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Aberdeenshire Local Development Plan 2008

Proposal for a site to be included in the Main Issues Report

Please use this form to provide details of the site that you would wish to have included in the Main Issues Report for consideration as a proposal for the Aberdeenshire Local Development Plan.

One of the purposes of this form is to inform a public debate on the merits of the different sites being proposed. All information submitted will therefore be made available to the public to promote a transparent and open process.

Please feel free to provide any further information you feel appropriate to support your submission. Please ensure your proposal is with us by 6 November 2008.

Name of proposer: Bancon Developments Ltd

Date: 08/10/08

Postal Address: Banchory Business Centre, Burn O'Bennie Road, Banchory, AB31 5ZU

Name of landowner (if known) [REDACTED]

Postal address of landowner [REDACTED]

To comply with the data protection Act 1998 this information will not be made public

The site and your proposals

Under what name would you like the site to be identified? Him

Have you any information on the internet which promotes your aspirations for the site? If so please provide the URL :

The site name could be descriptive ("Site north of") or an address (Site at Westburn Road , Aberdeen)

Have you provided a map showing the exact boundaries of the site you would like considered?

Yes No

Please provide the National Grid reference of the site

NJ731001

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What is the current use of the site? Agriculture

Has the land been built upon before (Brownfield Land)? Yes No

Is there any suspicion that the land is contaminated? Yes No

If yes Please provide a statement of the nature and extent of the contamination suspected
Statement attached

What use(s) do you propose for your site? Housing - 14 units

If you are proposing a mix of uses on your site please ensure that the area of each is noted on the site plan

Are you proposing to phase your development? Yes No

If you are proposing phasing your development please provide additional details of what is anticipated to be built, and when.

If you are proposing housing on the site please provide us with details of what you think would be appropriate, both in terms of the number of dwellings, and their form (Flats, detached houses etc). 14 units are proposed. 10 of these are planned to be low cost houses to rent, and the remaining 4 plots are intended as self build plots for employees of the Bancon Group.

If you have a design statement or other details about what you would like to see on the site, please include it.

If you are proposing business land please provide us with details of what you would market the land for?

Businesses and offices (Use class 4)

General industrial land (Use Class 5)

Storage and distribution (Use Class 6)

Do you have a specific occupier in mind for the site? Yes No

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Please make sure the area of land proposed for business use shown on the site plan.

If you are proposing uses other than housing or business please provide us with as much detail as possible on what you propose. The development of the site will include the plant required for a district heating system, and also drainage infrastructure to serve the whole hamlet (proposed development plus 11 existing houses)

Please continue on additional sheets as required.

The wider area

Please provide a statement on the siting and design of your proposal (how will the development fit in with the wider landscape, or complement the urban design of the area?) Please see the supporting statement

If you have a landscape statement, a design statement or other details about what you would like to see on the site, please include it. *Statement attached*

If you have prepared any frameworks or masterplans showing a possible layout for the site, please include it with this form. *Framework attached*

Have you applied principles of sustainable siting and design to your site? Yes
No

If you have undertaken a site assessment please provide details

Statement attached

The Code for Sustainable homes or www.index21.org.uk provides guidance on this issue

Effect on the community

Has there been any opportunity for local people to influence what you propose through local engagement? Yes
No
Not Yet

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If you have undertaken any community consultation please provide details of the ways in which engagement was conducted, its effectiveness and the way in which it has influenced your proposals. Please provide details of any engagement you may propose to undertake.

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At least 25% of all housing is likely to be required to be affordable. If applicable, are you considering providing more or less than this? More
25% or Less

What community benefits arise from your proposals? What would the nature of these be, and how would they be delivered?

The development will help to support the dwindling role at Crathes Primary School, and also provide a safe pedestrian route to the school - please see details in supporting statement. The development would also create much needed affordable housing for the area.

Community benefits may be material, such as community facilities, or intangible, such as affordable housing or the ability to live locally. Include elements which you anticipate may be required as developer contributions from the development (although specifics will have to be negotiated with the Council on the basis of the development proposed)

How easy is it for people using or living in the development you propose to access services? Are the following facilities within:

	400m	400m-1k	>1km
	Please tick appropriate box		
Local Shops	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Community facilities (eg Hall)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sports facilities (eg playing fields)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Employment areas	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Residential areas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public Transport networks	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	NA <input type="checkbox"/>
Other (Please specify)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	NA <input type="checkbox"/>

Rural Primary School - 1.2km, for which the school bus already travels through the village.
 The site is a short walk from the BA Anchory Contractors offices and site.

If you propose to provide any of these as a component of the development itself then please answer "yes". NA=Not Applicable

Servicing the site

Have you undertaken any of the following studies to determine whether your site is capable of being developed, or what might be required by you to make it developable?

Flood Risk Assessment	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	NA <input type="checkbox"/>
Traffic Impact Assessment	Yes <input type="checkbox"/>	No <input type="checkbox"/>	NA <input checked="" type="checkbox"/>
Drainage Impact Assessment	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	NA <input type="checkbox"/>
Habitat / biodiversity Assessment	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	NA <input type="checkbox"/>
Other as applicable (eg noise, dust, smell Retail impact etc)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	NA <input type="checkbox"/>

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Rather than full studies it may be appropriate to undertake initial assessments to identify the scale of any works that might be required, as this will impact on the deliverability of the proposal. This assessment may be no more than an exchange of letters with appropriate agencies. Information on water and sewage capacity is available online at :
http://www.scottishwater.co.uk/portal/page/portal/SWE_PGP_CONNECTIONS/SWE_CORP_CONNECTIONS/ASSET_CAPACITY_SEARCH

What are the access arrangements you propose for the site. Does your site plan clearly show where you propose to access the road network? Yes No

Other information

What other information would you like to be considered in support of your proposal? In order to comply with the Data Protection Act 1998 please do not include any personal information

Please see the supporting documentation: -

Supporting bid report

Sustainability Statement

Planning Application Statement

Planning Committee Report

Marr Area Committee Minutes

Site Plan (Outline)

Consolidated Aberdeenshire Local Plans 1998 settlement map.

