

## **Garioch Area Committee Report – 23 February 2016 (NB ABRIDGED REPORT)**

**Reference No: APP/2015/1107**

### **Full Planning Permission for Proposed Residential Development (Erection of 66 Dwellinghouses) at Land East of Greystone Road, Kemnay**

1.1 The application is being referred to Area Committee because the application is for a Major Development. In addition there have been valid objections from more than five separate households and a partly unresolved objection from Kemnay Community Council remains.

## 2. Background and Proposal

2.1 Full planning permission is sought for a residential development comprising 66 dwellinghouses. The site extends to 3.02ha and lies to the south-eastern side of Kemnay. The site benefits from an H1 allocation in the Aberdeenshire Local Development Plan, which states the site is suitable for “up to 65 houses in the second phase of the plan. A masterplan is required for the site. The site must connect and integrate with the adjoining existing allocation.” A previous phase of development was completed some years ago.

2.2 A ‘proposal of application notice’ (PoAN) was received in December 2010 and a public event held in April 2011. Once more developed, the draft masterplan was subject to another consultation event in February 2014. The masterplan itself was first received by the planning authority in April 2014 after which the major applications group of stakeholders and consultees met to provide comments in June 2014. The masterplan was agreed at the Garioch Area Committee meeting in September 2014, subject to comments about primary education provision being considered in the masterplan and included in planning reports to committee.

2.3 The proposal comprises 66 dwellinghouses as a mix of detached, semidetached, townhouses and flatted properties. 16 units are proposed as ‘affordable’. As with Phase I, the site slopes steeply from the north-east to the south-west. The upper part of the site meets woodland, whereas the lower edge of the development abuts Leschangie / Bogbeth Road. Two vehicular access points are proposed, one from Bogbeth Rise toward the upper part of the site and one from Bogbeth Road, which is currently a single track country road with limited passing places and no footpath or lighting. The internal road layout is largely dictated by the slope of the site and will meander from its entrance at Bogbeth Rise down to Bogbeth Road.

2.4 Pedestrian access points will be provided alongside the two roads, with the key improvement being the inclusion of a 2m footpath from the exit at Bogbeth Road that will connect to the existing footpath at the corner by the recreation ground. Further pedestrian connectivity is shown from the application site through a gap in houses in Phase I to Bogbeth Rise and also to the eastern corner of the site toward the existing woodland at the high point of the site.

2.5 As with Phase I, a strategic landscape boundary is proposed to be provided along the south-eastern boundary which will merge with the open countryside and help screen the development in views from this direction looking toward the town. An area of open space is also shown at the highest point of the site and where the access from Bogbeth Rise is to be made. Other significant areas of public open space are shown breaking up areas of housing to the east of the site and also at the western boundary at Bogbeth Road in the form of a SUDS pond and landscaped grassed area.

Item: 7B Page: 2

2.6 Aside from the masterplan there is no planning history to the application site. The application has been amended since initial submission with the key change being the inclusion of the proposed upgrade and improvement to Bogbeth Road to widen it to 5.5m and provide a 2m footpath to link with the existing path network. Other minor changes have been made to the amount of open space to remove an awkward area and enhance the remaining areas through provision of additional landscaping and street furniture. Some additional visitor parking spaces were added and a small number of house types have been changed to include suitably sized garages.

2.7 The application is supported by the following information:

• Planning Statement • Transport Assessment dated August 2015 • Design & Access Statement dated September 2015 • Drainage Assessment dated January 2016 • Ground Investigation report dated February 2015 • Geotechnical Interpretive report dated March 2015

### 3. Representations

3.1 A total of 49 valid representations (5 neutral / 44 objecting) have been received as defined in the Scheme of Delegation. This does not include multiple representations from the same household which equate to 58 letters in total. All issues raised have been considered. The letters raise the following material issues:  
General

• Location of site; • Status of site in proposed LDP; • In AHMA, but rural village; • Phasing and number of units; • Insufficient community engagement and consultation; • Insufficient neighbour notification; and • Masterplan should be revisited.

