

Marr Area Committee Report 30 August 2022

Reference No: APP/2021/0623

Full Planning Permission for Erection of 3 Dwellinghouses at Site Adjacent to Huntly Lodge Farm, Huntly

Applicant: Mr G A Lawson, C/o Agent
Agent: Lippe Architects & Planners Ltd, 4 St James Place, Inverurie, AB51 3UB

Grid Ref: E:352829 N:841496
Ward No. and Name: W14 - Huntly, Strathbogie & Howe of Alford
Application Type: Full Planning Permission
Representations: 3
Consultations: 4
Relevant Proposals Map: Aberdeenshire Local Development Plan 2017
Designations: Rural Housing Market Area
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 and Section C.3.1f of Part 2C Planning Delegations of the Scheme of Governance and as the application for development is a departure from the Development Plan and is recommended for approval and there is an unresolved objection from a consultee.

2. Background and Proposal

Description of proposal

- 2.1 This application seeks full planning permission for the erection of 3 dwellinghouses at Huntly Lodge Farm, located on 620 m north of the Huntly settlement boundary.
- 2.2 The application site is approximately 11200 m², excluding Marquis Drive which is proposed to be improved as a part of this application, and the tandem APP/2020/2534 and APP/2021/0283. The site encompasses Huntly Lodge Farm and a field opposite Marquis Drive from the farm. This is adjacent to Huntly Lodge Farmhouse and the northern entrance to the Castle Hotel. Marquis Drive is a private road which currently serves 14 residential properties and the hotel itself. An adopted path runs from Marquis Drive at the west of the site over Castle Bridge and into the grounds of Huntly Castle. The northern portion of the site includes a portion of the site of development proposed under APP/2021/0283 and includes 5 disused buildings associated with Huntly Lodge Farm. The site is immediately to the east of Huntly Lodge Farmhouse and is a westerly downward sloping site which is comprised primarily of grassy ground with mature trees along the west, south, and eastern edges of the site. The area of the proposed erection of the 3 dwellinghouses is 5325 m². That area is bound to the west by Huntly Lodge Farmhouse, The Huntly Castle Hotel Icehouse and Castle Gardens, a semi-attached set of dwellinghouses, to the south, and a far track and agricultural fields to the north and east. The agricultural field to the north of the site is at a level approximately 1 m higher than the site itself.
- 2.3 The proposal would remove all buildings within the redline other than the 'B' Listed doocot, make improvements to the existing track road from its junction with Marquis Drive, and erect 3 detached dwellinghouses with a shared access and individual driveways. The 3 plots containing the dwellinghouses would measure 1820 m², 1485 m² and 1740 m², from west to south clockwise, and would be bound with hedging. The 3 dwellinghouses would have similar designs, with the southern and eastern plots having identical designs and the western dwellinghouse being a mirror imaged design of the other 2. The dwellinghouses would be one-and-a-half storey single gabled designs, with attached single car garages, gabled porch elements at the main entrance, and flat roofed porches at the rear. The dwellinghouses would have a 130 m² footprint, a ridge height of 6.7 m on the dwellinghouses themselves and 4.1 m on the garages. The external walls would be finished with off white render on

the main walls and grey timber effect uPVC vertical siding on the porch and garage elements. Although the dwellinghouses would have an upper floor, no dormers are proposed with flush windows in the slate roof proposed to provide natural lighting. The dwellinghouses would also have photovoltaic panels, black uPVC rainwater goods and dark grey alu-clad windows and doors.

