on the protected characteristics of the applicant or any third parties.
- 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.
- 8.4 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 and the policies against which it has been measured.

9. Departures, Notifications and Referrals

9.1 Strategic Development Plan Departures

None

9.2 Local Development Plan Departures

Policy R2 Housing and employment development elsewhere in the countryside

9.3 The application is a Departure from the valid Local Development Plan. The application has been advertised in the Johnstone Press. 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.

9.4 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.

9.5 The proposed development is in the opinion of the Head of Planning and Economy 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 application will have to be referred to Infrastructure Services Committee.

10. **Recommendation**

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

1. Conclusion of Developer Obligations;
2. The following conditions

01. 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.

02. The proposed development shall be connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply without the separate express grant of planning permission by the planning authority.

Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

03. No dwellinghouse hereby approved shall be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plans and the Drainage Statement Revision 03 dated 12.1.22 by Cameron and Ross. The foul and surface water drainage systems shall be permanently retained thereafter in accordance with the approved maintenance scheme.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

04. No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority.

Details of the scheme shall include:

- a) Existing and proposed finished levels;
- b) The location of new trees, shrubs, hedges, and grassed areas
- c) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- d) The location, design and materials of all hard landscaping works including walls, fences, gates, and street furniture
- e) An indication of existing trees, shrubs and hedges to be removed;
- f) A programme for the implementation, completion and subsequent management of the proposed landscaping.

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

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

05. All landscaped areas and public open space outwith the curtilages of the dwellinghouses and shown on the approved drawing number S01 Revision C shall be permanently retained as such and shall at no time be used as private garden ground nor incorporated within the curtilage of any of the dwellinghouses hereby approved without the express grant of planning permission by the planning authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order amending, revoking or re-enacting that Order no means of enclosure, other than that shown on the approved plans, shall be erected within the landscaped areas without an express grant of planning permission by the planning authority.

Reason: In the interests of the character and appearance of the development.

06. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order amending, revoking or re-enacting that Order no means of enclosure, other than that shown on drawing numbers s300 Revision A and S02 revision C shall be erected on the site under the terms of Class 3E of Schedule 1 to that Order without an express grant of planning permission from the planning authority.

Reason: In the interests of the character and appearance of the development.

07. Each dwellinghouses hereby approved shall not be occupied unless their driveway, parking and turning areas for that plot have been provided in full. The maximum gradient of each access over the first 5 metres measured back from the footpath shall not exceed 1:20 gradient and the first 5 metres of the access shall be fully paved. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

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

08. No development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility of 45 metres in both directions along the channel line of the public road has been provided from a point 2.4 metres measured at right angles from the existing edge of the carriageway surface along the centre line of the approved new access in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

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

09. No dwellinghouse hereby approved shall be occupied unless the passing places as shown on drawing numbers 190890-902-3-REV5 and 190890-902-2-Rev5 have been provided and surfaced in accordance with the Council's Standards for Road Construction Consent and Adoption in the locations shown on the approved plans.

Reason: To ensure the existing road network can accommodate the traffic likely to be associated with the proposed development in the interests of road safety.

10. No dwellinghouse hereby approved shall be occupied unless a country style footpath has been formed in accordance with drawing numbers 190890-902-3-Rev5, 190890-902-2-Rev5 and 190890-902-1-Rev7, constructed in accordance with the Council's Standards for Road Construction Consent and has been provided in its entirety. Once provided, the footpath shall thereafter be permanently retained as such.

Reason: To ensure safe access for pedestrians to the existing bus stop.

10.2 **That the Committee agree the reason for departing from the Aberdeenshire Local Development Plan.**

01. The planning authority considers that the application is for a development that is not in accordance with the Aberdeenshire Local Development Plan 2017.

The development is contrary to Policy R2 Housing and employment development elsewhere in the countryside, as the development exceeds what is considered to be acceptable small scale residential development in the countryside. The site has extant planning history for the redevelopment of this former brownfield development site. The changes in the local housing market since the development was originally approved, has forced the developer to amend the scale and design to meet market forces. The development makes efficient use of the former brownfield site while delivering open space and affordable housing and provides a good balance of house types. The development has been well designed to better reflect the scale and character of the original houses at Ythsie, while achieving an overall contemporary design. Therefore, the development is an acceptable departure from this policy.

