

PROPOSED ABERDEENSHIRE LOCAL DEVELOPMENT PLAN 2020 RESPONSE FORM

As part of the production of the Local Development Plan, a 'Main Issues Report' was published in January 2019. The responses from these consultations have helped to inform the content of the Proposed Local Development Plan ("the Proposed Plan").

The Aberdeenshire Local Development Plan will direct decision-making on land-use planning issues and planning applications in Aberdeenshire for the 10-year period from 2021 to 2031. The Proposed Plan was agreed by Aberdeenshire Council in March 2020 as the settled view of the Council. However, the Proposed Plan will be subjected to an independent examination and is now open for public comment.

This is your opportunity to tell us if anything should be changed in the Proposed Plan, and why.

When writing a response to the Proposed Plan it is important to specifically state the modification(s) that you would wish to see to the Plan.

This is the only remaining opportunity to comment on the Proposed Plan. The reasons for any requested changes will be analysed and reported to Scottish Ministers. They will then appoint a person known as a Reporter to conduct a public examination of the Proposed Plan, focusing particularly on any unresolved issues and the changes sought.

Ministers expect representations (or responses) to be concise (no more than 2000 words) and accompanied by limited supporting documents. It is important to ensure that all of the information that you wish to be considered is submitted during this consultation period as there is no further opportunity to provide information, unless specifically asked.

Please email comments to ldp@aberdeenshire.gov.uk or send this form to reach us by 31 July 2020*.

We recommend that you keep a copy of your representation for your own records.

**UPDATE 16 June 2020: Consultation period was extended from 17 July 2020 for a further two-week period.*



ACCESSIBILITY

If you need information from this document in an alternative language or in a Large Print, Easy Read, Braille or BSL, please telephone 01467 536230.

Jeigu pageidaujate šio dokumento kita kalba arba atspausdinto stambiu šriftu, supaprastinta kalba, parašyta Brailio raštu arba britų gestų kalba, prašome skambinti 01467 536230.

Dacă aveți nevoie de informații din acest document într-o altă limbă sau într-un format cu scrisul mare, ușor de citit, tipar pentru nevăzători sau în limbajul semnelor, vă rugăm să telefonați la 01467 536230.

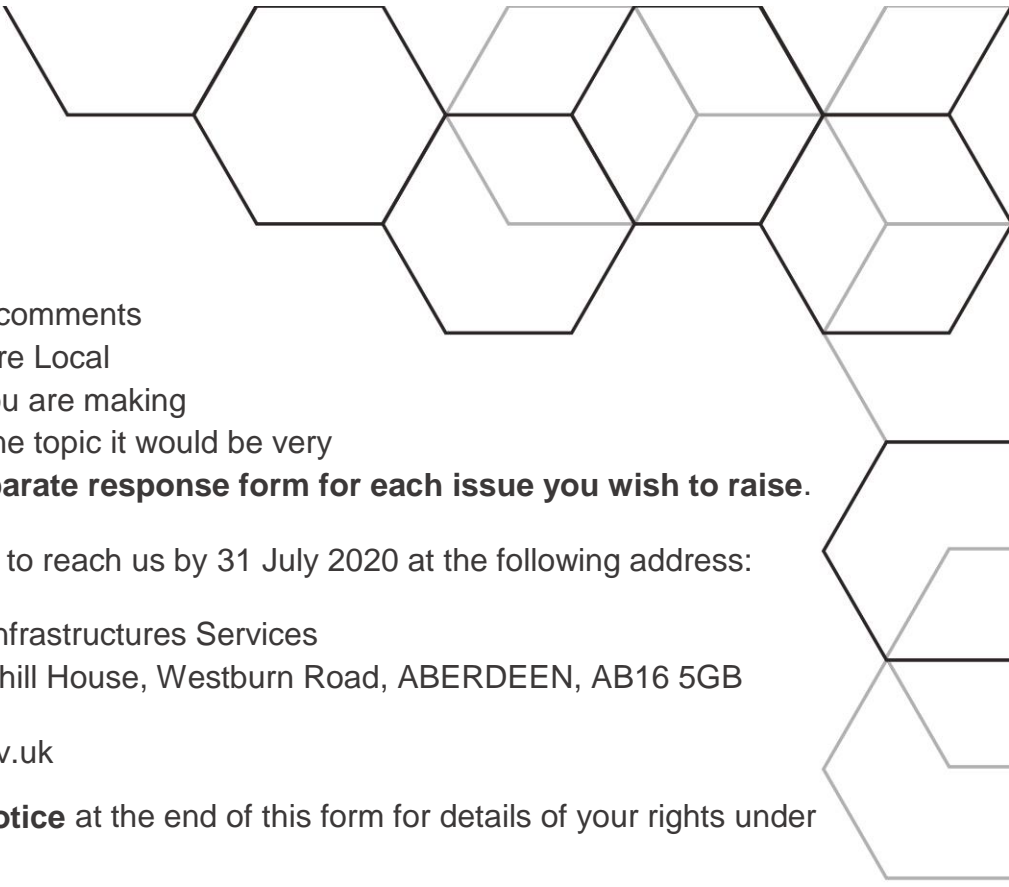
Jeśli potrzebowali będą Państwo informacji z niniejszego dokumentu w innym języku, pisanych dużą czcionką, w wersji łatwej do czytania, w alfabecie Braille'a lub w brytyjskim języku migowym, proszę o telefoniczny kontakt na numer 01467 536230.