- 2.4 A connection to the public water supply is proposed to serve the dwelling, while individual private foul water and surface water treatments are proposed to be installed to the rear of each dwellinghouse. The foul water treatment would include a standard septic tank system with 45 m² soakaways while the surface water soakaways would have a minimum measurement of 4.4 m by 5 m with a 0.75 m depth.
- 2.5 The whole of Marquis Drive, from the site of development to its junction with B9022, is included within the red line of the application as improvements to the road are proposed. These proposed improvements include widening and kerbing the bellmouth over an extension to the existing culvert at the junction with B9022, the formation of 8 passing places along Marquis Drive, and improvements to sections of the road where surfacing is failing. An identified Core Path accessible for walking and cycling directly to the south of the site. This path provides a direct route into Huntly town centre to the south via Castle Bridge. Access to the proposed dwellinghouses would be taken via a shared access on the south side of a farm track which joins Marquis Drive to the west of the development. Improvements to the junction of the track and Marquis Drive are part of this proposal. The shared access and private driveways are proposed to be hardpacked with chippies with turning areas provided internally off of each individual driveway

Relevant Planning History

- 2.6 APP/2021/0277 and 0283 - Listed Building Consent (LBC) and Full Planning Permission (FPP) has been applied for the conversion of the 'B' Listed doocot into a dwellinghouse at a site adjacent to the building proposed for demolition with this application. The LBC has been approved, with the FPP being determined in tandem with this application.
- 2.7 APP/2020/2534 - Full planning permission has been applied for the conversion of steadings into 3 dwellinghouses at the site immediately to the south of the building proposed to be demolished with this application. That application is being determined in tandem with this application.
- 2.8 APP/2007/1385 - Full Planning Permission was granted for the conversion of these steadings to form 4 dwelling units and 1 business unit via delegated powers on 7 November 2007. That permission was never enacted and has since expired.
- 2.9 APP/2013/3380 - Listed Building Consent for bridge repairs including stabilisation and reconstruction and strengthening to the 'A' Listed Castle Bridge was granted by Historic Environment Scotland.

Supporting Information

- 2.10 A **Supporting Statement** prepared by Lippe Architects and Planners was submitted in support of this application. The statement gives a summary of the proposal, the context of the site and proposal in conjunction with the other applications submitted for development at Huntly Lodge Farm, including the restoration of the 'B' Listed doocot which is on the Buildings at Risk Register. The statement also addresses how they have attempted to comply with policies from the Aberdeenshire Local Development Plan (2017), including why the site of the proposed dwellinghouses was chosen and why the material palette and design of the dwellinghouses were chosen.
- 2.11 A **Drainage Report** prepared by Ferguson Geotechnical, dated 18 March 2021, determined that the soils on site were suitable for a standard septic tank and foul water soakaway system to ensure that waste water is properly treated. The minimum size for each individual foul water disposal must have a minimum area of 45 m² while the surface water soakaways should measure 5m wide by 4.4m long and have a depth of 0.75 m.
- 2.12 The applicant provided a **Bat Survey Report** prepared by Black Hill Ecology and was carried out during May and June 2020. The survey found droppings on the site to the south and observed the emergence and return of pipistrelle bats from 3 separate roosts on both nights of observation. As the building proposed for demolition associated with this proposal has less than ideal roosting habitat and no roosts were observed in the structures proposed to be demolished as a part of this proposal, no bat license is needed at this time.
- 2.13 In addition to the Bat Survey Report, the applicant provided a **Species Protection Plan** prepared by Black Hill Ecology, dated September 2020. This protection plan included recommended mitigations to help protect the bats and barn owls observed during the carrying out of the bat surveys on the steadings to the south of the buildings to be demolished as a part of this application. The key mitigation strategies include the erection of bat and barn owl boxes as well as the use of mammal friendly materials in construction.
- 2.14 A **technical note** prepared by Fairhurst and dated 18 March 2021 details the proposed improvements to Marquis Road in order to bring it to an adoptable standard, including the widening and kerbing of the bellmouth at the junction with B9022, the installation of 8 passing places along the road, improvements to failing sections of the road, and the formation of car parking provision for the proposed dwellinghouses. The report also includes a swept path analysis confirming the ability for vehicles to turn within the site and join Marquis Drive in a forward gear, a supporting statement concerning a safe route to school and an additional supporting statement confirming how the remaining agricultural holdings will be served.