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 Economy 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
Director of Environment and Infrastructure Services
Author of Report: Laura Dingwall
Report Date: 28 March 2022

Appendix 3 – Extract of FAC Minute

EXTRACT DRAFT MINUTE OF MEETING OF FORMARTINE AREA
COMMITTEE

TUESDAY 26 APRIL, 2022

4D. APP/2021/2104 Full Planning Permission for Erection of 10
Dwellinghouses and Associated Infrastructure at Land at South Ythsie,
By Tarves

Applicant: Churchill Homes (Aberdeen) Limited
Agent: THE Architecture + Planning

There had been circulated a report dated 28 March, 2022 by the Director of Environment and Infrastructure Services, requesting Members' consideration of an application for Full Planning Permission of the Erection of 10 Dwellinghouses and Associated Infrastructure at Land at South Ythsie, By Tarves.

The Chair advised that a request to speak had been submitted by Mr Harrington, agent, on behalf of the applicant, Churchill Homes Ltd. The Committee **agreed** to hear Mr Harrington.

The Committee heard from the planner of the details of the application, in the context of a history of related applications, a 1998 allocation as an Opportunity site, and a masterplan for Ythsie previously in place. Ms Dingwall spoke of the presumed significant materiality of the 2017 Local Development Plan, with its policies embedded in the Scottish Planning Policies, with adverse impacts taken into account, and the officers' recommendation based on a policy test which had judged, in terms of sustainability, that the benefits impacts would significantly and demonstrably outweigh the adverse impacts.

Officers suggested that the application, on balance, complied with Policy P1 Layout siting and design, Policy H2 Affordable housing, Policy HE1 Protecting historic buildings, sites and monuments, Policy RD1 Providing suitable services and Policy RD2 Developers' obligations. The change in design from the previous application, the arrangements proposed for private water supply, the factored maintenance of the footpath as homeowner responsibility, access arrangements, changes in market conditions, lack of no significant impact on an existing Category C listed building, and the provision of a footpath joining to an existing path to the bus stop, were all deemed to be an improvement on the previous application.

However, as considered a significant breach of Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017, if minded to approve as a Delegated Grant, the matter would have to be referred to the Infrastructure Services Committee.

There as discussion on the potential impact on an adjacent stone circle, outwith the site and officers advised that no negative impact had been suggested by the Archaeology Service.

The Committee then heard Mr Harrington, agent, on the application and its delayed implementation from previous approvals, leading to an iterative process in terms of the design and size of the houses and their allocation of the site, with an enhanced environmental quality, which would could be completed to the benefit of the area; the use of design and siting to maximise solar gain and minimise wind impact, and with buildings to suit contemporary living styles whilst providing essential green space, and connectivity with existing services by the country style footpath to the bus stop and gym. The homes would be completed to the highest standards, were less extensive on site than the building already demolished for the development. In considering issues raised in the letters of representation, he reported that affordable housing was now part of the proposal, and that the houses would be served by fibre connections, along with other utilities. Mr Harrington indicated that Mr Pirie, Managing Director of Churchill Homes, was also available to answer any questions which Members might have.

Questions were asked the potential to link the proposed footpath to Tarves directly; the intent and timescale for the removal of rubble currently visible on an agricultural field to the north-east of the development, and its ultimate restoration to agricultural purposes; and the provision of solar roof panels, as opposed to other efficiencies to maximise solar for sustainability.

There was discussion of proposals, and Councillor Gifford **moved**, seconded by Councillor Hassan, that, concluding that there were no adverse impacts which would significantly and demonstrably outweigh the benefits of the proposal, as detailed in the officers' report, the application be referred to the Infrastructure Services Committee with a recommendation of Delegated Grant, on the terms and conditions as detailed in the officers' report, and additional exploration with the applicant on the potential consideration of the extension of the footpath to Tarves.

Councillor Johnston **moved as an amendment**, seconded by Councillor McAllister, that the application be REFUSED as the site was not sustainable due to overdevelopment, that there were inadequate services, that the land had naturalised, and so the application was contrary to Policy R2 Housing, with the adverse impacts significantly and demonstrably outweigh the benefits of the proposal.