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Please return the completed form to the Policy Planning Team, Planning Policy and Environment Service , Woodhill House, Westburn Road, Aberdeen, AB16 5GB or e-mail to ldp@aberdeenshire.gov.uk.

Fair Processing Notice

- The Data Controller for this information is Aberdeenshire Council.
 - The data will be used for the following purposes:
 - 1) to inform a public debate on the merits of the different sites being proposed,
 - 2) to evaluate submitted bids
 - This data will potentially be disclosed worldwide (via publication on Internet)
- By completing and submitting this form, you are consenting to the above processing.

Hirn Local Development Plan Bid

1. Hirn

Hirn is a small hamlet located around 4km from the eastern edge of Banchory. The hamlet is built around a junction of two rural roads, and contains 11 houses and a farmyard. Two of the houses were formally a farm steading. The settlement does not include a shop or a school, but it is supported by the primary school at nearby Crathes. The road which bisects the hamlet can be busy at times, as it provides a 'short cut' for traffic heading from Deeside to western Aberdeen. The good accessibility is a major plus point for the settlement in terms of demand for and marketability of housing.

Historically, small scale development (3 houses) was indicated in the Local Plan (The Consolidated Aberdeenshire Local Plans 1998) primarily in support of the dwindling school roll at Crathes primary, and the unsuitability of land around the school for further housing. A copy of the settlement map from that plan is attached. Hirn was considered a suitable group for some infill type development at a slow pace. This allocation was not acted upon, and the site was unfortunately removed from the Aberdeenshire Local Plan, and re-classified as countryside. Due to the fact the hamlet is within the Aberdeen Housing Market Area, policies restricted any form of development, even individual infill plots, and for these reasons, two separate planning applications for development have been refused in the previous two years.

Bancon therefore seek, through the Local Development Plan Process, the allocation of sites for development of the very highest quality, aimed at providing housing of an affordable nature, in a mixture of sale and rent.

2. Draft Structure Plan

The site is currently identified in the Aberdeenshire Local Plan as countryside within the Aberdeen Housing market Area, but outwith the Strategic Growth Corridors. As such, the identified housing allocation is 1,700 houses to 2016, a further 1,500 from 2017 to 2023, and 1,500 thereafter until 2030. These numbers cover quite a large geographical area, but only three main settlements (Banchory, Kemnay and Westhill). In order to achieve the targets, it is likely that some development will need to be directed to smaller settlements. The draft plan identifies the preference to directing development to existing settlements, rather than new sites.

3. Landscape and Visual Assessment

The site is rural in nature, but the settlement has grown around the centre point of two farms. Two of the current houses are former steading buildings, and the centre of the hamlet is still characterised by a working farmyard. A group of four

Local authority houses are located at the eastern edge of the hamlet, and further private housing opposite these creates a clear gap between them and the farm buildings. It is these gaps we seek to infill, to consolidate the group whilst not undermining the rural character of the settlement.

In terms of the wider visual impact, the site is reasonable well contained, and there will be no impact on trees or woodlands that will impact on the setting of existing housing and buildings.

The land is currently agricultural, but of 3(2) classification, which is not seen as prime land in terms of the relevant planning policies in the current local plan.

4. Accessibility

The hamlet is located on the junction of two roads, and is only around 4km from the eastern edge of Banchory. The site itself is around 1.2km from Crathes Primary School (considerable closer to the school than Crathes is), and it would be Bancon's intention to ensure a footpath is developed to create a safe route to the school for pedestrians and cyclists. The hamlet is on a minor road that links the A93 with the B9125, and as such has easy road access to Banchory and also into Westhill, the Aberdeen Western Peripheral Route and the south and western parts of Aberdeen beyond.

5. Environment

With regard to the environmental impact of the proposed development, Bancon are keen to promote very energy efficient housing, and we see this as a primary objective of all developments we undertake. At present, we develop housing that meets a 3* standard in terms of the Code for Sustainable Homes, and see this progressing to 6* housing (net zero carbon) well in advance of the 2016 target set by the Scottish Government.

Attached to this bid is a sustainability statement prepared for the recent planning application on the site, demonstrating the areas we seek to address to reduce the environmental impact of development on the sites.

The proposed allocation would allow for development of up to 14 houses, which could lend itself well to the use of an on site renewable energy source, in line with the recommendations of SPP6 (Renewable Energy) and PAN 84 (Reducing Carbon Emissions). A number of possibilities would suit this site, with the favoured option being a 'power cabin', a biomass based district heating scheme with solar power generating power for the plant.

It is Bancon's firm belief that exceptionally low environmental impact housing can be developed within the boundaries of traditional vernacular design characteristics, instead of the radical designs that seem to have been adopted as

synonymous with low and zero carbon developments, but which might not be aesthetically appropriate, having high visual impact in the landscape.

6. Education

The nearest primary school to the site is Crathes, around 1.2 km away. This is a traditional rural primary school with a capacity of only 47. However, the current roll is just over 50% of that capacity, and set to drop to nearer 40% in the next three years. The development of 14 new houses in Hirn will create a theoretical increase of 4-5 pupils, which will be of benefit to maintaining the viability of the school. A footpath link to the school would be developed to ensure safe access for pupils.

Banchory Academy is currently at 120% capacity, but the forecasts show a levelling out in line with new housing development. At current rates, the development of 14 houses would equate to only 3 pupils for a school with a current capacity of 780 pupils, so the impact would be minimal in comparison to the benefits to Crathes primary.

7. Development Proposals

The proposed designation for housing in Hirn is separated into two sites, that Bancon wish to promote for a total of 14 houses. We propose that 10 units would be affordable houses for rent, with four self build plots being created. These would ideally be for the use of employees of the Bancon Group who currently have a significant commute to and from work in Banchory and Crathes.

Bancon appreciates the difficulties in specifying house types in a local plan allocation, and therefore seeks the allocation of the sites for the development of 14 houses, with the intention that the affordable provision would be developed through the required affordable contribution from Bancon's other housing developments in the area.