Roads and access

• Bogbeth / Leschangie Road needs widened to two way traffic; • A footpath needs to be provided; • Pedestrian, cyclist and horse rider safety from increased traffic; • Access through existing development inappropriate and unlikely; • Should be no link between Bogbeth Rise and new development; • Traffic and parking is hazardous in existing development; • Existing and proposed inclines are unsafe in winter; • Poor visibility at B993 junction; • Very limited public transport options; and • Concern for disabled, elderly and those of limited mobility.

Layout, siting and design

• Too cramped and density inappropriate; • Lack of quality greenspace, doesn't achieve 40%;  
Item: 7B Page: 3

• 12 upper plots should be removed and landscaped; • Two storey properties inappropriate; • Suburbanisation of the countryside; • Proposed future development site shown; • Lack of sustainability (solar panels or water saving technology); • Lack of garages on some plots and storage space; and • Loss of privacy to property to the west.

Other matters

• Lack of nursery, primary and secondary capacity; • Pressure on Kemnay Medical Practice; • Lack of community and leisure facilities; • Town centre parking and pedestrian safety; • Drainage concerns; • Impact on park and car-parking during events; • Water pressure within site and area; • Impact on local wildlife; • Loss of tree belt / wildlife corridor; and • Lack of wider social or economic benefits.

A small number of matters were raised that are not material considerations in the determination of this application. These include, that existing residents were not aware housing was planned for this field, loss of view and potential loss of value of homes and disruption during the construction phase.

### 4. Consultations

4.1 Business Services (Developer Obligations) advises that a package of contributions including to secondary education, community facilities, sport and recreation, healthcare and waste have been agreed. In terms of affordable housing units, this application would secure 16 units (24%) for social rent comprising 2 x 4 bedroom houses, 6 x 3 bedroom houses, 4 x 2 bedroom houses and 4 x 1 bedroom flats; with these to be delivered before completion of the 46th open market unit. A commuted sum will also be sought. The above shall be secured through a legal agreement, which has been instructed.

4.2 Education and Children's Services (Education) has indicated support for the proposal and confirmed capacity for primary and secondary age pupils.

4.3 Infrastructure Services (Contaminated Land) sought additional information on part of the site and is satisfied with this subject to inclusion of a condition to undertake a limited investigation and undertake remediation if necessary.

4.4 Infrastructure Services (Environment) requested submission of a tree survey and a public access plan. Following inclusion of the footpath / road widening, a further survey was requested. The findings of these were considered acceptable subject to suitable conditions being applied.

4.5 Infrastructure Services (Environmental Health) has no objection or adverse comments.

4.6 Infrastructure Services (Flood and Coastal Protection) has advised that having reviewed the revised drainage information, it is satisfied with the measures proposed to deal with surface water drainage and the level of flood risk associated with the application. This is subject to a condition being added to secure and maintain the proposed surface water drainage as shown. A comment is made about adoption of gullies, road drains and a swale for noting by Roads Development. The requirement to get a technical approval from Scottish Water is also highlighted. With regard to the culverting of the road ditch, it is concluded that this carries little in the way of water apart from road drainage. As a consequence, there are no concerns regarding downstream issues caused by culverting the ditch.

In terms of future-proofing against significant possible flood events as seen recently in Aberdeenshire, this site is well away from any river that could cause fluvial flooding issues. Surface water drainage issues can only be assessed on a site by site basis and the developer has demonstrated improved attenuation storage within the proposed development and adjusted the pre-development flow calculations. In conclusion, future drainage design standards would most likely have to be decided nationally and until there is a change the attention must be on ensuring there are adequate safeguards (freeboards and allowances for climate change) in the design.

4.7 Infrastructure Services (Housing) advises that the preference would be for land to accommodate 16 units to be transferred to the Council or a Registered Social Landlord (RSL) to be used for social rent or mid-market rent. This requirement will form part of the legal agreement and the developer is currently in discussions with a RSL.