3. Representations

3.1 A total of 3 valid representations (objection) have been received as defined in the Scheme of Governance. All issues raised have been considered. The following material issues were raised:

- Concern regarding the potential increase in traffic along Marquis Drive and the potential associated wear and tear on the road
- Concerns regarding traffic speed and road/pedestrian safety on Marquis Drive
- Marquis Drive needs upgraded

4. Consultations

4.1 **Legal and People (Developer Obligations)** reviewed the proposal and noted that the applicant has agreed to make contributions for the provision of sport and recreation within Huntly, and contributions toward the provision of additional capacity at Huntly Health Centre.

4.2 **Environment and Infrastructure Services (Contaminated Land)** have reviewed the proposal and found no indication of any past use which may have caused contamination.

4.3 **Environment and Infrastructure Services (Roads Development)** objects to this proposal. The initial objection included comments regarding the necessity of bringing Marquis Drive to a technical standard that would be expected of a Council adopted road and the confirmation of a viable safe path to school. The applicant provided additional information at which point Roads Development stated that the proposal could be conditioned to require the submission and approval of proposed improvements to Marquis Road to bring it to an adoptable standard, the swept path analysis for the manoeuvring of refuse collection vehicles on site is acceptable. However, they state that there is still no clear safe route to school as there are questions regarding the suitability to the continued use of Castle Bridge as a pedestrian access to Huntly. As the safe route to school issue has not been resolved to Roads Development's satisfaction, their objection remains.

4.4 **Scottish Water** acknowledged that the development may be fed from the Craighead Water Treatment Works but could not confirm capacity within the network at this time. If this proposal is approved the applicant will be required to contact Scottish Water to confirm the supply of water. There is no public sewer available to serve the site and a private water treatment system will be required to be used for the site.

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 P1: Layout, siting and design

Policy P4: Hazardous and potentially polluting developments and contaminated land

Policy H2: Affordable housing

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 Reporter’s report of Examination of the Proposed LDP 2020 has now been published (24 June 2022). Notwithstanding, there is currently no authority to use the Proposed Local Development plan as a substitute for the Local Development Plan 2017. The weight that can be given to the phrase “settled view of the Council” can only be interpreted in the context of the publication of the Proposed Local Development Plan 2020 (March 2020). Even with the certainty associated with the Reporters’ Report it still remains only a material consideration in determining planning applications. However, consideration will be given on a case by case basis where the weight of the Reporter’s Report should be given overwhelming significant weight when it is most advantageous to the applicant’s proposals. SPP Paragraph 34 is of associated relevance.

The Scheme of Governance reserves determination of planning policy to Full Council for resolution. As such until the Proposed Local Development Plan 2020 has been formally adopted by Full Council (as LDP 2022) can this be considered as the Council’s “settled view”.

It should be borne in mind that the LDP has been written to be implemented as a whole and not the selective use of agreeable parts.

On the 18 April with reference to the legislation the LDP 2017 becomes technically ‘out of date’. Notwithstanding 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. The policies of the LDP 2017 are reflective of the policy position within SPP. Both SPP and the National Planning Framework 3 are confirmed as significant influences on the content of the plan, as confirmed within Section 2 – ‘Influences of the Plan’. In summary, when a development plan is more than five years old 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. All of these matters however are already embedded within the policies of the Local Development Plan 2017 and deemed robust in their consideration.