Ja jums nepieciešama šai dokumentā sniegtā informācija kādā citā valodā vai lielā drukā, viegli lasāmā tekstā, Braila rakstā vai BSL (britu zīmju valodā), lūdzu, zvaniem uz 01467 536230.

Aberdeenshire Local Development Plan
Woodhill House, Westburn Road, Aberdeen, AB16 5GB

Tel: 01467 536230
Email: ldp@aberdeenshire.gov.uk
Web: www.aberdeenshire.gov.uk/ldp
Follow us on Twitter @ShireLDP

If you wish to contact one of the area planning offices, please call 01467 534333 and ask for the relevant planning office or email planning@aberdeenshire.gov.uk.



Please use this form to make comments on the Proposed Aberdeenshire Local Development Plan 2020. If you are making comments about more than one topic it would be very helpful if you could fill in a **separate response form for each issue you wish to raise**.

Please email or send the form to reach us by 31 July 2020 at the following address:

Post: Planning Policy Team, Infrastructures Services
Aberdeenshire Council, Woodhill House, Westburn Road, ABERDEEN, AB16 5GB

Email: ldp@aberdeenshire.gov.uk

Please refer to our **Privacy Notice** at the end of this form for details of your rights under the Data Protection Act.

YOUR DETAILS

Title:	Mr
First Name:	Ian
Surname:	Scott
Date:	24 July 2020
Postal Address:	██
Postcode:	████████
Telephone Number:	████████████████
Email:	████████████████████

Are you happy to receive future correspondence only by email? **Yes** **No**

Are you responding on behalf of another person? **Yes** **No**

If yes who are you representing?

Tick the box if you would like to subscribe to the Aberdeenshire LDP eNewsletter:

An acknowledgement will be sent to this address soon after the close of consultation.

YOUR COMMENTS

Please provide us with your comments below. We will summarise comments and in our analysis will consider every point that is made. Once we have done this we will write back to you with Aberdeenshire Council's views on the submissions made. We will publish your name as the author of the comment, but will not make your address public.

Modification that you wish to see (please make specific reference to the section of the Proposed Plan you wish to see modified if possible, for example Section 9, paragraph E1.1):

Appendix 07d: Garioch Settlement Statements – Inch (pp551–554)

Designation of Site OP2: Land at South Road from the extant Aberdeenshire Local Development Plan 2017 in the Aberdeenshire Local Development Plan 2021 as reserved/safeguarded land for expansion of Inch Railway Station or its car park. Modifications are sought thereof to the settlement boundaries and labelling of sites in order to reflect the re-allocation of the site, in which Site OP2: Hillview, South Road would revert to being named Site OP3: Hillview South Road as it is in the extant Aberdeenshire Local Development Plan 2017.

Comments are also provided in opposition to any potential allocation at Bid Site Reference GR015: Land South of Inch Railway Station, in relation to the above.

Reason for change:

This representation is submitted on behalf of Scotia Homes Ltd and Drumrossie Homes Ltd to promote the reservation of Site OP2: Land at South Road from the extant 2017 Local Development Plan in the Proposed Aberdeenshire Local Development Plan 2020 for the provision of additional platform space, car parking or other facilities as deemed to be required to serve Inch Railway Station. As part of that, it is suggested the Settlement Statement for Inch be modified to reflect safeguarding of the site through the amendment of designation boundaries and the labelling of sites.

For clarity, the site at South Road, Inch – which is the principal subject of this representation – was allocated for development in the extant Aberdeenshire LDP 2017 as Site OP2 for the development of 12 homes, which is a continuation of an allocation made in the 2012 LDP (known as Site H2). Allocation of the site has not been carried forward into the Proposed 2020 LDP as its proposed development was refused Planning Permission in Principle (PPiP) in December 2015 subject to application reference APP/2014/1334. The allocation known as Site OP3: Hillview, South Road in the 2017 LDP, which is under the control of our clients, has been maintained in the new LDP but has accordingly been re-named as Site OP2.

PPiP was refused in the case of application APP/2014/1334, by officers following consultation with Local Ward Members, due to a lack of progress in concluding a Section 75 Legal Agreement. The decision notice, report of handling, site plan and supporting statement which relate to that application are provided respectively as Appendices 1, 2, 3 and 4.

In short, it is considered essential that land be reserved for any potential future expansion of operations at Inch Railway Station. At present, the availability of rail travel to Aberdeen and other larger towns like Inverurie, gives Inch an advantage over other similarly sized towns in Aberdeenshire both in terms of its marketability to potential new residents and in the objective of planning policy at all levels to encourage more sustainable forms of transport. Having both road and rail connectivity, Inch provides a number of options for regional travel and it is asserted that if land allocations for new development are to be made, such as at Bid Site GR029, then it would be advantageous and advisable to plan for any potential future increases in local rail demand. The site allocated as OP2 in the extant 2017 LDP provides the ideal location for future expansion of the platform, car parking and other facilities at the station, being located to its immediate east and with suitable means of access as existing. The site also presents an opportunity for the remediation of brownfield land at a prominent gateway location.

Related to the above, our clients wish to raise concern over any potential allocation of Bid Site GR015 in the 2021 LDP, which comprises a wedge of land to the southwest of Inch Railway Station, between Brock's Forest on Carrier's Hill to its south and the Rothney area to its north. That bid proposed a mixed use development of 60 homes with 0.35ha of Class 4 employment land and car parking for the station. Though Site GR015 was not preferred by Officers at MIR stage, mainly due to a lack of access to the station's southern platform, which the Issues and Actions Paper confirms, our clients wish to provide further appraisal of the site. This is intended to reiterate that the site known as OP2 in the 2017 LDP provides a better solution for future improvements at Inch Railway Station.

