

## POLICY OBSERVATIONS ON PLANNING APPLICATION

PLANNING APPLICATION			
<b>Application Ref:</b>	APP/2015/2356	<b>Target Date:</b>	02 Sept 2015
<b>Proposal:</b>	Planning Permission in Principle for Erection of 49 Residential Units (50% Affordable) with Associated Landscaping and Infrastructure	<b>More Time:</b>	04 Sept 2015
		<b>New Target Date:</b>	
<b>Address:</b>	Land to the North of Cairn View, Kemnay	<b>Date Sent:</b>	04 Sept 2015
<b>Grid Ref:</b>	E: 373818 N: 816489		
<b>Area:</b>	Garioch		
<b>DM Officer:</b>	Bruce Strachan		

POLICY OBSERVATIONS	
<b>Aberdeenshire Local Development Plan Commentary</b>	
<b>Settlement statement and/or Policy No.</b>	<b>Discussion</b>
Supplementary Guidance - Kemnay Settlement Statement	<p>The application site falls largely outside the settlement boundary of Kemnay, as defined in the Kemnay Settlement Statement.</p> <p>The southwestern part of the site falls within the settlement boundary, on land identified as 'P2'. This part of the site is subject to a protected designation to conserve the 'Place of Origin' and its setting.</p>
SG Rural Development1: Housing and Business Development in the Countryside	<p>Given that the majority of the site falls outside the Kemnay settlement boundary, and is not subject to any specific land use designation, policy SG Rural Development 1 is relevant.</p> <p>Policy SG Rural Development 1 defines the types of small-scale development that will be approved in the countryside.</p> <p>The proposal is not for any of the types of development that are specified as being appropriate. Moreover, it is not small-scale (which the policy defines as being up to 3 dwellings).</p>
SG LSD5: Public Open Space	<p>As part of the site falls within the P2 designation in Kemnay, policy SG LSD5 is applicable.</p> <p>The policy states that we will refuse development that would result in the loss of an area of protected land or open space within a settlement unless:</p> <ol style="list-style-type: none"> <li>1) the proposed development is ancillary to the principal use of the site as open space, and the integrity of that use is maintained; or</li> <li>2) it is for an essential community facility, where: <ol style="list-style-type: none"> <li>i. its public benefits clearly outweigh the value of the site to the settlement's character or amenity; and</li> <li>ii. evidence from the open space audit, or other audit,</li> </ol> </li> </ol>

	<p>shows it will not result in a deficit of open space provision of that type within the settlement; and</p> <p>iii. it has been demonstrated that there are no alternative sites</p> <p>The application is not considered to meet criterion 1 of the policy as, whilst the application site covers only a part of the P2 designation, the proposed use is not ancillary to the main use on the P2 site.</p> <p>It is acknowledged that the proposed development includes the provision of 50% affordable housing (the normal affordable housing requirement for Kemnay is 25%), and that this is likely to be of benefit to the community. However, it is not considered that the development could be considered an essential community facility on this basis. The existing allocated sites in Kemnay will deliver a proportion of affordable housing, and the Examination of the 2012 Local Development Plan concluded that the allocated sites will provide an appropriate level of growth to meet needs within the settlement. As such, the application would not meet criterion 2 of the policy.</p>
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NB The above comments relate to the key issues of policy principle in this case. All other relevant policies of the plan also apply.

**Other Observations and Policy Conclusion**

For the reasons outlined above, the proposed development does not accord with policies SG Rural Development1 or SG LSD5 of the development plan. It should therefore be refused unless other material considerations indicate otherwise.

It is worth noting that this site was previously identified as a proposed housing allocation in the Proposed Plan 2010. It was identified as site H1 and proposed for 50 houses. However, the proposed allocation was deleted following consideration at the subsequent Examination of the Plan. The primary reason for this related to the Reporter’s concerns about the adverse impact of development in this location on the setting of, and views of/from, the ‘Place of Origin’.

The site has also been considered as a development bid for the 2016 Local Development Plan. However, it was not included in the recent Proposed Plan on the basis that there is already an adequate supply of housing sites which meet the requirements of the Strategic Development Plan, and that there has been no significant change in circumstances to overcome the Reporter’s previous concerns regarding development in this location. The site promoter has objected to the Proposed Plan on the basis that it fails to allocate the site for development.

The applicant has submitted a Revised Landscape Appraisal, which seeks to address the concerns raised by the Reporter during the Examination of the 2012 Local Development Plan. Consultation with the environment team is recommended for views on the adequacy of this report.

It is important to note that there have previously been significant education constraints on development in Kemnay. The housing allocations for Kemnay within the 2012 Local Development Plan are phased for development after 2017 as a result of this constraint. Consultation with the education service is therefore recommended.

<p><b>ISC Automatically:</b> <b>YES / NO</b></p>	<p><b>ISC for Approval:</b> <b>YES / NO</b></p>	<p><b>Departure if Approved:</b> <b>YES / <del>NO</del></b></p>
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**Author: DB**

**Date: 04/09/2015**