6. Discussion

- 6.1 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.
- 6.2 This proposal is seeking full planning permission for the erection of 3 dwellinghouses, as described above in the description section. The key planning considerations are the principle of the erection of the 3 dwellinghouses, the siting of the dwellings, the proposed design of the proposed dwellinghouse, the provision of adequate services to the site, and the potential impacts on protected species and the Deveron Valley Special Landscape Area.
- 6.3 The existing farm buildings proposed to be demolished are in various states of disrepair and are located in the vicinity of the 'B' Listed doocot. While the buildings to be demolished are within the redline of this proposal and under the same ownership, the nearest building to the proposed site of the development of the dwellinghouses is 100 m to the north west and on the opposite side of a track road, with residential properties between. The siting of the dwellinghouses does not strictly meet the requirements of Policy R2, as the dwellinghouses would not be on the same site as the disused buildings nor could the site of the proposed housing be called brownfield, as no development is evident on site. The site is a cleared area surrounded by trees and bound to the east by an additional track road. The applicant provided a site plan showing 4 additional potential development areas, which are shown on the final site plan for this proposal. Other potential sites were ruled out in order to prevent development encroaching upon agricultural land, potential loss of privacy and amenity of existing residential properties, the necessity for the removal of trees at the detriment to the Deveron Valley Special Landscape Area and the setting of the Listed Buildings in the area, and the reconfiguring of existing infrastructure.
- 6.4 Considering the applicants' justification for the choice of site, based on the natural setting of the chosen site, the layout of existing roads and tracks, and the surrounding uses, the site does not comply with Policy R2 but is well considered overall and is accepted as being a natural siting for new development. The proposed housing, coupled with the applications at the doocot and steading, present a holistic development that makes sense in terms of layout and siting of the final design concept – particularly in relation to the listed and at risk doocot which is the focus of the redevelopment and the siting results in a far greater appreciation and public view of the listed doocot. The removal of the agricultural buildings around the setting of the doocot, the sensitive conversion to a new dwelling of the doocot, and the suitable siting of the brownfield dwellings in this proposed location presents an improvement to the built form and visual appear of the area as a whole. Whilst not presented as an enabling case, the full proposal is viable as

proposed, however if the remote siting of the brownfield housing was not approved, or the siting was pushed to comply with policy in a location that affected the setting of the doocot, the proposal would not be as successful, and possibly undeliverable. The proposal will also provide some mainstream housing for the local Huntly market, with the main allocated sites in the town stalling there is a beneficial economic and housing need being met from this overall development. For the reasons mentioned, the proposed siting away from the actual brownfield development, on a site close-by that has been sequentially thought out and justified, is acceptable as a departure from the Aberdeen Local Development Plan (2017).

- 6.5 Turning to the specific siting, the dwellinghouses would be configured in a manner that forms a courtyard appearance, akin to a traditional steading formation, with ample private amenity space provided. The siting of the dwellinghouses would not allow for further development at this site and through this layout would help maintain the rural character of Marquis Drive to the west. The design of the dwellinghouses would use a traditional massing with modern materials which in combination of the siting amongst the surrounding trees keep the impact on the Deveron Valley Special Landscape Area to a minimum. The siting and layout of the dwellinghouses is such that the inability of the proposal to comply with Policy R2 can be resolved in the opinion of Planning Service. The proposed materials are of a high quality and this proposal is compliant with Policy P1 and policy E2.
- 6.6 Policy P1 requires new development to be well connected, to create well connected places that promote intermodal and active travel. Roads Development has objected to this proposal on account of what they interpret as a lack of a safe route to school. There is an adopted Core Path which runs from the south of the site, over the Castle Bridge, and past Huntly Castle into the settlement boundary of Huntly. The majority of this path is tarmacked and is a popular route for pedestrians and cyclists for recreational purposes, and also serves the existing 14 properties near this development in terms of access to school, the town centre and key amenities in Huntly. Roads' objection to the use of this path is on account of the low parapet of the bridge, and the age/condition of the bridge. In response to the condition of the bridge, repairs to the bridge were carried out under APP/2013/3380, and the potential addition of pedestrian and cycle use that would result from this approval would not be likely to accelerate any deterioration of the condition of the bridge. Vehicular access is restricted over the bridge by way of metal bollards, and as mentioned above it is a common path for pedestrians and cyclists already. The Council endorse the use of the path through its recognition as a Core Path. The height of the parapet is approximately 1.4 m high which provides good containment and safety at the crossing, and is relatively safe in terms of visibility in both directions as it is a straight path at this point. The route is an adopted Core Path that is currently in use, and the Planning Service are satisfied that this is an acceptable safe route to school and are of the view that this proposal complies with the "well-connected" element of Policy P1, and the "safe and conveniently accessible" aspect of Policy RD1.