Site GR015 is notably detached from the rest of the settlement, comprising a prominent hillside beyond the existing ribbon of houses and industrial land located at Rothney. It is located on the southern side of the station, whereby its development would encourage more vehicle and pedestrian movements across the old, non-automated railway crossing to the west of the station on North Road (the B9002). Unlike Site OP2 from the 2017 LDP, Site GR015 lacks direct vehicular access from within the settlement and access would need to be taken from around the south existing houses along the B9002 / B992, where it is contended that there would also be potential visibility constraints due to the outward curvature of the road at possible access points from the B992 along the west boundary.

Furthermore, funding has recently been secured by Network Rail and partners Nestrans to provide DDA-compliant access, linking the existing northern station building and car park with the southern platform side of Inch Railway Station, which should be a welcomed addition in terms of the capacity of the station to serve all residents via its present northern platform. These planned enhancements therefore further amplify the case that build development and additional vehicular movements over the non-automated crossing to/from the southern location of Site GR015 should not be supported.

It should be noted that Network Rail do not propose any enhancement measures to the existing vehicular road crossing and secured funding is solely to support DDA-compliant pedestrian access to both platforms (north & south) via the existing Inch Railway Station facilities and wider settlement, all currently located on north side of the railway line.

In addition Network Rail are actively undertaking a separate Government-funded *Aberdeen – Inverness Improvement Project* to upgrade the railway infrastructure between Aberdeen and Inverness. Encompassing works to construct extended platforms at Inch to support the introduction of longer High Speed Trains and enhanced rail passenger capacity. Details of proposed enhancements to Inch Railway Station have been provided in Appendix 5 for convenient review.

Accordingly, any additional infrastructure intended to serve the station, such as future extended facilities and car parking, should be focused on north side of railway line. Our clients assert that Site OP2 of the 2017 LDP is ideally placed to provide such infrastructure. It is therefore respectfully requested that the Site OP2 allocation be carried forward into the forthcoming LDP but as reserved/safeguarded land, with a description adjusted to specify it is an area for the expansion of car parking at the station and any other infrastructure deemed necessary for the continued viability of the station.

PRIVACY NOTICE

LOCAL DEVELOPMENT PLAN PUBLIC COMMENT

The Data Controller of the information being collected is Aberdeenshire Council.

The Data Protection Officer can be contacted at Town House, 34 Low Street, Banff, AB45 1AY.

Email: dataprotection@aberdeenshire.gov.uk

Your information is being collected to use for the following purposes:

- To provide public comment on the Aberdeenshire Local Development Plan. The data on the form will be used to inform Scottish Ministers and individual(s) appointed to examine the Proposed Local Development Plan 2020. It will inform the content of the Aberdeenshire Local Development Plan 2021.

Your information is:

Being collected by Aberdeenshire Council	X
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The Legal Basis for collecting the information is:

Personal Data	
Legal Obligations	X

Where the Legal Basis for processing is either Performance of a Contract or Legal Obligation, please note the following consequences of failure to provide the information:

It is a Statutory Obligation under Section 18 of the Town and Country (Scotland) Act 1997, as amended, for Aberdeenshire Council to prepare and publish a Proposed Local Development plan on which representations must be made to the planning authority within a prescribed period of time. Failure to provide details requested in the 'Your Details' section of this form will result in Aberdeenshire Council being unable to accept your representation.

Your information will be shared with the following recipients or categories of recipient:

Members of the public are being given this final opportunity to comment on the Proposed Aberdeenshire Local Development Plan. The reasons for any changes that the Council receives will be analysed and reported to Scottish Ministers. They will then appoint a person to conduct a public examination of the Proposed Plan, focusing particularly on the unresolved issues raised and the changes sought.

Your name and respondent identification number (provided to you by Aberdeenshire Council on receipt of your

submission) will be published alongside a copy of your completed response on the Proposed Local Development Plan website (contact details and information that is deemed commercially sensitive will not be made available to the public).

In accordance with Regulation 22 of the Town and Country (Development Planning) (Scotland) Regulations 2008 where the appointed person determines that further representations should be made or further information should be provided by any person in connection with the examination of the Proposed Plan the appointed person may by notice request that person to make such further representations or to provide such further information.

Your information will be transferred to or stored in the following countries and the following safeguards are in place:

Not applicable.

The retention period for the data is:

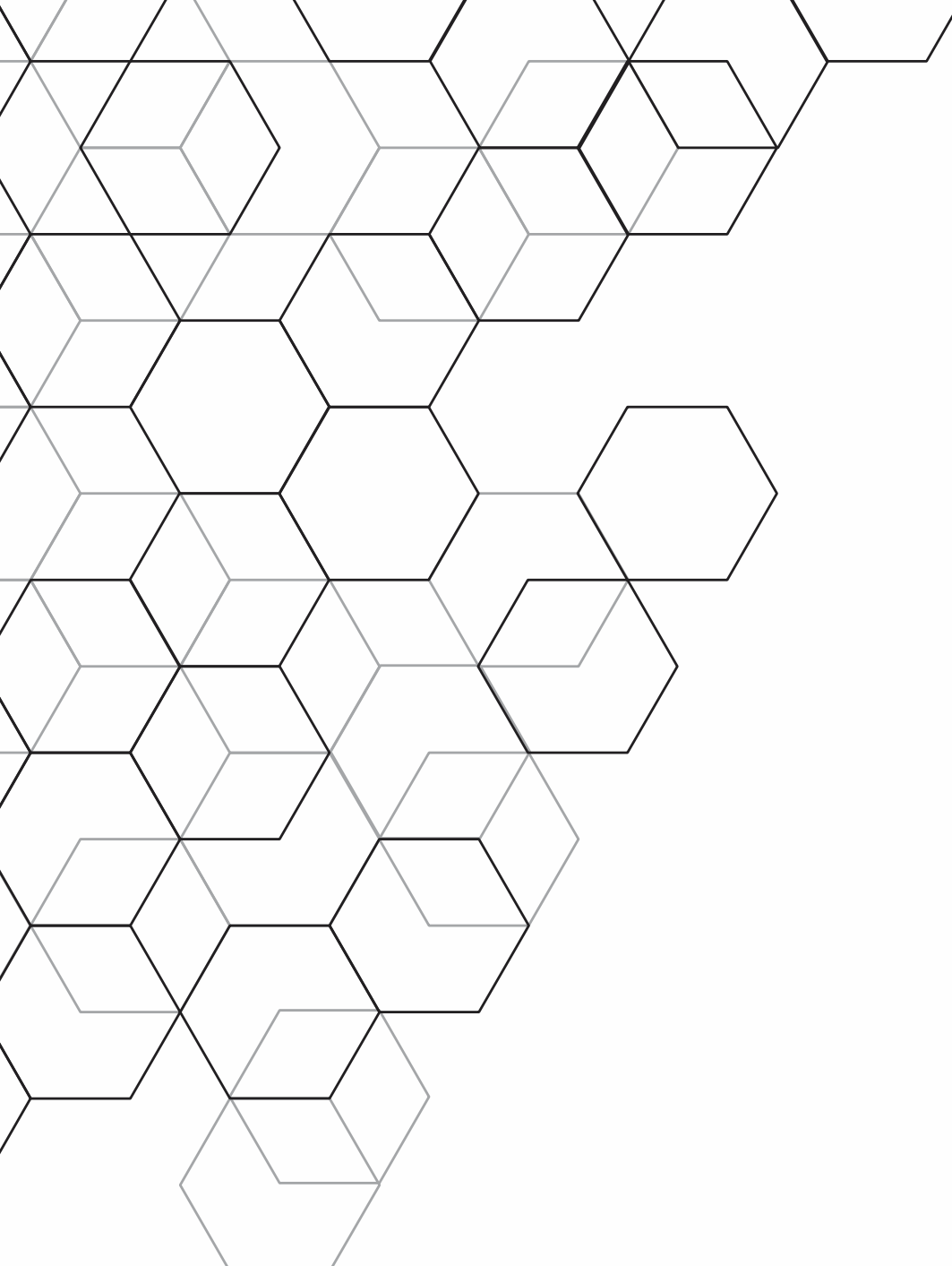
Aberdeenshire Council will only keep your personal data for as long as is needed. Aberdeenshire Council will retain your response and personal data for a retention period of 5 years from the date upon which it was collected. After 5 years Aberdeenshire Council will review whether it is necessary to continue to retain your information for a longer period. A redacted copy of your submission will be retained for 5 years beyond the life of the Local Development Plan 2021, possibly until 2037.

The following automated decision-making, including profiling, will be undertaken:

Not applicable.

Please note that you have the following rights:

- to withdraw consent at any time, where the Legal Basis specified above is Consent;
- to lodge a complaint with the Information Commissioner's Office (after raising the issue with the Data Protection Officer first);
- to request access to your personal data;
- to data portability, where the legal basis specified above is:
 - (i) Consent; or
 - (ii) Performance of a Contract;
- to request rectification or erasure of your personal data, as so far as the legislation permits.



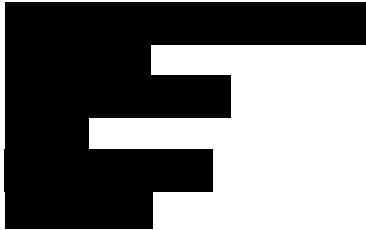
APPENDIX 1



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Application Reference: G/APP/2014/1334

TO:



FOR:



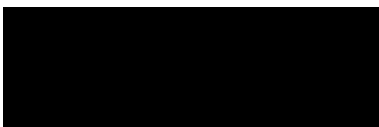
In pursuance of the powers exercised by them as Planning Authority, this Council having considered your application for the following:

Planning Permission in Principle for Residential Development at Land At Amulree Garage, South Road, Inch, Aberdeenshire, AB52 6XF

and in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, do hereby give notice of their decision to **REFUSE** Approval of **Planning Permission in Principle** for the following reason:

- (1) That the applicant has failed to conclude the necessary legal agreement to secure an agreed package of developer obligations which are required to offset the impacts brought about by the proposal. This is contrary to the requirements of the Aberdeen City and Shire Strategic Development Plan 2014 and Policy 6 (Affordable Housing) and SG Affordable Housing as well as Policy 9 (Developer Contributions) and SG Developer Contributions¹ (Developer Contributions) of the Aberdeenshire Local Development Plan 2012.