The sites themselves sit on the north and south sides of the road leading from Blacksmith's Cottage to Hirn Tip. The northern site is approximately 112m from east to west, and around 50m from north to south, totalling 0.6ha in size. The site is slightly sloping down from the north towards the road. The site is promoted for 12 houses. The southern site is 0.1 ha in size, with a east to west length of 38m, and 34m north to south. Again this site falls slightly from north to south, but only marginally. This site is seen as suitable for two houses.

The sites will be planned with strategic landscaping on the north and south to provide a defensible boundary to the settlement.

In addition to the new development, drainage arrangements would be put in place that could replace the proliferation of private systems currently in the

hamlet with a communal system, to a standard suitable for adoption by Scottish Water.

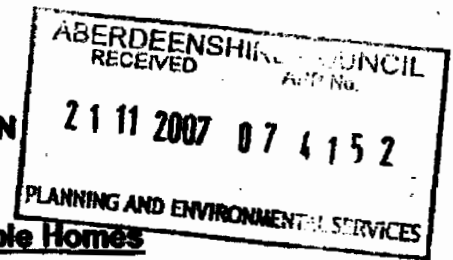
8. Planning History

Planning permission has been sought (in outline form) on two occasions. The second of these applications was supported by a sustainability statement, and also a supporting planning statement that identified the desire to create 10 affordable houses and 4 self build plots for employees of the Bancon Group to reduce the need to travel to work. These are attached to this bid report in addition to the site plan and the Committee Report and Committee minutes.

Planning permission was refused for the development, on the grounds that the benefits did not justify a departure from countryside policy. However, encouragement was intimated with regard to promoting an allocation for housing development through the Local Plan process. Members views were not unanimous, and the application was only refused on a vote.

Whilst one of the primary arguments for the housing is the support of a rural school, the Committee report notes that there is allocated land in Crathes for 45 houses. This equates to 15 pupils for the primary school, which is still well within its capacity, and it is also a valid point that the Hirn site is considerably closer to Crathes Primary School than Crathes itself and the pupils would not have to cross the busy A93 road.

RESIDENTIAL DEVELOPMENT AT HIRN SUSTAINABILITY STATEMENT



Assessment of Housing against the Code for Sustainable Homes

The Code is produced by Government as a vehicle to assess the sustainability of a housing development. It ranks sustainability in grades of 1 star to 6 star. With 1* being compliant with 2006 Building Regulations and 6* being a zero-carbon home. Bancon are planning to move immediately to make all their new homes 3* and to improve our specification over time to achieve a 6* (zero carbon) rating by 2016. Our target therefore for our Hirn site is to build a 3* development. To meet this target we are including the following features in the development.

1. Energy/CO₂

- a) The external envelope of all houses will be designed to have a (Target Emission Rate) U value which is 25% better than the 2006 Building Regulations Standard.
- b) The Building Fabric will have a Heat Loss Parameter of less than 1.1.
- c) 100% of fixed internal lights (excluding cupboards) will be supplied with energy efficient fittings.
- d) Each house will have a rotary clothes drier provided externally to discourage use of tumble driers.
- e) Fridges, freezers, washing machines, tumble driers and dishwashers, which are supplied as white goods, will be A+ rating under the EU Labelling Scheme.
- f) External lights will be fitted with energy efficient fittings and the burglar security lighting will be a max. of 150 watts and fitted with movement detecting and daylight shut-off devices.
- g) Although the standards require that only 15% of the development's total energy demand is supplied from local renewables or low carbon energy sources, we are proposing the inclusion of a bio-mass and solar powered "Power Cabin" plant on the site and a mini district heating scheme to serve this development.
- h) All dwellings in the scheme will have storage (provided as additional space in the garage) for 4 bicycles to encourage a healthier lifestyle.
- i) Each house will have space and services to allow the purchaser to set up a "home office" to discourage commuting.

2. Water Consumption

- a) The target for internal water consumption for a 3* rated house is 105 litres/person/day. This will be achieved by specifying:
 - Dual flush toilets.
 - Water restricted showers
 - 14 litre capacity dishwashers

49 litre capacity washing machines

Supplying each new property with an 'eco' kettle.

- b) Each house will, as a minimum, be fitted with a rain water collection system for use in garden irrigation, and car washing. To further reduce water consumption House purchasers will also be offered the opportunity to install a rainwater harvesting system and the installation of a grey water filtration and re-cycling system.

3. Building Materials

- a) Building materials will be chosen to be environmentally friendly. In particular, the roof, external and internal walls, floors and windows will be constructed using only materials which are rated either B, A or A+ in the Green Guide.
- b) Materials used in both the basic construction and finishing materials will be responsibly sourced. Sub-contractors and suppliers will be required to produce a "chain of custody" for all material utilised.

4. Surface Water Run Off

- a) All surface water will be disposed of using Sustainable Urban Drainage Systems.
- b) In addition, Bancon only develop sites which have a very low annual probability of flooding, and this site is rated as such in the SEPA Guidance.

5. Waste

- a) Provision will be made on site for re-cycling three streams of waste, with 3 bins provided with a total capacity of 180 litres. The bins will be located within 10m of the back door of the house and be accessible to disabled people.
- b) Construction waste will be minimised by implementation of the Envirowise guidance, including procedures for sorting, re-using and re-cycling waste on site.
- c) Provision will also be made on each house plot for Home Composting.

6. Pollution

- a) The type of insulation used in the roofs, walls, floors and hot water cylinders will not use substances which have a global warming potential of 5 or more (as outlined in the Green Guide).
- b) Nitrous Oxide emissions will be minimised by using only central heating boilers which are class 4 or better under BS EN 297:1994.

7. Health & Well Being

Day lighting: Kitchen windows will be designed to achieve a minimum average daylight factor of 2%.
Living rooms, Dining Room and Studies will have a minimum average daylight factor of 1.5%.

Sound: Insulation levels are to be at least 10% above those required by the Building Regulations, current as at 1st January 2007.

Outside Amenity: Each house to have a minimum of 150m² of private garden area which will have disabled access.

Lifetime Homes: The houses will be designed to comply with the "Housing for Varying Needs" standards in regard to – access, movement within the dwelling and potential future adaptability.