- 6.7 Roads Development has also commented on the condition of Marquis Drive, a private road which serves the site, as well as 14 other dwellinghouses and the Castle Hotel. Due to the number of sites accessed via the private road, this proposal would bring the road well beyond the threshold requiring it to be brought up to adoptable standards. The applicant has provided technical notes as to how they intend to achieve this requirement, and Roads Development are satisfied to the point that the proposal could be conditioned to require the approval of the proposed improvements before the commencement of works on site. This will ensure the measures to bring Marquis Drive up to the appropriate standard are refined through compliance with the condition, and the works then carried out prior to any work taking place on the steading. The same requirements would be imposed on the adjacent development proposals, identified in 2.7 and 2.8 above.
- 6.8 Roads Development has accepted the parking and turning areas proposed for the individual feus in this proposal. Water is proposed to be provided by the public supply, with confirmation of this to come via Scottish Water's separate consenting process, while foul and surface water would be treated via a private system proposed to be installed to the rear of the individual buildings. The drainage report prepared by Ferguson Geotechnical recommended a standard septic system with a 45m² minimum soakaway for each dwellinghouse and a standard soakaway for surface water runoff. Bin store is indicated at the corner of the junction of the access and Marquis Drive on the west end of the site. The details of this bin store are to be secured by condition, thus ensuring adequate space for refuse collection. As internal movement on the site, adequate parking and turning areas, and water infrastructure would be provided, this proposal would provide suitable services in compliance with Policy RD1.
- 6.9 During a bat survey carried out over the whole of the site, bats were observed entering and exiting the structure to the south and 3 bat roosts were found. As no bats were observed in any structures associated directly with this proposal, an informative condition advising the applicant of their duties should bats be discovered during construction works should be added to any approval of the permission. With that informative clause in place, this proposal would have negligible potential for a negative impact on any protected species in compliance with Policy E1.
- 6.10 As discussed above, the farm buildings surrounding the doocot are in poor repair. The proposed removal of these buildings as a part of this application would help to improve the setting of the 'B' Listed Building. Additionally, the siting of the dwellinghouses to the south east of the doocot site help protect the doocot and its setting is welcomed in terms of built heritage. As this proposal would have an overall positive effect on the condition and setting of the 'B' Listed structure, it complies with Policy HE1.
- 6.11 Final matters, relating to contamination and the previous use of the site there are no known issues at the site that raise any concern in relation to Policy P4, however informatives shall be added to the consent to advise the applicant should any asbestos or other contaminants be discovered during works. As

with all new dwellinghouses in Aberdeenshire, any approval would be conditioned to require the applicant to provide energy calculations to ensure the development is carbon neutral and in compliance with Policy C1. Finally in relation to developer obligations, contributions have been agreed to offset the impacts of the development for sports and recreation, and healthcare, ensuring the proposal is compliant with Policy RD2.

- 6.12 Whilst 2 of the 3 representations received outline their general support for the development, both of those representations as well as the other representation raised concerns in relation to road safety and traffic volume. Marquis Drive is currently a long straight, and the development can't resolve any existing issue in regard to vehicles speeding. Passing places and localised widening, along with improving the junction with the public road, will make the road significantly better for all users. The Planning Service can't control individual actions of motorists who speed. The representations suggest upgrade is required, and the developments proposed will deliver that through suspensive conditions. This in turn will improve vehicle and pedestrian safety. Whilst there will be continuing traffic, both residential and commercial to the hotel, the road will be upgraded to an appropriate standard for the level of traffic, which is notably a far better standard than it currently is.
- 6.13 In summary, the proposed erection of 3 dwellinghouses can be supported as a departure from the Aberdeen Local Development Plan (2017), on the basis of the overall benefits to the listed and at risk doocot that the tandem applications shall bring, along with making valued housing provision to the local market and presenting an overall improvement to the local landscape and character of the area. The design, siting, and layout of the development would be appropriate for the setting and uses materials that match and enhance the overall appearance of the building. Adequate levels of parking and turning areas would be provided, with appropriate water supply and drainage provision being made. The vehicular access along Marquis Drive would be conditioned to be improved before works begin on site, which would alleviate the concerns expressed in the representations received for the proposal. With the mitigation proposals proposed by the applicant, no negative impact on protected species is expected to result from this proposal, nor is there a negative impact expected on the character of the Deveron Valley SLA or 'B' Listed doocot. In the opinion of the Planning Service, the adopted Core Path provides a well-established pedestrian link to the amenities within Huntly, and functions as a safe route to school, which is considered to offset the content of Roads Development's objection. This proposal is considered to be in compliance with most relevant policies of the Aberdeenshire Local Development Plan (2017), excluding R2, and the application is recommended for approval.
- 6.14 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.