4.8 Infrastructure Services (Landscape Section) highlighted the possibility of shading from some tree species and requested a landscape plan is conditioned.

4.9 Infrastructure Services (Planning Policy) advises that the application site is allocated for 65 units as a phase 2 site for the 2017-2023 period. The rationale for being post-2016 was based on educational constraint at Kemnay Academy and this is now resolved with the opening of the new extension. Exceeding the allocation by one unit in this case is not considered contrary to the LDP where the application is broadly consistent with an agreed masterplan and other policy requirements can be met.

4.10 Infrastructure Services (Roads Development) advises that it still requires submission of a Street Engineering Review (SER) and Quality Audit (including Access Audit) prior to planning permission being issued. The provision of the 2m footpath and widening of Bogbeth Road to 5.5m resolves the key area of objection and a number of conditions are proposed.

4.11 Infrastructure Services (Transportation) has no objection to the proposal.

4.12 Infrastructure Services (Waste Management) has not responded at the time of writing.

4.13 Kemnay Community Council objected to the application in the response dated 29 June 2015 (refer to Appendix 1). This was on the basis of housing land supply (phasing and number of units), lack of clarity on the main site access and need for improvements (widening and footpath) to Bogbeth Road. Comments were made more generally about pedestrian access and connectivity. Technical matters related to flooding and drainage, additional parking provision and school capacity have been raised. Other matters related to

sustainability, design and quality, developer contributions and insufficient public engagement are also highlighted. In a further response dated 7 October 2015 received following submission of amended plans (refer to Appendix 2), KCC welcomes the addition of the proposed footpath on Bogbeth Road but the preference would be for this to be on east side with the road upgraded to two way traffic to access the site.

At the time of writing, a final response is awaited from KCC confirming withdrawal of objections as a result of agreement to provide of a footpath and road widening scheme. Concerns have been raised about the drainage proposals and whether they are still considered to be adequate and fit for purpose given recent flooding.

4.14 NHS Grampian advises that the existing medical centre in Kemnay is at capacity and contributions would be utilised towards alterations to the practice and longer term towards a new facility for the village.

4.15 Police Scotland has not responded at the time of writing.

4.16 Scottish Environmental Protection Agency has provided several responses on the proposed development. The latest of these dated 28 October 2015 confirms no objection to the scheme subject to a condition on pollution prevention and environmental management.

4.17 Scottish Water does not object to the application. It has advised that due to the scale of the proposed development, a Drainage Impact Assessment form must be completed to assess the impact on existing infrastructure. Indications are that the water network and wastewater system may have capacity to serve the development, but that works may be required to cope with demand and ensure no loss of service to existing customers.

## 5. Relevant Planning Policies

### 5.1 Scottish Planning Policy

The aim of the Scottish Planning Policies is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are: • to set the land use framework for promoting sustainable economic development; • to encourage and support regeneration; and • to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning system guides the future development and use of land in cities, towns and rural areas in the long term public interest. The goal is a prosperous and socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

### 5.2 Aberdeen City and Shire Strategic Development Plan 2014

The purpose of this Strategic Development Plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. All parts of the Strategic Development Plan area will fall within either a strategic growth area or a local growth and diversification area. Some areas are also identified as regeneration priority areas. There are also general objectives identified. In summary, these cover promoting economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapt to the effects of climate change and limit the amount of nonrenewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

### 5.3 Aberdeenshire Local Development Plan 2012

Policy 5: Housing land supply SG Housing2: Housing land allocations 2017-2023 and early draw down

Policy 6: Affordable housing SG Affordable housing1: Affordable housing

Policy 8: Layout, siting and design of new development SG LSD1: Masterplanning SG LSD2: Layout, siting and design SG LSD5: Public open space SG LSD11: Carbon neutrality in new development

Policy 9: Developer contributions SG Developer contributions1: Developer Contributions SG Developer contributions2: Access to new development SG Developer contributions3: Water and waste water drainage

## 6. Discussion

6.1 This application seeks full planning permission for the erection of 66 dwellinghouses. The key planning issues in determining this application are:

- the principle of early draw down of a second phase site;
- the layout, siting and design of the proposal, including public open space;
- access and connectivity by pedestrians and vehicles;
- consideration of other technical matters;
- consideration of developer obligations and affordable housing; and
- any other matters raised in representations.