8. Management

- a) **Homes User Guide:** Each house will be provided with information regarding the operation and environmental performance of the home, including the equipment installed. In addition, background information on the site and its surroundings will be provided.
- b) **Considerate Constructors Scheme:** Bancon will require all their sub-contractors to operate under this scheme. Both they and their contractors will be subject to a regular audit under the nationally recognised independent certification scheme.
- c) **Construction Site Impacts:** Bancon will require their sub-contractors to operate site procedures such that the following are minimised:
 - CO₂ arising from site activities.
 - CO₂ arising from transport to and from the site.
 - Water consumption on site.
 - Utilising best practice air and water pollution controls.
 - At least 80% of the site timber is either recycled or responsibly sourced.
- d) **Security:** Both the houses and site layout will be designed in terms of the 'Secured by Design Scheme' operated by Grampian Police.

9. Ecology

Bancon generally only develop sites which have a low ecological value. However, it is recognised that the site could potentially provide some habitat. Surveys will therefore been undertaken of the area before development commences. Depending on the survey results, opportunities for protection of ecological features (e.g. tree protection) and ecological enhancement will be explored.

The change in the ecological value of the site will also be monitored.

The plot ratio/footprint of site development will also be considered carefully to provide that the density is maximised (given the site circumstances) and therefore overall land-take for development is minimised.

21 11 2007 07 4152

HIRN: PLANNING STATEMENT

This is a proposal to provide 14 houses in two gap sites within the hamlet of Hirn. 10 of the houses will be low cost affordable (for rent) while 4 will be self-build plots for individuals who have ties to the local community.

The land is currently 'zoned' in the Aberdeenshire Local Plan (ALP) as 'countryside' where there is generally an embargo on development except in specific exceptional circumstances. However, in the last local plan, CALP, the site was largely allocated for residential development within the settlement envelope of Hirn – which was then seen as an identifiable community. The Plan noted: "It is considered important to maintain the viability of Crathes School...the solution adopted is to allow for additional houses adjacent to the nearest established group of houses (at Hirn), where they can be integrated into the landscape by existing buildings, and tree cover in the vicinity."

Section 25 of the Act requires that applications should be determined in accord with the development plan – unless material circumstances suggest otherwise. In support of the application we would highlight the following points which are "material planning considerations" justifying a departure from the development plan:-

- 1) The circumstance pertaining to Crathes School remains as they were described when CALP was the relevant local plan. Children from the development will therefore support the school roll. To facilitate children walking to school, we would propose to construct a footpath from Hirn to the school as shown on the attached plan.
- 2) There is a clear 'cohesive group' of houses and established community at the Hirn. Were the site located only a few miles further west – in the rural housing market area – some development here would be in line with policy Hou5. In this regard it should be noted that service deliveries (postman, oil etc.) are already made to the area.
- 3) The development would include the provision of 'mains drainage' to the hamlet which other households would have the opportunity to connect into.
- 4) The development would be designed and built to at least 3 star level in accord with the Code for Sustainable Homes. I attach a sustainability statement which sets out all the features which would be incorporated in the spec. However please note in particular the proposal to use an "Energy Cabin" – combined bio-mass and solar powered – to fuel the district heating system.
- 5) The proposal is for 10 of the 14 units to be low cost homes – for rent. There is a tremendous unmet need for low cost housing in the Banchory area, and this proposal will go some way to meeting that need. This point on its own we would suggest justifies a departure from the development plan.

- 6) As you will know, Bancon Group Companies are extremely socially and environmentally aware. While the 10 affordable housing plots addresses, in part, the social needs of the area, the other part of this application seeks to provide affordable housing in the form of four self-build plots for employees nearer to their place of work. This will accordingly reduce the employees travelling time and costs while at the same time reducing the Company's carbon footprint. The four self build plots are intended for individuals who are currently resident outwith the area, but who have ties to the local community and will be able to lead a much more sustainable lifestyle close to their employment if the development is allowed. These are:-
- a) **Mr & Mrs N Robertson**
Currently live in temporary rented accommodation which is too cramped for their family needs. Mr Robertson is employed by Banchory Contractors at Crathes and also looks after the Bancon Group landfill site at Him, where 24 hour supervision is desirable to avoid vandalism and fly tipping contrary to SEPA's licensing arrangements. A house at Him would be ideally located for this employment.
 - b) **Mr & Mrs J Smith**
Currently live in a single bedroom flat in Banchory which is too small given their wish to start a family. Mr Smith is the son of the Crathes Estate farm steward and works part time on the estate as well as in Westhill. A house at Him would be ideal for part-time work on the estate and would reduce commuting to Westhill. Both Mr & Mrs Smith were brought up in Crathes and lived there for circa 25 years. Both their families still live in Crathes.
 - c) **Guy Milligan** is the Biomass & Wood fuel Supply Manager employed by The North Banchory Company. He works in the Company's offices in Banchory and Crathes. He currently commutes 20 miles per day from north Aberdeen where he rents a sub-standard 3 bedroom semi-detached house. The opportunity to build a new house at Him will reduce Guy's daily commute substantially.
 - d) **Kevin Eade** is Bancon Development's I.T. Manager, he is based at the Banchory Business Centre at Banchory. He currently lives in Peterhead and commutes daily to Banchory. Clearly the opportunity to re-locate over 40 miles closer to his place of employment will dramatically reduce Kevin's daily commute.

It is suggested that these 4 individuals have a clear reason and consequently a local need to live locally in terms of local plan policy on residential development in the countryside.

- 7) Should any of these 4 individuals not be able to take up the offer of a plot at the time they become available, then the sites would be offered to other Bancon employees who commute a similar distance. If no such employee is interested, then the sites would be offered to those on the Council waiting list.
- 8) As regards the AH for rent, it is proposed that initially the 10 houses would be offered to a housing association. However, in the event that funding was not available to the HA then the houses would be offered – (at the price agreed with the HA) to individuals on the Council house waiting list.

In consideration of all the foregoing we hope it can be accepted that these 6 material planning considerations justify a departure from the strict terms of the development plan and that planning consent can accordingly be granted.