- 6.15 The proposal in supporting good design and the six qualities of successful places would contribute towards sustainable development. This carries significant material weight lending itself to an approval.
- 6.16 In assessing the proposed development against the wider policies of SPP and the LDP 2017 and any other material considerations, there were no adverse impacts which would significantly and demonstrably outweigh the benefits of the proposal.

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 against the policies of 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 developments elsewhere in the countryside

- 9.3 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.

- 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 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.

10. Recommendation

10.1 That authority to GRANT Full Planning Permission be delegated to the Head of Planning and Economy subject to:-

- i) Provision of any additional conditions from Roads Development
- ii) Payment or conclusion of Developer Obligations
- iii) The following conditions;

01. No works shall commence related to this development until such time as the details of the upgrade to the condition and layout of Marquis Drive has been agreed with Aberdeenshire Council's Environment and Infrastructure Services (Roads Development). Once agreed, no dwelling shall be occupied until the works are completed in accordance with the agreed detail. Once provided, all improvements shall thereafter be permanently retained as such.

Reason: To ensure the provision of a means of access and turning space to an adequate standard in the interests of road safety.

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

- a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development;
- b) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy C1 of the Aberdeenshire Local Development Plan 2017.

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

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

03. No dwelling shall be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plans

and the drainage report detailed in Ferguson Geotechnical, dated 9 February 2021. The foul and surface water drainage systems shall be permanently retained thereafter in accordance with the approved scheme.

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

04. The development hereby approved shall not be occupied unless the refuse bin uplift store areas have been provided and surfaced in accordance with the details shown on the approved plan. Once provided, the refuse bin uplift store areas shall thereafter be permanently retained as such.

Reason: To ensure the provision of an appropriate means of servicing in the interests of road safety.

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

The Planning Authority considers that the application is for a development that is not in accordance with the Aberdeenshire Local Development Plan 2017. The proposal can be supported as a departure from Policy Housing and employment developments elsewhere in the countryside as the proposal, in the context of the tandem applications, presents a holistic development that restores an at risk listed building and improves the character and setting of the site whilst making a valued contribution to the local housing market. The design, siting, and layout of the development are appropriate for the setting and uses appropriate materials. Adequate parking and turning areas, water and drainage would be provided and no negative impact on protected species is expected to result from this proposal, nor is there a negative impact expected on the character of the Deveron Valley SLA or 'B' Listed doocot, compliant with Policy P1: Layout, siting and design, Policy E1: Natural Heritage, Policy E2: Landscape, Policy HE1: Protecting historic buildings, sites, and monuments, Policy RD1: Providing suitable services, Policy RD2: Developers' obligations and all other relevant policies of the Aberdeenshire Local Development Plan (2017).

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.

The proposed development accords with the Scottish Planning Policy principles of sustainable development. This carries significant material weight lending itself to an approval.

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

Alan Wood
Director of Environment and Infrastructure Services
Author of Report: Graham Hannaford
Report Date: 11 August 2022

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.

