

ABERDEENSHIRE COUNCIL

INFRASTRUCTURE SERVICES COMMITTEE

WOODHILL HOUSE, ABERDEEN, 21 MARCH, 2019

Present: Councillors P Argyle (Chair), J Cox (Vice Chair), A Allan (substituting for G Reid), W Agnew, D Aitchison, G Carr, J Gifford (substituting for R Withey), J Ingram, P Johnston, J Latham, D Lonchay, I Mollison, C Pike, G Reid, S Smith, and R Withey.

Apologies: Councillors G Reid and R Withey.

Officers: Director of Infrastructure Services, Head of Service (Planning and Building Standards), Planning Service Manager (M Stewart), Roads Development Manager, Principal Developer Obligations Officer, Accountancy Finance Manager (S Donald), Principal Solicitor, Legal and Governance (R O'Hare) and Committee Officer (F Brown).

1. SEDERUNT AND DECLARATION OF MEMBERS' INTERESTS

The Chair asked members if they had any interests to declare in terms of the Councillors' Code of Conduct. No interests were declared.

2. PUBLIC SECTOR EQUALITY DUTY

(A) Public Sector Equality Duty.

Consider, and if so decided, adopt the following resolution:-

- (1) to have due regard to the need to:-
 - (a) eliminate discrimination, harassment and victimisation;
 - (b) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
 - (c) foster good relations between those who share a protected characteristic and persons who do not share it.
- (2) where an Equality Impact Assessment is provided, to consider its contents and take those into account when reaching a decision.

3. APP/2018/2227 – FULL PLANNING PERMISSION FOR ERECTION OF 13 DWELLINGHOUSES AND 34 FLATS AND ASSOCIATED INFRASTRUCTURE AT PHASE 01-A, MACKIE VILLAGE, URY ESTATES, URY, STONEHAVEN.

APP/2018/2228 – FULL PLANNING PERMISSION FOR 20 DWELLINGHOUSES AND 24 FLATS AND ASSOCIATED INFRASTRUCTURE AT PHASE 01-B, MACKIE VILLAGE, URY ESTATE, URY, STONEHAVEN.

With reference to the Minute of the Infrastructure Services Committee of 24 January, 2019 (Item 7), there had been circulated a report dated 14 March 2019, by the Director of Infrastructure Services, which advised the Committee that the decision taken for both planning applications on 24 January, 2019 could not be implemented, as a new material consideration had arisen for both applications since that decision had been taken and in terms of Section

7.2 of the Council's Standing Orders the Committee could revisit that decision to consider both applications again.

The report explained that following the delegated grant in January 2019 for both applications, the Planning Service had sought to address issues related to the provision of public transport to serve both developments and had liaised directly with the Council's Infrastructure Services (Transportation) Service. Their response had raised a requirement to provide additional conditions for the provision of a Public Transport Strategy for both developments and for all affordable housing proposals within the Ury Estate.

The Planning Manager introduced the report and provided the Committee with a refresh of the two planning applications which had been approved in January 2019. The Committee were advised that following approval, the Planning Service had undertaken further consultation with the Transportation Service, and the outcome of that consultation was effectively a requirement for a condition to be added to both planning applications (condition 12 and 13 respectively), to ensure that both sites would deliver public transport services as part of the overall Public Transport Strategy for the whole of the Ury site, and in doing so, no dwellinghouse could be occupied until the public transport provision has been made available on the site, in accordance with the Public Transport Strategy.

In response to questions raised by the Committee, Officers confirmed:-

- (i) that the application should be considered 'de novo' from the original decision for both applications;
- (ii) the pedestrian single point of access to the residential and retail site once built;
- (iii) that a transport service should be established before first occupation of the houses, which would require a subsidy until a bridge link was established across the river Ury;
- (iv) that there would need to be a reasonable service pattern during the day, which could be practically used by those residents in the Ury Estate, to access shops and employment opportunities within Stonehaven and further afield;
- (v) that the Council has policies to deliver affordable housing within Aberdeenshire and any concerns regarding the viability of delivering the developments with the additional costs associated with the developer providing a bus service, would be addressed by officers, who would seek professional advice and enter into consultation with all services to ensure the developments were viable.

After discussion, Councillor Argyle, seconded by Councillor Agnew, moved to support the Officer's recommendations contained within the report, for both applications:-

- (1) That authority to GRANT APP/2018/2227 be delegated to the Head of Planning and Building Standards subject to:
 - i) The incorporation of this application into existing S75 agreements;
 - ii) Securing the required Developer Obligations;
 - iii) The following conditions;
01. No works in connection with the development hereby approved shall commence unless an archaeological Written Scheme of Investigation (WSI) has been submitted to, and approved in writing by, the Planning Authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the Written Scheme of Investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need

for post excavation analysis, the development hereby approved shall not be brought into use unless a Post-Excavation Research Design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to, and approved in writing by the Planning Authority. The PERD shall be carried out in complete accordance with the approved details.

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

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

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

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

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

03. No dwellinghouse or flat hereby approved shall be occupied unless its driveway, turning and parking area has been provided and surfaced in accordance with the details shown on the approved plans. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

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

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

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

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

Reason: In the interests of promoting sustainable travel.

06. Prior to the occupation of any part of the development, full road access to the site (including construction of roundabouts at the site access off the link road and at the

link road access with the A957 (APP/2012/1612)), served by that section of link road must be designed and constructed in accordance with the Council's Guidelines and Standards for Road Construction Consent and Adoption, the Design Manual for Roads and Bridges, and Designing Streets, as appropriate.