### Principle of development and early draw down

6.2 The application site is allocated in the current LDP as H1 for “up to 65 houses in the second phase of the plan. A masterplan is required for the site. The site must connect and integrate with the adjoining existing allocation.” The Proposed LDP 2015 shows the site as OP1 for “up to 65 homes.” As a major planning application, there is a requirement to submit a proposal of application notification (PoAN) and hold at least one public event prior to submission of the application. Whilst a number of comments have been received about the sufficiency of the pre-application consultation undertaken, the Planning Service is satisfied that the developer has gone beyond their statutory requirements in holding two events.

6.3 The developer has also used the public events to promote the preparation of a masterplan for the site. This masterplan was submitted to the Planning Service in April 2014 and following receipt of comments from consultees, was agreed at Garioch Area Committee in September 2014 subject to a number of minor amendments. The allocation of the site in the LDP and agreement of the masterplan firmly establishes the principle of residential development and the density of that development on the site.

6.4 In terms of early draw down, Policy 5 (Housing land supply) and SG Housing2 (Housing land allocations 2017-2023 and early draw down) states that land allocated for housing development for the period 2017 to 2023 will only be approved once the mechanism for releasing second phase sites has been triggered. Until land is released by this mechanism, we will refuse all planning applications for its development, other than on a temporary basis. The reasoned justification goes on to highlight that the release of housing land is designed to maintain the effective housing land supply and the spatial strategy of the plan, rather than to preserve any artificial timing or phasing of development. The second plan period for the 2012 LDP will commence on 1 January 2017.

6.5 The consultation response from Planning Policy advises that the rationale for being a second phase site was based on an educational constraint at Kemnay Academy and this is now resolved with the opening of the new extension. Exceeding the allocation by one unit in this case is not considered contrary to the LDP where the application is broadly consistent with an agreed masterplan and other policy requirements can be met. The release of the site is therefore considered to be a technical departure from the LDP, but given that the primary reason for the phasing has been resolved and that delegated matters would still be required to be resolved prior to granting the permission, it is the view of the Planning Service on this occasion that the application can be supported in principle as a departure from the development plan.

### Layout, siting and design of the proposal, including public open space

6.6 The agreed masterplan for the site took account of the various opportunities and constraints present. One of the key challenges is the topography, which falls approximately 26m across the site and has resulted in a road layout that has formed a series of terraces and 90° turns in the internal road network with developable areas between these features. The difficulty in delivering an alternative solution was accepted at the

masterplan stage and no significant change to the layout has been made since then. The proposal is considered to accord with the agreed masterplan and therefore meet the requirements of Policy 8 and SG LSD1 (Masterplanning).

6.7 In terms of public open space, the main features are shown as an area at the highest part of the site, a buffer between the highest tier of housing and the terrace below and the functional area around the SUDS detention basin. Other pockets of open space and landscaping are found around the site and a strategic landscaping belt will form the edge to the open countryside on the south-eastern boundary. An area to the rear of plots 35-36 and plots 41-42 was removed as an amendment and added to the garden ground of these plots as it was inaccessible for future maintenance. Overall the amount of public open space has been calculated at 38%.

6.8 Policy 8 and SG LSD5 (Public open space) requires major developments of 50 or more dwellings to provide 40% of the site for public open space. The Planning Service sought justification for this slight deficit when the number of units on the site was one greater than the allocation. The developer responded in the Revised Design Statement that the overall provision is approximately 40% and the provision and linkages are high quality. In addition, each property has its own private garden ground which adds to the landscaped space over the whole development. In this case the provision is slightly below the 40% but this has been accepted by the Planning Service. The reasons for this are that part of the reduction was at the request of the Planning Service, the remaining open space performs a range of functions, is of similar character to the neighbouring development and the site lies in close to a large recreation area at Bogbeth Park. The proposal is therefore generally in accordance with Policy 8 and SG LSD5 (Public open space).