Comments for Planning Application APP/2021/0623

Application Summary

Application Number: APP/2021/0623

Address: Site Adjacent To Huntly Lodge Farm Huntly Aberdeenshire

Proposal: Erection of 3 Dwellinghouses

Case Officer: Graham Hannaford

Customer Details

Name: Mr Robert Gordon

Address: The Bowers, Marquis Drive Huntly AB54 4SF

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: We have no objections to the proposed development, but as with the previous applications APP/2020/2534 and APP/2021/0283 -

we have concerns that this will again add to the volume of traffic on Marquis Drive. As stated in comments on the two previous applications, this road will need to be upgraded for the safety of all residents, as their only access to their properties, and for the many walkers, cyclists, and family groups that regularly use this circular route from Huntly for recreation and exercise. The three applications should be considered at the same time to ensure that the total increase in traffic is assessed and not the incremental increase from each separate application

Comments for Planning Application APP/2021/0623

Application Summary

Application Number: APP/2021/0623

Address: Site Adjacent To Huntly Lodge Farm Huntly Aberdeenshire

Proposal: Erection of 3 Dwellinghouses

Case Officer: Graham Hannaford

Customer Details

Name: Mr Stuart McGregor

Address: Strathay Marquis Drive Huntly AB54 4SF

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: With reference to this application and also in conjunction with App/2020/2534 and App/2021/0277-App/2021/0283 I would make the following points with regards to the road :-

There are approximately 20+ resident vehicles that use the road at present.

The farm and hotel often have deliveries from large HGV's.

The hotel has not yet returned to pre-covid traffic/ clientele levels and this would have to be taken into account with regards to volume of traffic. It should be noted that the hotel also has bus/mini bus tour visitors and staff vehicles.

There are also service/delivery vehicles utilising the road to service local residents.

If we assume the planning permission is granted for the seven houses as submitted it could at least be assumed that there will be at least one if not two cars per household, a potential increase of 50% more local resident traffic from its present levels.

As is well documented the road is owned by the proprietors of the Castle Hotel, it has been noted that in the planning application the road has been deemed as well maintained, this statement is slightly misleading in regards to implying the road is regularly maintained but the road is only maintained on an as and when required basis.

The road does sometimes suffer from pot holes caused during winter periods. During winter periods the road is not regularly gritted, only snow is cleared and the snow can get compacted by traffic and with no grit being spread this then forms ice levels up to 2" inch (50mm) thick in some sections. (this statement should not be read as being a criticism of the hotel proprietors as they are not obligated in any way to perform snow clearing or gritting on behalf of the local residents).

During the heavy snow periods 2020/2021 there were occasions whereby council personnel could not gain access to the properties at the top of the incline on Marquis Drive and there was an

additional occasion where a HGV lorry could not gain access to the top of Marquis Drive (Huntly Lodge Farm) presumably due to the road being too slippery for HGV vehicles to gain traction on the icy surface.

It should be taken into account what would be the effect of the above should there be a requirement to raise the alarm for emergency services fire, ambulance, doctor etc, this I would assume will be taken into account during the internal committee planning consultations .

The road can be in use over a 24 hour period with tractors/floats departing the farm moving livestock etc.

Use of HGV's on the single track road needs to be considered during planning.

As a popular walking and cycling route the road is well used year round and there are safety concerns for road users as there is no street lighting and some pedestrians/cyclists do not use lights or high visibility clothing and some vehicles are driven at too high speeds for the road type.

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Address: Site Adjacent To Huntly Lodge Farm Huntly Aberdeenshire

Proposal: Erection of 3 Dwellinghouses

Case Officer: Graham Hannaford

Customer Details

Name: Mr Ken Thomson

Address: The Bungalow, Huntly Lodge Marquis Road Huntly AB54 4SH

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: We support this application. Our only concern is that - along with proposed developments in APP/2020/2534 and APP/2021/0283 - this will increase the volume of traffic along Marquis roads which will need upgrading to improve safety and road condition. I assume these 3 applications will be considered together in order to get a full picture of the effect on access for existing residents.