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

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

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

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

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

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

Reason: In the interests of the residential amenity.

10. The development hereby approved shall not be brought into use unless:
- a) the remediation measures set out in "Voluntary Action Remediation Statement at Residential Development, Mackie Village – Ury Estate", Report Reference: J5015 March 2019 prepared by Bayne Stevenson Associates Ltd have been implemented in their entirety and in accordance with British Standard 8485:2015+A1:2019 (Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings), and;
 - b) the gas protection measures have been inspected and validated in accordance with CIRIA C735 (Good practice on the testing and verification of protection systems for buildings against hazardous ground gases) and a validation report detailing the findings of the inspection has been submitted to and approved in writing by the planning authority.

Reason: In order to ensure that adequate gas protection measures are provided in the interests of public safety.

11. 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) Full details of the bund, including cross sections at 10m intervals, details of the source of the soil to form the bund, and full landscaping and planting proposed on the bund;
- b) Existing landscape features and vegetation to be retained within the site;
- c) Protection measures for the landscape features to be retained;
- d) Existing and proposed finished levels;
- e) The location of new trees, shrubs, hedges, grassed areas within the site;
- f) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- g) The location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and any play equipment;
- h) An indication of existing trees, shrubs and hedges to be removed;
- i) 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.

12. No dwelling shall be occupied until such time as public transport provision has been made available to the site, generally in accordance with Option 3 of the Public Transport Strategy by AECOM, dated 27 February, 2019, which relates to Ury Estate.

Should an alternative provision be proposed, details of that must be submitted to the Planning Service for further written agreement, in consultation with Aberdeenshire Council's Infrastructure Services (Transportation) team, and thereafter the alternative agreed strategy and public transport provision must be fully implemented prior to the occupation of the first dwelling.

Reason: In the interests of sustainable travel.

- (2) That the Committee agrees the reason for departing from the Aberdeenshire Local Development Plan (2017).

The proposal will deliver affordable housing required in association with extant permissions for enabling development for Ury House. The site has been long identified for this and does reflect the agreed masterplan for Ury Estate, and provides a development of appropriate scale and design, integrating with its surrounding in a location that can be suitably serviced and accessed. The proposal will deliver much needed affordable housing for the local area. As such the proposal is supported as a

departure from Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan (2017).

- (3) That authority to GRANT APP/2018/2228 be delegated to the Head of Planning and Building Standards subject to:
- i) The incorporation of this application into existing S75 Agreements;
 - ii) Securing the required Developer Obligations;
 - iii) The following conditions;

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

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

02. No individual dwellinghouse hereby approved shall be erected unless an Energy Statement applicable to that dwellinghouse has been submitted to and approved in writing by the planning authority. The Energy Statement shall include the following items:
- a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development;
 - b) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy C1 of the Aberdeenshire Local Development Plan 2017.

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

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

03. No dwellinghouse or flat hereby approved shall be occupied unless its driveway, turning and parking area has been provided and surfaced in accordance with the details shown on the approved plans. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

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

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

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

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

Reason: In the interests of promoting sustainable travel.

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

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

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

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

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

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

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

Reason: In the interests of the residential amenity

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- a) the remediation measures set out in “Voluntary Action Remediation Statement at Residential Development, Mackie Village – Ury Estate”, Report Reference: J5015 March 2019, prepared by Bayne Stevenson Associates Ltd, have been implemented in their entirety and in accordance with British Standard 8485:2015+A1:2019 (Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings), and;
 - b) the gas protection measures have been inspected and validated in accordance with CIRIA C735 (Good practice on the testing and verification of protection systems for buildings against hazardous ground gases) and a validation report detailing the findings of the inspection has been submitted to and approved in writing by the planning authority.

Reason: In order to ensure that adequate gas protection measures are provided in the interests of public safety.

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Details of the scheme shall include:

- a) Full details of the bund, including cross sections at 10m intervals, details of the source of the soil to form the bund, and full landscaping and planting proposed on the bund;
- b) Existing landscape features and vegetation to be retained within the site;
- c) Protection measures for the landscape features to be retained;
- d) Existing and proposed finished levels;
- e) The location of new trees, shrubs, hedges, grassed areas within the site;
- f) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- g) The location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and any play equipment;
- h) An indication of existing trees, shrubs and hedges to be removed;
- i) 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.

13. No dwelling shall be occupied until such time as public transport provision has been made available to the site, generally in accordance with Option 3 of the Public Transport Strategy by AECOM, dated 27 February 2019, which relates to Ury Estate.

Should an alternative provision be proposed, details of that must be submitted to the Planning Service for further written agreement, in consultation with Aberdeenshire Council's Infrastructure Services (Transportation) team, and thereafter the alternative agreed strategy and public transport provision must be fully implemented prior to the occupation of the first dwelling.

Reason: In the interests of sustainable travel

- (4) That the Committee agrees the reason for departing from the Aberdeenshire Local Development Plan (2017)

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

As an amendment Councillor Johnston, seconded by Councillor Smith, moved to REFUSE the application, due to concerns related to the layout, siting and design and requested that an informative be provided to the applicant, to submit a revised design for both developments.

Members of the Committee then voted:-

For the motion	(12)	Councillors Agnew, Aitchison, Allan, Argyle, Cox, Carr, Gifford, Ingram, Latham, Lonchay, Mollison and Pike.
For the amendment	(2)	Councillors Johnston and Smith.

The motion was carried, and the Committee **agreed** to delegate the GRANT of Full Planning Permission for applications APP/2018/228 and APP/2018/2228 to the Head of Planning and Building Standards, subject to conditions as detailed in the motion.