Marr Area Committee Report – 8 April 2008

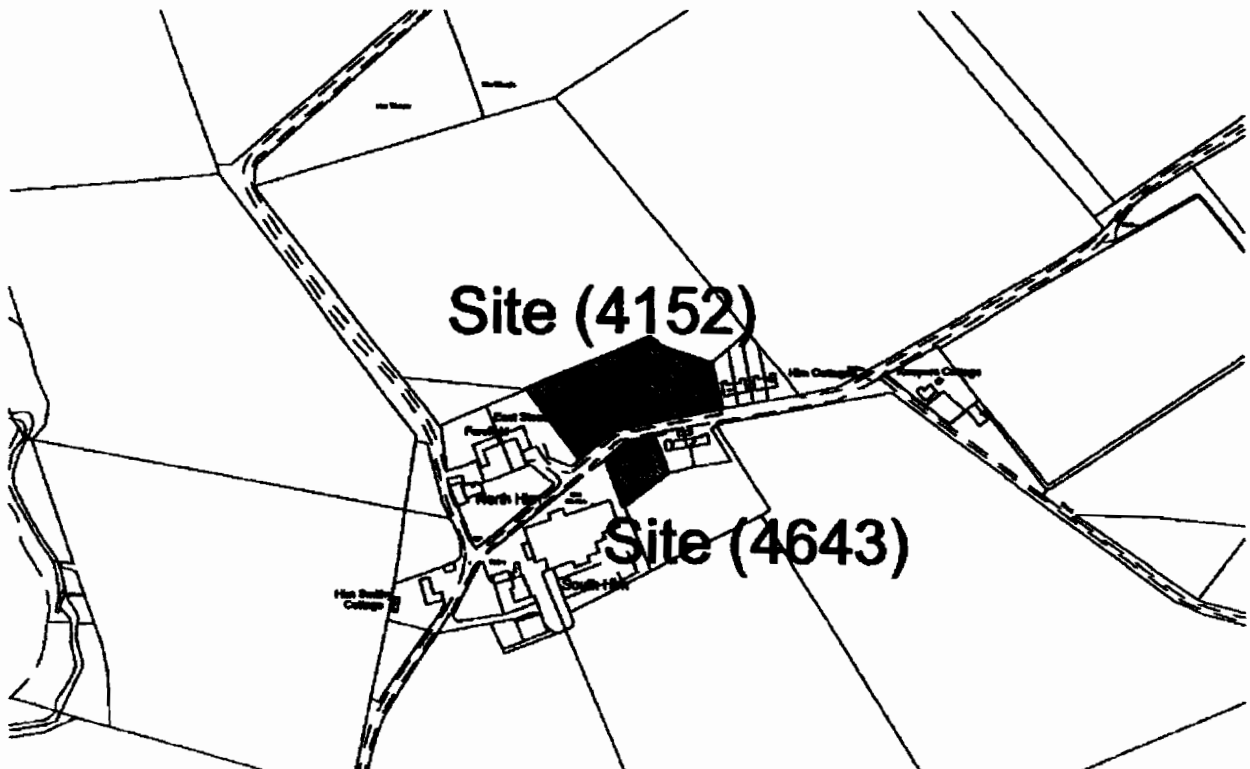
Reference No: M/APP/2007/4152 and APP/2007/4643

Outline Planning Permission for Residential Development comprising 10 Affordable Houses and 2 Self Build Plots at Whole Site Adjacent to 1 Him Cottages, Banchory

Applicant: The Leys Estate The Banchory Business Centre Burn O' Bennie Road Banchory

Agent: Bancon Developments, The Leys Estate, The Banchory Business Centre, Burn O' Bennie Road, Banchory

Grid Ref:	373116.4 800160.9	
Ward No. and Name:	EW16 Banchory and Mid-Deeside	
Application Type:	Outline Planning Permission	
Representations:	2	
Consultations:	5	
Relevant Proposals Map	Local Plan	
Designations:	Countryside	
Complies with Development Plan:	Structure Plan	No
	Local Plan	No
Main Recommendation:	Refuse	



NOT TO SCALE

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1. Reason for Report

- 1.1 This report relates to a planning application, which is being recommended for refusal and therefore requires to be determined by the Area Committee.

2. Background and Proposal

- 2.1 For ease of reference there are two applications being considered in this one report – APP/2007/4152 and APP/2007/4643, both applications relating to sites within the Him vicinity.
- 2.2 Outline planning permission is sought for the development of housing at Him, to the north east of Banchory. Him is a small settlement containing 11 dwellinghouses and a farmyard complex. Two of the houses are conversions of the former steading building of North Him farm. The settlement is little more than a group of dwellings based around North and South Him farmhouses and farmyards.
- 2.3 The sites are approximately 4 km to the north east of the easternmost edge of Banchory, at a junction between two minor roads. These roads have in recent years, become a commuters' route from Deeside to the western edge of Aberdeen, and can be busy at certain times of the day. It is hence understandable that housing sites in the location are desirable, due to established transport links with the city.
- 2.4 The settlement is surrounded by farmland, and contains little in the way of trees or landscaping. The houses that do exist are well enough spaced to maintain the agricultural and rural feel of the place, to the extent that it is hardly tied together as a single settlement. This applications seeks, to an extent, to fill the gaps, and create a more contiguous group of buildings.
- 2.5 Applications of a similar nature were refused by the Marr Area Committee of 23 May 2006 their reference numbers were APP/2006/0638, APP/2006/0867 and APP/2006/0869.

3. Representations

- 3.1 Two letters of representation have been received and are summarised as follows:
- Entry and exit from the site is on the bend of a single track road, with vision obscured by trees and buildings.
 - Additional residents will increase the traffic load on the road.
 - Rural location which benefits environmentally with no street lights this is good from an energy saving and wildlife protection point of view.
 - Additional sewerage processing is required.
 - Cumulative effect of granting both developments would completely change the rural nature of the locality by increasing the number of houses from 12 to 26.
 - Impossible that all the houses are for full time workers in line with policy 4 part 1.
 - Consider the rejection of previous application.