Dated: 29 December 2015



Head of Planning and Building Standards

List of Plans and Drawings

Reference Number: LO618/PP/01 Location & Site Plan

NOTES

- (i) In the case of any permission granted, this does NOT incorporate any building warrant for any operations or change of use which may be required under the Building (Scotland) Act 2003. This must be obtained separately from the Council prior to the start of building operations.
- (ii) Any permission granted does not incorporate any listed building consent which may be required. This must be obtained separately prior to the start of building operations.
- (iii) Any permission granted is without prejudice to any further consents required from Aberdeenshire Council in its role as landowner.
- (iv) If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A Notice of Review form should be obtained from and submitted to:

Head of Legal and Governance
Corporate Services
Aberdeenshire Council
Woodhill House
Westburn Road
Aberdeen
AB16 5GB



Email: committee.services@aberdeenshire.gov.uk

A form may also be obtained from a local Planning office or the Council's website at www.aberdeenshire.gov.uk/committees/localreviewbody.asp

- (v) If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

APPENDIX 2



REPORT OF HANDLING

Application Reference: APP/2014/1334

Proposal: Residential Development

Address: Land At Amulree Garage, South Road, Inch, Aberdeenshire, AB52 6XF

1. Description of proposal

This report provides an update on a legacy planning application that has failed to progress within a satisfactory timescale and is therefore recommended for refusal. This is due to conclusion of the Section 75 Legal Agreement not being forthcoming from the applicant / agent in order to issue the decision notice.

The Scottish Government as part of its modernising of the planning system set as a priority the need for all Local Authorities to reduce their numbers of legacy cases in order to improve the speed of decision making.

Original proposal

The application sought planning permission in principle for a residential development at land at Amulree Garage, South Road, Inch.

The site currently has commercial garage buildings, a detached house, a small prefabricated office and a small shop/kiosk within a large forecourt/parking area.

The application site lies entirely within the allocated Site H2, allocated for up to 12 houses in the first phase of the plan, as identified in the Supplementary Guidance Settlement Statement for Inch in the Aberdeenshire Local Development Plan 2012.

A design/supporting statement has been submitted, and this illustrates a number of indicative layouts for the development of the site. These indicative layouts include one with 2 detached houses, 2 semi-detached houses and a block of 8 flats; and another with 3 detached houses, 2 semi-detached houses and 2 no. blocks of 4 flats each.

To the immediate northwest of the site there is an area of grass/scrub and existing workshop buildings, and to the east there is a workshop and yard area. To the north, on the opposite side of South Road are existing single storey detached houses on Old Mart Road and Provost Souter Place. The Inverness-Aberdeen railway line runs along the southern boundary of the site, with open fields beyond this.

The application was recommended for approval by the Planning Service as a delegated decision in February 2015 and the Section 75 was drafted by Aberdeenshire Council and sent to the applicant's Solicitor in May 2015. This has given the applicant seven months in which to progress and conclude the matter. There has been little progress on this matter despite reminders from this Service on the 26 June, 21 August, 2 September and 11 November 2015. The final letter made it clear to the agent / applicant that the application would go to Members with a recommendation of refusal should the S75 not be concluded within 4 weeks.

2. Relevant Planning History

APP/2013/1092 – Planning permission in principle for demolition of existing buildings for housing development to include erection of 6 no. dwellinghouses and 6 no. flats (application withdrawn)

3. Supporting Information

Design / supporting statement (prepared by the agent)
Phase 1 Environmental Risk Assessment (Site Investigation report, prepared by EnviroCentre Limited)

4. Variations & Amendments

None

5. Representations

No valid representations have been received.

6. Consultations

Business Services (Developer Obligations) advises that the affordable housing provision required will take the form of 3 on-site units for low cost home ownership and a financial contribution. Contributions are also sought towards primary education, healthcare and waste and recycling infrastructure provision. As stated the Section 75 has not been concluded. Developer Obligations have stated that an upfront payment is not an option under the current application given the onsite requirement for affordable housing.

Infrastructure Services (Archaeology) requests a condition to require the submission and approval of a photographic survey prior to demolition or development, as the development would affect a building dating back to the 19th Century (the slate roofed garage building on the west side of the development site).

Infrastructure Services (Contaminated Land) advises that a Phase 1 site investigation report has been submitted. This concludes that contamination may be

present at the site and that further assessment is required to establish the risks posed to human health and the wider environment. The section recommends conditions to ensure that the risks posed by contamination are evaluated and mitigated.

Infrastructure Services (Environmental Health) advises a noise assessment would be required at the detailed stage, and that development should be designed in such a way that the internal and external noise levels from all sources outside the site do not exceed the maximum noise levels recommended in BS8233:2014.

Infrastructure Services (Roads Development) advises that visibility of 4.5 metres by 59 metres will be required. It notes that the indicative layouts appear to show that there would be sufficient space on the site for the required parking provision. The section advises that the indicative layouts appear to be acceptable in principle but that the access road appears to be slightly 'overdesigned'. The section has no objection subject to conditions regarding the construction standards for the access and driveways, provision of parking spaces in accordance with the Council's parking standards, and provision of visibility splays.

Network Rail has no objection in principle, but highlights several requirements in relation to drainage arrangements, the provision of a trespass-proof fence, limits on planting adjacent to the railway, and details of all changes in ground levels, laying of foundations and operation of mechanical plant in proximity to the rail line.

7. Relevant Policies

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.