6.9 In terms of house types proposed, the development comprises a range of house types and sizes to appeal to a broad market. These are shown as:

House name	Type	No. of bedrooms	Size (m <sup>2</sup> )	Quantity																																																
Foveran*	Flat 1	49	2	Foveran*	Flat 1	55	2	Kirkliston*	Semi 2	80	4	Kirkliston*	Semi 3	89	6	Urquhart	Semi 3	87.7	14	Esslemont	Detached	3	87.7	2	Dundas	Semi 3	96.6	12	Cawdor*	Semi 4	101.8	2	Dornoch	Detached	4	106.7	4	Carrick	Detached	4	112.4	8	Balmoral	Detached	4	130.2	2	Tarbert	Detached	4	141.7	8

6.10 The Planning Service accepts that the mix of 1 bed flatted units to 4 bed detached homes is a welcome response to provide for a broad range of accommodation needs from starter homes and downsizing properties to larger family homes. All of the properties are two storey in height and can be found at Uryside and other edge of town sites being built out by the same developer, These dwellinghouses display a higher quality of design and detailing than earlier residential developments and have attractive touches such as door canopies and changes in finish around windows on primary elevations. The precise palette of colours has not yet been finalised and will be subject to a condition. The energy performance of the homes shall also be subject to a condition.

6.11 In conclusion, the proposed development has taken a challenging site and produced a layout that works technically but also will result in an attractive residential environment. The areas of open space and landscaping along with pedestrian linkages will assist with making a more permeable site. The dwellinghouses have taken elements of Phase I and updated them to modern design and construction standards in line with other sites under development. The Planning Service therefore considers that the proposal accords with Policy 8 and SG LSD2 (Layout, siting and design) as well as SG LSD11 (Carbon neutrality in new development).

#### Access and connectivity by pedestrians and vehicles

6.12 As highlighted above, the provision of connections through areas of public open space for pedestrian use is welcomed. For vehicular access, the primary route was initially suggested as through Phase I at Bogbeth Rise. Following receipt of an updated Transport Statement, the developer acknowledged that in all likelihood the majority of vehicle movements would make use of the proposed new access to Bogbeth Road instead. As a consequence, Roads Development and Transportation submitted a holding objection until such time as investigations were undertaken regarding upgrading of Bogbeth Road and provision of a footpath.

6.13 A study of trees on the south-west side of the road was done and a proposed 1.5m footpath and passing places designed. However, given the number of units and status as a primary access, a higher standard was sought to achieve a 2m footpath and 5.5m road width. Following negotiations, a solution was found which involved relocating the proposed footpath to the north-east side of Bogbeth Road. This solution is considered to be preferable as it will provide a direct link between the site entrance and existing footpath at the corner by the recreation park. A further benefit is that the provision of this upgraded road and footpath will alleviate concerns raised in a significant number of the representations and part of the objection from

Kemnay Community Council.

6.14 Roads Development and Transportation has accepted these works to Bogbeth Road and added a condition requiring the works to be undertaken prior to the commencement of development. The internal road network and gradients were found to be acceptable and following the removal of a small number of restricted size garages and provision of visitor parking spaces, the overall scheme was considered acceptable. Roads Development has responded to say that a Street Engineering Review and Quality Audit must still be submitted to fully meet the requirements of Policy 9 and SG Developer contributions<sup>2</sup> (Access to new development).

#### Other technical matters

6.15 As it is proposed to culvert an existing ditch, comments were sought from Roads Development and Flood & Coastal Protection. The conclusion was that the roadside ditch was a minor feature that was not linked to a watercourse and most likely took road drainage and attenuated discharge from the Phase I SUDS pond. As such, SEPA would have no interest in the proposed culvert and the specification proposed was acceptable.