- Recent affordable housing developments in Banchory have encountered problems, this area is not serviced by a bus route and it is hard to see how this will be successful without adequate public transport being provided.
- Any housing should incorporate best environmental practice so that they retain heat and are affordable to maintain.
- Heights in excess of one and a half storeys would be out of keeping.

4. Consultations

- 4.1 The Council's Roads Service has objected to the applications on the grounds that there is insufficient information to establish whether the proposals are acceptable or not. They question the availability of visibility splays without the involvement of land outwith the applicant's control. Amendments showing the visibility splays accommodated in a lay-by were requested but not received.
- 4.2 The Council's Policy Team note that the proposal is within the Aberdeen Housing Market Area, and therefore falls under policy Hou4 New Housing in the Countryside from the Aberdeenshire Local Plan. With no need case for the houses in terms of them being essential to the efficient operation of an enterprise; the proposals are contrary to the policy.
- 4.3 A Planning Gain contribution has been agreed should approval be granted.
- 4.4 SEPA have no objection to the foul drainage being discharged into the public sewer however the drawing indicates that there is to be a new sewage plant to outflow of ditch. Insufficient information has been submitted in terms of details on the SUDs drainage scheme, details would be required to ensure this can be achieved, and accommodated in the proposed layout

5. Relevant Planning Policies

5.1 Aberdeen and Aberdeenshire Structure Plan 2001-2016 (NEST)

Policy 12: House Building In the Countryside Beyond the Green Belt
Policy 13: Developer Contributions
Policy 22: Water Management

- 5.1.1 Policy 12 presumes against house building in the Countryside beyond the Green Belt unless the proposed new dwellinghouse is essential to the efficient operation of an enterprise which is itself appropriate to the countryside. Such development must be of the highest quality particularly in terms of siting, scale, design and materials.
- 5.1.2 Policy 13 states that Developers will be required to make contribution to offset the impact of the development
- 5.1.3 Policy 22 seeks to ensure that surface water is dealt in a sustainable manner in ways that avoid flooding and pollution using Sustainable Urban Drainage Systems.

5.2 Aberdeenshire Local Plan

Policy Hou\4:	New Housing in the Countryside
Policy Hou\8:	Affordable Housing
Policy Inf\1:	Roads and Accesses
Policy Inf\4A:	Foul Drainage Standards
Policy Inf\4B:	Surface Water Drainage Standards: Sustainable Urban Drainage Systems (SUDS)
Policy Gen\1:	Sustainability Principles
Policy Gen\2:	The Siting, Layout and Design of New Development
Policy Gen\3:	Developer Contributions

- 5.2.1 Policy Hou\4 states that the erection of a single new house in the Countryside will be approved in principle if it is for a full time worker in an enterprise which is itself appropriate to that enterprise; the presence of that worker is essential to the efficient operation of the enterprise; there is no suitable alternative to a new house e.g. through conversion of an existing building or properties for sale or rent in the area, which could fulfil the required function; the proposed house is within the immediate vicinity of the worker's place of employment.
- 5.2.2 Policy Hou\8 states that all development, and in particular housing development, can support a strategy to provide more affordable housing. Housing development will be approved in principle if a contribution is made towards the provision of affordable housing, where appropriate, and provided it satisfies all other relevant policies of the plan.
- 5.2.3 Policy Inf\1 states that a new access will be approved if it is designed to be safe, convenient and resource efficient and causes minimal impact on the character of the site and surrounding area.
- 5.2.4 Policy Inf\4A states that development will be approved in principle if, when required, private infrastructure including of a septic tank can be provided without negative impacts to public health, the environment or the quality of groundwater and where requested, a drainage impact assessment has been provided by the developer. In some instances a Drainage Impact Assessment may be required. Policy Inf\4B states that development will be approved in principle if water treatment is dealt with in a sustainable manner in ways that avoid flooding and pollution. Flood risk assessments will be required in those cases where flooding can be expected. Sustainable Urban Drainage Systems will be required as a means of achieving sustainable disposal of surface water. In all cases, the developer will be required to demonstrate how the effectiveness of measures taken will be maintained in perpetuity.
- 5.2.5 Policy Gen\1 states that development should be well related to existing settlements, reduce the need to travel while protecting and enhancing the valuable natural resources. Furthermore full use should be made of design and technology to maximise the efficient use of energy and resources and minimise light pollution.

- 5.2.6 Policy Gen\2 states that development must be laid out to fit successfully into the site itself and respects the character and amenity of the surrounding area. Its scale massing and height must be appropriate whilst displaying high standards of design and materials that are sensitive to the surrounding area.
- 5.2.7 PolicyGen\3 states that the developer will make a fair and reasonable contribution, in cash or kind, towards the cost of public services, facilities and infrastructure and the mitigation of adverse environmental impacts, that would not have been necessary but for the development.
- 5.3 In relation to SPP15, the Infrastructure Services Committee on 12th May 2005 agreed that the provisions of SPP15 do not alter the status of the Structure Plan or the Local Plan as the most up to date and relevant statements of Council policy, which will remain as the primary considerations in the determining of planning applications.

6. Discussion

- 6.1 The proposals are for two sites at Him, Banchory. One application is for two houses adjacent to Number 1 South Him and the other is for ten affordable units and two self build plots North of 1 South Him. The site is identified as Countryside in the Aberdeenshire Local Plan. The relevant planning policies to this application are therefore Policy 12 (New Housing in the Countryside beyond the Green Belt) from the Aberdeen and Aberdeenshire Structure Plan 2001 – 2016 (NEST) and Policy Hou\4 (New Housing in the Countryside) from ALP. Both of these policies specify that there shall be a presumption against new housing developments in the countryside except where the house was essential for the efficient operation of an enterprise itself appropriate to the location, and for a full time worker in that enterprise. No other clauses of the policy are relevant in this case.
- 6.2 The proposals are in the Aberdeen Housing Market Area and as such the cohesive group policy (Hou\5) does not apply.
- 6.3 In terms of justifying the proposal a Sustainability Statement and Planning Statement have been submitted

6.4 Sustainability Statement

The sustainability statement has been appended for information, it contains details covering the topics of energy/CO₂, water consumption, building materials, surface water run off, waste, pollution, health and well being, management and ecology.