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 non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

Aberdeenshire Local Development Plan 2012

Policy 5 Housing land supply

SG Housing1: Housing land allocations 2007 to 2016

Policy 6 Affordable Housing

SG Affordable Housing1: Affordable housing

Policy 8 Layout, siting and design of new development

SG LSD2: Layout, siting and design of new development

SG LSD9: Hazardous development

SG LSD10: Contaminated land

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 infrastructure

SG Developer Contributions4: Waste management requirements for new development

Policy 11 Natural heritage

SG Natural Environment2: Protection of the wider biodiversity and geodiversity

8. Other Material Considerations

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.

9. Directions by Scottish Ministers

None relevant.

10. Discussion

The principle of residential development on this site is supported by Policy 5 and SG Housing1: Housing land allocations 2007-2016, as the site is allocated for immediate housing development.

The LDP allocates the site for up to 12 houses and SG Housing 1 states that only in exceptional circumstances, such as where there is an overriding public benefit to be derived from additional development, will approval be given for a number of units more than the site allocation. No such exceptional circumstances have been demonstrated in this case and therefore it is appropriate to impose a condition limiting the number of residential units on the site to a maximum of 12. The supporting statement / design statement submitted with the application includes several indicative layouts which demonstrate that the site can accommodate 12 residential units and the necessary garden ground, access and parking and public open space without giving rise to concerns in terms of overlooking or other adverse impacts on residential amenity.

Infrastructure Services (Environmental Health) has raised no concerns but has advised that a noise assessment would be required at the detailed application stage, and that development should be designed in such a way that the internal and external noise levels from all sources outside the site do not exceed the maximum noise levels recommended in BS8233:2014. A condition will be imposed to this effect.

Subject to appropriate siting, layout and design details at the approval of matters specified in conditions stage and the submission of an appropriate noise assessment and details of associated noise management measures, it is considered that the development would comply with the relevant requirements of SG LSD2: Layout, siting and design of new development.

Infrastructure Services (Roads Development) has raised no concerns in principle regarding the development of the site, and has no objection subject to conditions which would ensure that the development accords with the requirements of SG Developer Contributions2: Access to new development.

A Phase I site investigation report has been submitted in support of the application. This concludes that contamination may be present at the site and that further assessment is required to establish the risks posed to human health and the wider environment. In accordance with the advice of Infrastructure Services (Contaminated Land) and to ensure compliance with SG LSD10: Contaminated land, conditions will require a site investigation and any necessary remediation to be carried out.

Agreement on the heads of terms in relation to developer obligations has been reached and a draft Section 75 prepared by Aberdeenshire Council was sent to the applicants Solicitor. As stated, the Section 75 has not been signed by the applicant in the last seven months. The council's Solicitor received correspondence from the applicant's Solicitor on 15 June 2015 stating that they had been instructed to 'do nothing' with the Section 75. On this basis the proposal does not comply with SG Affordable Housing1: Affordable housing or SG Developer Contributions 1: Developer Contributions.

It is not considered that the buildings on the site are suitable as a habitat for bats. The buildings are nearly 300 metres from the nearest river and the site is not well connected

in terms of links to woodland habitat. Appropriate landscaping, to be required by condition, would enhance the biodiversity value of the site.

The proposal does not accord with Policy 6 and SG Affordable housing or Policy 9 and SG Developer Contributions 1 on the basis that after a period of seven months the applicant has failed to sign the Section 75 Legal Agreement which is necessary to make the proposed development acceptable in planning terms. Despite there being no other policy impediment to granting an application on this site, the proposal is not acceptable and is being recommended for refusal. There is no significant material planning considerations which would indicate otherwise.

10. Recommendation

REFUSE for the following reasons:

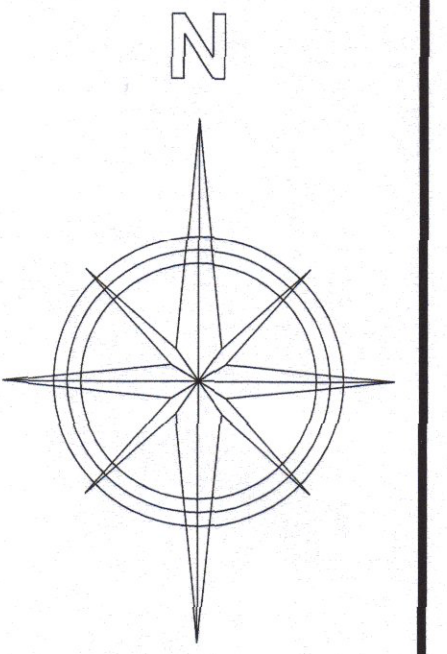
01. That the applicant has failed to conclude the necessary legal agreement to secure an agreed package of developer obligations which are required to offset the impacts brought about by the proposal. This is contrary to the requirements of the Aberdeen City and Shire Strategic Development Plan 2014 and Policy 6 (Affordable Housing) and SG Affordable Housing as well as Policy 9 (Developer Contributions) and SG Developer Contributions¹ (Developer Contributions) of the Aberdeenshire Local Development Plan 2012.

11. Process of Determination

The application was refused via delegated powers under the Council's Scheme of Delegation.

The Planning Service's recommendation went out for Councillor Consultation between 17 and 24 December 2015 at which time the recommendation to refuse the application was agreed by Local Members.

APPENDIX 3



LOCATION PLAN 1:2500

HOUSE TYPE - 1

SOUTH ROAD

PROVOST SOUTER PL

NEW 5.5M WIDE ACCESS ROAD.