6.16 The Drainage Assessment (January 2016) outlines that foul drainage will gravitate from the high point to the north-east of the site to a new pumping station adjacent to the SUDS pond. From here foul water will be pumped via a rising main to the existing sewer at Victoria Terrace. Surface water will be collected from road gullies and areas of open space via sewers that will gravitate and connect to the proposed detention basin. Flows from this basin will be restricted and will flow into a swale before discharge into the existing open ditch located along the western boundary of the site. All proposed drainage will be designed and installed in accordance with Sewers for Scotland, Second Edition. Scottish Water does not object to the application.

6.17 The wider issue of flooding of properties which has been highlighted by recent events in the town was also raised in comments from Kemnay Community Council. The Planning Service sought some advice from Flood & Coastal Protection on this matter. In its response, it is pointed out that this site is well away from any river that could cause fluvial flooding issues. Surface water drainage issues can only be assessed on a site by site basis and the developer has demonstrated improved attenuation storage within the proposed development and adjusted the pre-development flow calculations. As such it is considered that there are adequate safeguards in the design.

6.18 The Contaminated Land section sought some additional information on part of the site and is satisfied with information submitted subject to inclusion of a condition to undertake a limited investigation and undertake remediation if necessary. A consultation response from Waste Management is awaited at the time of writing. In conclusion, the Planning Service has consulted widely on technical matters related to development of the site and particularly in relation to roads and drainage matters. The proposed development is considered to meet the requirements of Policy 9 and relevant Supplementary Guidance, subject to confirmation from Waste Management.

#### Developer obligations and affordable housing

6.19 Developer obligations advise that a package of contributions including to secondary education, community facilities, sport and recreation, healthcare and waste have been agreed. A legal agreement has

been instructed and following conclusion and registration of this, planning permission would be able to be granted. As the developer indicated acceptance of the head of terms for the legal agreement, the proposed development is considered to accord with Policy 9 and SG Developer contributions<sup>1</sup> (Developer Contributions).

6.20 In terms of affordable housing units, this application would secure 16 units (24%) for social rent comprising 2 x 4 bedroom houses, 6 x 3 bedroom houses, 4 x 2 bedroom houses and 4 x 1 bedroom flats; with these to be delivered before completion of the 46th open market unit. The Planning Service understands that discussions are currently ongoing between the developer and a RSL on whether land or completed units are provided. The site plan shows that affordable units could be grouped together at plots 43-62 along the southern boundary. A commuted sum will also be sought, with all affordable housing requirements secured through the legal agreement. With the above affordable units and sum, the proposed development complies with Policy 6 and SG Affordable housing<sup>1</sup> (Affordable housing).

#### Matters raised in representations

6.21 As section 3 outlines, the application has attracted 49 letters of representation with 5 of these considered 'neutral' and 44 registering objections. Those under the general heading have been fully considered and in terms of roads and access, the majority are considered resolved with the new footpath and road widening now proposed. Other matters related to on-street parking within Phase I and the safety of inclines in winter are not particularly material to the determination of this application. Under layout, siting and design, the Planning Service has accepted these aspects of the proposal and open space provision. The two 'future links' that are indicated on the site plan are not an indication that a further phase of development will be sought or allocated.

6.22 The other matters raised in representations relate to the ability of local services and facilities to cope with the scale of development proposed. This is implicit in the allocation within the LDP and through securing developer obligations to make a reasonable and proportionate contribution to offset the impact of the development. However, it is not the responsibility of this developer to rectify existing issues within the town centre or resolve parking associated with events at the recreation ground. Any loss of water pressure is a matter for the developer and Scottish Water to resolve, not a planning concern. The proposal does not involve the loss of trees or any impact on habitat other than agricultural land; whilst this may displace animals and birds that visit the field, the ecological impact is likely to be negligible.

#### Conclusion

6.23 In summary, this development proposes residential development on a site allocated within the LDP. There is an issue with the phasing of the scheme, but the Planning Service has concluded that there are no negative consequences in supporting this application at this time as a departure and it potentially receiving a grant of full planning permission a few months before its anticipated January 2017 timescale. The layout and design of the proposal are consistent with the masterplan agreed by Aberdeenshire Council in September 2014 and will result in a high quality development and a wide choice of accommodation, including 16 affordable homes.