6.5 Planning Statement

This states its aim is to highlight 'material planning considerations to justify departure from the development plan.

Drainage

The justification provided for the scheme is that the development could provide a drainage system designed to accommodate all the new and existing houses (which

are currently served by private systems on land that the applicant's agent refers to as 'drainage sick') to an adoptable standard, and thereafter maintained by Scottish Water. This is certainly a material benefit however this is not considered a reason in itself in justifying a departure from Policy. There are still some outstanding issues with the drainage system that SEPA require further information on.

School Role

In addition it is stated that the new residents of the houses would benefit the school role at Crathes School and provide a footpath link to the said school. The school role in 2006 was 32 with the maximum capacity of the school being 47. The additional houses at Hirm could contribute to the school role but this again is not a strong planning justification for departing from policy. In response to the above points, it should be noted that there is an allocated site at Crathes suitable for around 45 houses.

Energy Efficiency

It is also shown that the proposed housing would be 3* on the code of sustainable homes (1* being building regulations standard and 6* being zero carbon). Particular note is to be made of the use of an 'energy cabin' – combined biomass and solar powered district heating system. The provision of a 3* code is not necessarily a justification to provide houses in the countryside, such provision should be standard in any new housing developments. A sustainability statement has been submitted and appended for Committee's information.

Affordable Housing

The statement indicates that ten of the fourteen units would be low cost homes for rent, this would go some way to meeting the need in the area. The statement further argues that this justifies a departure from the development plan. Ten houses would be affordable to rent although at this stage it only states that they will be offered to a housing association, however if this option is not viable then they would be offered to individuals on the Council house waiting list. The other aspect of the proposal would seek to provide affordable housing in the form of four self-build plots for Bancon employees, thus reducing travelling time and costs while also reducing the carbon footprint. Details of the four potential inhabitants have been submitted and can be viewed in detail in the appended statement. The applicant argues that the affordable housing provision and the 'local need' of the self build plots is a reason to depart from policy. This claim however has to be questioned. None of the four need cases submitted are for full time, essential workers in an enterprise which itself is appropriate to the countryside.

There is no evidence given to suggest why they cannot have a house on an allocated site in the surrounding area. The provision of affordable housing alone is not a justification for houses in the countryside. The policy clearly states that "housing development will be approved in principle if a contribution is made towards the provision of affordable housing, where appropriate, and provided it satisfies all other relevant policies of the plan." This proposal provides a contribution towards affordable housing but does not satisfy all other relevant policies of the plan. Affordable housing that has been provided in accordance with policy can be found in existing settlements and allocated sites e.g. Hill of Banchory or indeed future affordable housing e.g. allocated site in Crathes.

6.6 In addition, further details relating to the proposed drainage systems, surface water drainage and road and access safety are outstanding and would be required if permission were to be granted. If Members are minded to approve planning permission, this information should be sought prior to determination, along with confirmation of the final requirements for Planning Gain. The agent has confirmed that the foul drainage would be to an approved 'Klargester' type system, which would have sufficient capacity for all houses in the area to connect. In terms of SUDs a Drainage Impact assessment would be carried out once the porosity had been tested.

6.7 In the meantime, the application must be considered to be contrary to the requirements of policies Policy Inf1: Roads and Accesses, Policy Inf4A: Foul Drainage Standards and Policy Inf4B: Additional Drainage Standards: SUDS. It is likely that these matters may be easily resolvable with the submission of additional detail. However the above issues aside the main issues is the lack of justification for the 14 houses in the countryside.

6.8 Conclusion

The Planning Service does not accept the arguments put forward as valid planning justifications for departing from planning policy, and therefore recommend refusal of the applications as they do not conform with Policy 12 (New Housing in the Countryside beyond the Green Belt) from NEST or Policy Hou4 (New Housing in the Countryside) from ALP.

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 Marr Area Plan.

8. Financial Implications

8.1 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 Structure Plan Departures

Policy 12: House Building in the Countryside beyond the Green Belt

10.2 Local Plan Departures

Policy Hou4: New Housing in the Countryside
Policy Inf1: Roads and Accesses
Policy Inf4A: Foul Drainage Standards

Policy Inf4B: Surface Water Drainage Standards: Sustainable Urban Drainage Systems(SUDS)

- 10.3 The application is a Departure from the Local Plan and Structure 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 is not considered to be a significant departure from the Structure Plan and could be granted planning permission without the Planning Authority first notifying Scottish Ministers together with their comments on any representations.
- 10.5 The application would 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 REFUSE Outline Planning Permission for the following reasons:-

- 1 The proposed development would be contrary to Policy 12 - House Building In the Countryside Beyond the Green Belt - of the Statutory Aberdeen and Aberdeenshire Structure (2001-2016) and Policy Hou/4 - New Housing in the Countryside of the Aberdeenshire Local Plan. These policies state that a new house in the countryside will only be approved if it is for a full time worker in an enterprise, which is acceptable in the countryside, and the applicant has demonstrated to the satisfaction of the Planning Authority that the house would be essential to the efficient operation of the enterprise. The applicant has not submitted information that would satisfy the Planning Authority that the erection of 14 houses on the sites would be essential to the efficient operation of an existing business, which is acceptable in a countryside location.
2. The application is not supported by sufficient details of the proposed methods of accessing the house plots, or providing a method of foul or surface water drainage for them. Due to these omissions, the application is considered contrary to policies Inf1 (Roads and Accesses), Inf4 (a) (Foul Drainage Standards) and Inf4(b) (Surface Water Drainage Standards: Sustainable Urban Drainage Systems (SUDS)) from the Aberdeenshire Local Plan.

Mairi Stewart

**p.p Head of Development Management & Building Standards
Author of Report: Laura Robertson LR2/PG/AS/LT
08/01/2008**

**ABERDEENSHIRE COUNCIL
MARR AREA COMMITTEE**

STEWART'S HALL, HUNTLY, 8 APRIL 2008

Present: Councillors M F Ingleby (Chair), P J Argyle, K Clark, L Clark,
J M M Humphrey, B J Luffman, A Ross, J J Strathdee (Vice Chair),
R C Stroud and J Webster.