AMULREE GARAGE

EXIST. GARAGE

EXIST. HOUSE

EXIST. GARAGE

BM 125.44m

Fernlea

APP/2012/1869

Aberdeenshire COUNCIL Infrastructure Services

Town and Country Planning (Scotland) Act 1997

Application No. APP/2014/1334

REFUSED

In terms of the decision dated

29/12/2015

CON REGULATIONS HAVE BEEN TAKEN INTO CONSIDERATION DURING THE DESIGN PROCESS. EQUALLY AND WHERE IT IS PRACTICAL, ANY RISK TO HEALTH & SAFETY DURING BUILDING HAS BEEN MINIMISED.
ON SUBMISSION OF A CERTIFICATE OF COMPLETION BY THE COURSE A CERTIFICATE FOR THE ELECTRICAL INSTALLATION FROM AN APPROVED CERTIFICER OF CONSTRUCTION SHOULD BE SUBMITTED OR ALTERNATIVELY AN ELECTRICAL CERTIFICATE TO BS7671:2008 AS AMENDED (CLAUSE 4.5.1).
ROOF TRUSSES SHOWN ON ARCHITECTURAL DRAWINGS ARE FOR ILLUSTRATIVE PURPOSES ONLY AND ARE TO BE DESIGNED BY A ROOF TRUSS MANUFACTURER OR A REGISTERED CERTIFICER OF CONSTRUCTION FROM WHOM THE SPECIFICATIONS SUPPLIED BY MAIN CONTRACTOR & THEN CHECKED ON SITE BY CONTRACTORS PRIOR TO ORDERING OF THE SPECIALIST DESIGNED TRUSSES.

DATE	No.	AMENDMENTS

Title: PROPOSED HOUSING DEVELOPMENT AT AMULREE GARAGE, SOUTH ROAD, INSCHE. (DEVELOPMENT SITE H2 - INSCHE)
Client: [REDACTED]
Date: APRIL 2014
Scale: AS STATED @ A1.
Drawing Number: L0618 / PP / 01.



SITE PLAN 1:250

APPENDIX 4



Design / Supporting Statement

PROPOSED HOUSING DEVELOPMENT AT AMULREE GARAGE (Barrem Motors), SOUTH ROAD, INSCH

MARCH 2014



PROPOSED HOUSING DEVELOPMENT AT AMULREE GARAGE (Barrem Motors), SOUTH ROAD, INSCH

BACKGROUND / EXISTING SITE USAGE.

This design / supporting statement is produced to demonstrate the alternative layouts which can be incorporated within the application site known as H2 Insch in the latest version of the Aberdeenshire Local Development Plan 2012.

The land at present contains an existing dwelling house, two motor repair workshops, kiosk, portacabin style office with a yard / parking area for car display etc.

The existing commercial buildings have passed their useable life and substantial modernisation would be required in the business which is not practical within the existing site along with the increased residential developments in this area of Insch.



PROPOSED HOUSING DEVELOPMENT AT AMULREE GARAGE (Barrem Motors), SOUTH ROAD, INSCH

POSSIBLE DEVELOPMENTS WITHIN APPLICATION SITE.

In ALDP 2012 the application site is zoned for upto 12 houses, as this application is for Planning Permission in Principal (PPP) we have prepared a number of indicative / illustrative layouts which demonstrate the sites full potential as well as its integration with the housing developments which have been erected on similar brownfield sites in the South Road area of Inch over recent years.

POSSIBLE LAYOUT 1.

This option contains similar proposals, previously agreed with the planning service (G/APP/2013/1092), and consists of 12 dwellings (8 flats and 4 houses). Flats would be housed in a single block all being 2 bedroom apartments with parking for 12 cars min, Houses being of mixed design family houses, 2 single storey dwellings to the South Road street elevation (3

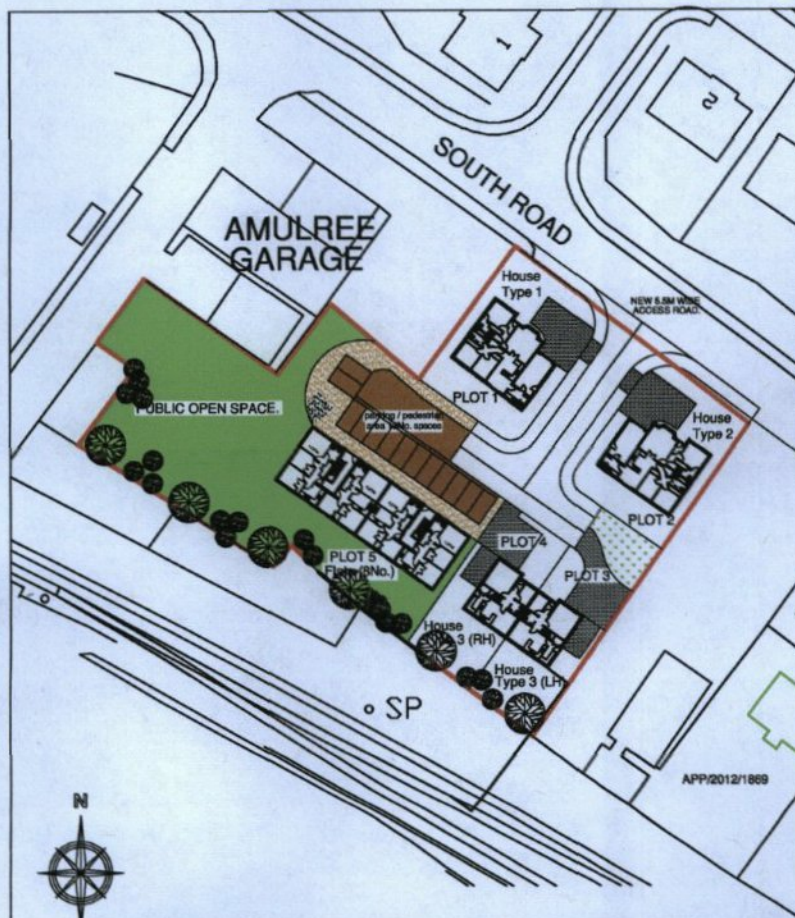


bedrooms with integral garage) with the remaining 2 being in 1 1/2-2 storey semi detached style houses again containing 3 bedrooms. Each house would have 100m² (min) of private garden ground along with adequate parking & turning areas