6.24 The key planning issues have been fully considered and consultation responses indicate that no objections remain to the proposal. Two delegated matters require to be resolved to ensure all technical issues have been considered. A final response is awaited from Kemnay Community Council at the time of writing to confirm if the objection related to Bogbeth Road is removed. Notwithstanding that, a number of comments remain as highlighted in section 4.13 and can be seen in Appendix 1 and 2.

6.25 Having considered all of the above matters and points raised in representations, the Planning Service is satisfied with the proposal and recommends a delegated grant of full planning permission as set out in section 11.



## 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. Equalities and Financial Implications

8.1 An equality impact assessment is not required because the grant of permission in this case would not have a differential effect on the protected characteristics of anyone.

8.2 There are no financial implications arising from this report.

## 9. Sustainability Implications

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

## 10. Departures, Notifications and Referrals

### 10.1 Strategic Development Plan Departures

None

### 10.2 Local Development Plan Departures

Policy 5: Housing land supply SG Housing2: Housing land allocations 2017-2023 and early draw down

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

10.4 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.

10.5 The application would not have to be referred to the Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

## 11. Recommendation

11.1 That authority to GRANT Full Planning Permission be delegated to the Head of Planning and Building Standards subject to:-

a) a satisfactory consultation response from Waste Management;

b) submission of an updated Street Engineering Review (SER) and updated Quality Audit (including Access Audit);

c) conclusion of a legal agreement to secure the contributions; and

d) any conditions arising from the above and the following conditions:

( 1) That notwithstanding requirements under the Roads (Scotland) Act 1984, prior to the commencement of development, the proposed road widening and footpath shown on approved drawing 82678/1011 C shall be constructed in its entirety and to the satisfaction of the Planning Authority. Reason: In order to provide a safe and convenient access to the development site and in the interests of road safety for other users.

( 2) The development shall be served in accordance with the approved drawings and the following details:  
a) Prior to occupancy of development, first 5m of driveway (measured from edge of road or back of footway) to be fully paved. b) Proposed garages must be set back at least 6m from the rear of the footway and garage doors must not overhang the footway at any point in its travel. c) Prior to occupancy of development, parking spaces, surfaced in hard standing materials shall be provided within the site in accordance with the Council's Car Parking Standards. d) Prior to commencement of development, visibility splays measuring 4.5m by 59m to be formed on either side of the junction of the vehicular access with the public road (Leschangie Road). The visibility splays so formed shall thereafter be kept free of all permanent obstructions above adjacent carriageway level. Reason: In order to ensure that the development is served by an appropriate standard of access and associated servicing in the interests of road safety.

( 3) Prior to the commencement of any development or preparatory site works an investigation of the site shall be undertaken in accordance with BS 10175:2011 + A1:2013 "Investigation of Potentially Contaminated Sites - Code of Practice" and a report shall be submitted for the consideration and written approval of the Planning Authority. Where it is determined by the site investigation report that remediation of the site is required, an appropriate remedial scheme shall be submitted and approved in writing by the Planning Authority prior to the commencement of any development or preparatory site works. The approved scheme of remediation shall be carried out, in its entirety, before the development is occupied. Reason: To ensure any potential contamination of the site is dealt with appropriately.

( 4) That no works in connection with the permission hereby approved shall take place unless the trees marked for retention on approved drawing BRKP-1510-TP dated 14 October 2015 have been protected by fencing in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction. The specification of the protective fencing shall be as shown in the Tree Survey of the same date submitted by Astell Associates. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks. Reason: In order to ensure adequate protection for the trees/hedges on the site during the construction of development, and in the interests of the visual amenity of the area.