Officers: L Allan, Area Manager (Marr), G Davidson, Head of Law and Administration
(Central), A Black, Waste Manager (Services), C Gore, Director of Planning
and Environmental Services, D Allan and A Hickling, Principal Landscape
Services Officers, R De Silva, Client Services Librarian, M Skilling, Local
Roads Manager (Kincardine and Meams and Marr), M Stewart, Area
Planning Officer (Marr), Seamus Lalor, Interim Strategic Development Plan
Manager and A Riddell, Area Committee Officer (Marr)

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**(K) Reference Number M/APP/2007/4152 and APP/2007/4643 - Outline Planning
Permission for Residential Development comprising 10 Affordable Houses and
2 Self Build Plots at Whole Site Adjacent to 1 Hirn Cottages, Banchory
Applicant: The Leys Estate, The Banchory Business Centre, Burn O' Bennie
Road, Banchory
Agent: Bancon Developments, The Leys Estate, The Banchory Business
Centre, Burn O' Bennie Road, Banchory**

The Chair reported that a request to address the Committee had been received from one of the objectors to the development and that the applicant had been advised of the request and invited to attend the meeting. Having confirmed that the objector was not in attendance, the Committee agreed to hear from the applicant prior to determination of the application and Mr McNab confirmed that he would address the Committee on behalf of the applicant.

The Committee then heard from the Area Planning Officer (Marr) on the detail of the application, that the application site was identified as countryside in the Aberdeenshire Local Plan and outlined relevant planning policies in relation to the application. She advised that a sustainability statement and a planning statement had been submitted in support of the application. The planning statement submitted aimed to highlight material planning considerations to justify a departure from the development plan and also highlighted

- (a) proposed improvements to the existing drainage system to accommodate all of the new and the existing houses,
- (b) that the new residents of the houses would benefit the School Roll at Crathes School and provide a footpath link to the school,
- (c) that the proposed housing would be three star on the code of sustainable homes (one being building regulations standard and six being zero carbon) and,
- (d) that ten of the fourteen units proposed would be low cost homes for rent meeting an affordable housing need in the area.

The provision of affordable housing alone was not considered a justification for houses in the countryside and affordable housing had already been provided in accordance with policy in existing settlements. The Roads Service had objected to the applications on the

grounds that insufficient information had been submitted to establish whether the proposals were acceptable or not in terms of current policy. The applicant had confirmed that all land in the vicinity was owned by them and that visibility splays could comfortably be achieved. The Scottish Environment Protection Agency had no objection to the foul drainage proposals and a sustainable urban drainage system would be required should the application be approved.

The application was recommended for refusal for the reasons detailed in the report. Mr McNab then addressed the Committee in support of the application. He made reference to relevant planning legislation requiring applications to be determined on the basis of current Structure and Local Plan policies and material considerations. The Local Plan not only contained maps and policies but included aims and objectives and he considered that the current application would meet a number of the sustainability objectives contained in the current Local Plan and specifically would meet the requirements of the Structure Plan in terms of the provision of affordable housing. He submitted that the application would fulfil a local need, would provide an increase in services as a result of the development and that the associated enterprise was one which was appropriate to the countryside. He made reference to the four self-build plots which were intended for individuals who were currently resident outwith the area but who had ties in the local community and would be able to lead a much more sustainable lifestyle close to their employment if the development was permitted. It was suggested that the four individuals had a clear reason and consequently a local need to live in the vicinity in terms of Local Plan Policy on Residential Development in the Countryside. He accepted that the need case was perhaps not fully compliant with Local Plan Policy but considered that there was sufficient mitigating circumstances. He made reference to the two objections received from the same household and considered that the nature of the objections could be resolved through appropriate conditions. The development would provide a safer route to school together with drainage improvements and the technical reason for refusal detailed in the report could be resolved. In conclusion, he considered that the six material planning considerations provided would justify a departure from the Development Plan and that planning consent could be granted and urged the Committee to approve the application.

Members of the Committee were then given the opportunity to ask questions.

Mr McNab then confirmed that he was satisfied with the way in which the hearing had been conducted.

Following discussion, Councillor L Clark, seconded by Councillor Strathdee, moved that the application be approved as a departure from policy and the Head of Development Management and Building Standards be authorised to approve the application subject to appropriate planning gain contributions and appropriate conditions including a legal agreement to ensure that the affordable housing would be retained for rent and to refer the application to the Infrastructure Services Committee for final determination. The reason for the departure from policy being that the proposed development was considered to be well related to the existing settlement and would reduce the need to travel in terms of Local Plan Policy Gen 1.

Councillor Argyle moved as an amendment, seconded by Councillor Luffman, that the application be refused for the reasons detailed in the report.

Members of the Committee voted –

for the motion (2) Councillors L Clark and Ross

for the amendment (8) Councillors Argyle, K Clark, Humphrey, Ingleby, Luffman, Strathdee, Stroud and Webster

The amendment was carried and the Committee agreed to refuse outline planning permission for the following reasons –

(i) The proposed development would be contrary to Policy 12 - House Building in the Countryside Beyond the Green Belt - of the Statutory Aberdeen and Aberdeenshire Structure (2001-2016) and Policy Hou/4 - New Housing in the Countryside of the Aberdeenshire Local Plan. These policies state that a new house in the countryside will only be approved if it is for a full time worker in an enterprise, which is acceptable in the countryside, and the applicant has demonstrated to the satisfaction of the Planning Authority that the house would be essential to the efficient operation of the enterprise. The applicant has not submitted information that would satisfy the Planning Authority that the erection of 14 houses on the sites would be essential to the efficient operation of an existing business, which is acceptable in a countryside location.

(ii) The application is not supported by sufficient details of the proposed methods of accessing the house plots, or providing a method of foul or surface water drainage for them. Due to these omissions, the application is considered contrary to policies Inf1 (Roads and Accesses), Inf4 (a) (Foul Drainage Standards) and Inf4(b) (Surface Water Drainage Standards: Sustainable Urban Drainage Systems (SUDS)) from the Aberdeenshire Local Plan.