On a division, there voted:

For the Motion	8	Councillors Davidson, Forsyth, Gifford, Hassan, Owen, Powell, Stirring and Taylor.
For the Amendment	2	Councillors Johnston and McAllister.
Absent from the Division	1	Councillor Kloppert.

The Motion was therefore carried, and the Committee **agreed**:

(1) That the application be referred to the Infrastructure Services Committee for determination, with a recommendation that Authority to GRANT Full Planning Permission be delegated to the Head of Planning and Economy subject to:

1. Conclusion of Developer Obligations;
2. Exploration with the developer of the potential extension of the country style footpath to Tarves, and
3. the following conditions

01. 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.

02. The proposed development shall be connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply without the separate express grant of planning permission by the planning authority.

Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

03. No dwellinghouse hereby approved shall be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plans and the Drainage Statement Revision 03 dated 12.1.22 by Cameron and Ross. The foul and surface water drainage systems shall be permanently retained thereafter in accordance with the approved maintenance scheme.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

04. No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority.

Details of the scheme shall include:

- a) Existing and proposed finished levels;
- b) The location of new trees, shrubs, hedges, and grassed areas;
- c) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- d) The location, design and materials of all hard landscaping works including walls, fences, gates, and street furniture;
- e) An indication of existing trees, shrubs, and hedges to be removed;
- f) A programme for the implementation, completion, and subsequent management of the proposed landscaping.

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

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

05. All landscaped areas and public open space outwith the curtilages of the dwellinghouses and shown on the approved drawing number S01 Revision C shall be permanently retained as such and shall at no time be used as private garden ground nor incorporated within the curtilage of any of the dwellinghouses hereby approved without the express grant of planning permission by the planning authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order amending, revoking, or re-enacting that Order no means of enclosure, other than that shown on the approved plans, shall be erected within the landscaped areas without an express grant of planning permission by the planning authority.

Reason: In the interests of the character and appearance of the development.

06. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order amending, revoking, or re-enacting that Order no means of enclosure, other than that shown on drawing numbers s300 Revision A and S02 revision C shall be erected on the site under the terms of Class 3E of Schedule 1 to that Order without an express grant of planning permission from the planning authority.

Reason: In the interests of the character and appearance of the development.

07. Each dwellinghouses hereby approved shall not be occupied unless their driveway, parking and turning areas for that plot have been provided in full. The maximum gradient of each access over the first 5 metres measured back from the footpath shall not exceed 1:20 gradient and the first 5 metres of the access shall be fully paved. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

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

08. No development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility of 45 metres in both directions along the channel line of the public road has been provided from a point 2.4 metres measured at right angles from the existing edge of the carriageway surface along the centre line of the approved new access in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter, and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

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

09. No dwellinghouse hereby approved shall be occupied unless the passing places as shown on drawing numbers 190890-902-3-REV5 and 190890-902-2-Rev5 have been provided and surfaced in accordance with the Council's Standards for Road Construction Consent and Adoption in the locations shown on the approved plans.

Reason: To ensure the existing road network can accommodate the traffic likely to be associated with the proposed development in the interests of road safety.

10. No dwellinghouse hereby approved shall be occupied unless a country style footpath has been formed in accordance with drawing numbers 190890-902-3-Rev5, 190890-902-2-Rev5 and 190890-902-1-Rev7, constructed in accordance with the Council's Standards for Road Construction Consent and has been provided in its entirety. Once provided, the footpath shall thereafter be permanently retained as such.

Reason: To ensure safe access for pedestrians to the existing bus stop; and

2. that the reason for departing from the Aberdeenshire Local Development Plan is that the planning authority considers that the application is for a development that is not in accordance with the Aberdeenshire Local Development Plan 2017.

The development is contrary to Policy R2 Housing and employment development elsewhere in the countryside, as the development exceeds what is considered to be acceptable small scale residential development in the countryside. The site has extant planning history for the redevelopment of this former brownfield development site. The changes in the local housing market since the development was originally approved, has forced the developer to amend the scale and design to meet market forces. The development makes efficient use of the former brownfield site while delivering open space and affordable housing and provides a good balance of house types. The development has been well designed to better reflect the scale and character of the original houses at Ythsie, while achieving an overall contemporary design. Therefore, the development is an acceptable departure from this policy.