( 5) That no works in connection with the development hereby approved shall take place 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:

i. Existing landscape features and vegetation to be retained.

ii. The location of new trees/shrubs/hedges/grassed areas/water features.

iii. A schedule of planting to comprise species, plant sizes and proposed numbers and density.

iv. The location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment.

v. An indication of existing trees, shrubs and hedges to be removed.

vi. A programme for the completion and subsequent maintenance of the proposed landscaping. All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development or such other date as may be agreed in writing with the Planning Authority. 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. In addition, prior to the commencement of the implementation of the approved scheme, detailed proposals for a programme for the long term management and maintenance of all the approved landscaped and open space areas within the development shall be submitted for the further written approval of the Planning Authority. Thereafter, all management and maintenance of the landscaped

and open space areas shall be implemented, in perpetuity, in accordance with the approved programme.  
Reason: To ensure the implementation 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 and to ensure that the landscaping is managed and maintained in perpetuity.

( 6) That the two areas shown as 'Possible Future Access' shall be finished and landscaped along with the rest of the landscaping approved under condition 5. Reason: To ensure provision of a quality landscaping scheme in the interests of the visual amenity of the area.

( 7) That prior to commencement of development, details of the access to, design of and timing of provision of the proposed seating area adjacent to Plot 21 and street furniture adjacent to the SUDS pond shall be submitted for the written approval of the Planning Service. Thereafter, the access, seating area and street furniture shall be provided according to the agreed specification and timing. Reason: In order to secure the provision of these features.

( 8) That no works in connection with the permission hereby approved shall commence unless a detailed site-specific construction method statement (CMS) and related site plan has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. The CMS should address as a minimum all the issues listed in para. 4.2 of the SEPA consultation response dated 11 June 2015. Once agreed, all construction works on the site shall be carried out in accordance with the approved construction method statement unless otherwise agreed in writing with the Planning Authority. Reason: In the interests of preventing risk of water pollution during construction.

( 9) That the surface water drainage shall be in accordance with the approved plans and drainage assessment (Fairhurst - January 2016), and the development shall not be occupied unless the approved drainage system has been implemented in this form, unless otherwise agreed in writing with the Planning Authority. Following provision of the drainage system it shall thereafter be maintained by the developers or their successors, in accordance with the recommended maintenance regime. Reason: In order to ensure that adequate drainage facilities are provided, and maintained, in the interests of the amenity of the area.

(10) That the proposed foul water drainage systems shall be carried out in accordance with the approved plans and the dwellinghouses hereby approved shall not be occupied unless the approved drainage system has been implemented in this form, unless otherwise agreed in writing with the Planning Authority. Following provision of the drainage system it shall thereafter be maintained by the developers or their successors in accordance with the approved maintenance scheme. Reason: In order to ensure that adequate drainage facilities are provided, and maintained, in the interests of the amenity of the area.

(11) Prior to the commencement of development, details and colour of the following elements of the proposed external finish of the development shall be submitted to and approved in writing by the Planning Authority: o Wall finish o Roof finish The development shall be carried out in complete accordance with the approved details. Reason: In the interests of the appearance of the development and the visual amenities of the area, to ensure that the external finishing materials are appropriate to the character of the area.

(12) Prior to the construction of any dwellinghouse(s)/building(s) etc \* an Energy Statement applicable to that dwellinghouse(s)/building(s) must be submitted to and approved in writing by the Planning Authority, including the following items: (i) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development. (ii) 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 the Council's Supplementary Planning Guidance on Carbon Neutrality in New Developments. (In this case the development will achieve at least a Bronze Active rating under Section 7 of the Building Standards Technical Handbook). The development shall not be occupied unless it has been carried out 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 the Council's Supplementary Planning Guidance - Carbon Neutrality in New Developments.

### 11.2 Reason for Departure

The proposed development constitutes a residential development on a site allocated for housing development in second phase (post 2017) of the Aberdeenshire Local Development Plan 2012. The early draw down of the site is considered appropriate in this case as the rationale for being a second phase site was based on an educational constraint at Kemnay Academy and this is now resolved. The Planning Service considers the proposal to be acceptable in all other respects and there are no material considerations which indicate that permission should be refused.

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