The application site is laid out to meet the requirements of SG LSD5: public open space by providing 1612m², exceeding the requirements for 12 houses. (120m²/house = 1440m²)



The design is suitable to incorporate the relevant % for affordable housing required within the Inch area.

All landscaping shown within the public open space is for illustrative purposes only & would be confirmed at RMA stage following agreement with Network Rail.



SITE PLAN 1:500 @ A1

POSSIBLE LAYOUT 1
 CONSISTING OF 8 FLATS AND 4 HOUSES.

PUBLIC OPEN SPACE TOTALS 1612M²
LANDSCAPED AREA = 1212M² 
PARKING / PEDESTRIAN AREA = 400M² 
DEMONSTRATING COMPLIANCE WITH ALDP Policy 8 & SG LSD5

POSSIBLE LAYOUT 2.

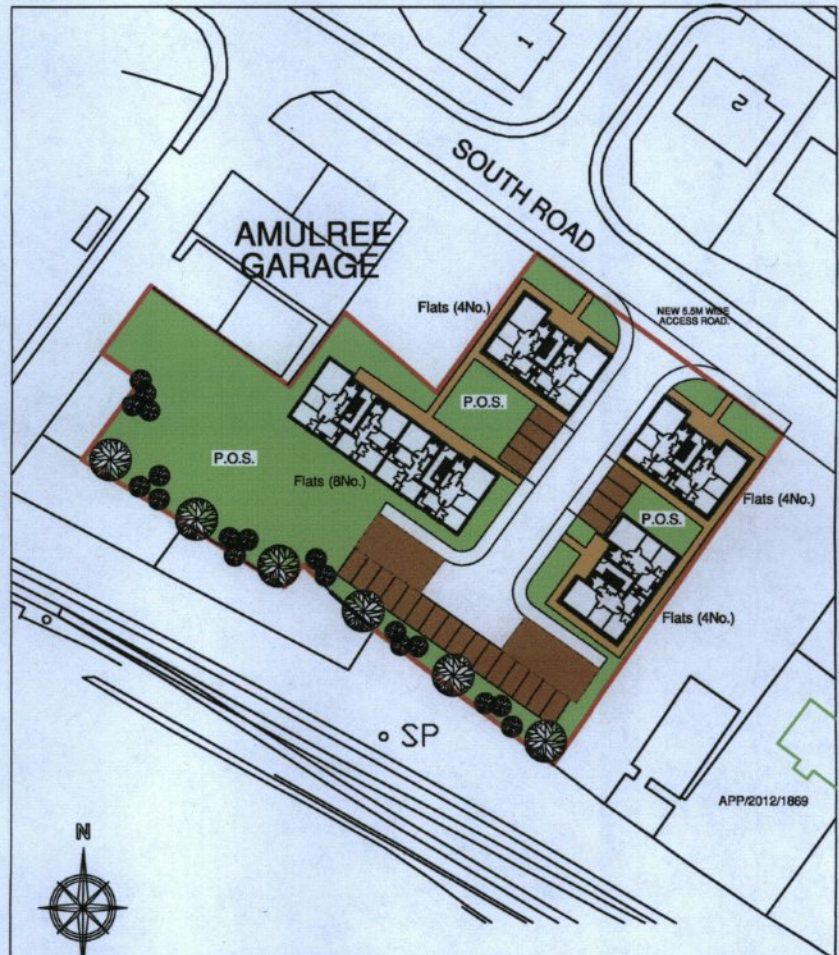
This option contains a possible flatted development of 20, 2 bedroom apartments contained within 4 blocks, all 2 storey in height.



Private access and parking @ 1.5 spaces per apartment is to be contained within the application site, along with public open space of 2550m² being provided in excess of the requirements of SG LSD5 (20 x 120m² = 2400m²)

The design is suitable to incorporate the relevant % for affordable housing required within the Insch area.



All landscaping shown within the public open space is for illustrative purposes only & would be confirmed at RMA stage following agreement with Network Rail.



SITE PLAN 1:500 @ A1

POSSIBLE LAYOUT 2

CONSISTING OF 20 FLATS IN 4 BLOCKS..

PUBLIC OPEN SPACE TOTALS 2550M²
LANDSCAPED AREA = 1800M² 
PARKING / PEDESTRIAN AREA = 750M² 
DEMONSTRATING COMPLIANCE WITH ALDP Policy 8 & SG LSD5

POSSIBLE LAYOUT 3.

This option contains a mixture of flats and houses giving a total of 13 dwellings. Layout shown consists of 8, 2 bedroom flats in 2 blocks with public access and parking (1.5 spaces / apartment) along with 5 houses, 2 being semi detached, 3 bedroom 1 1/2-2 storey houses with the remaining 3 being detached 3 bedroom 1 1/2-2 storey houses to the South Road street elevation.

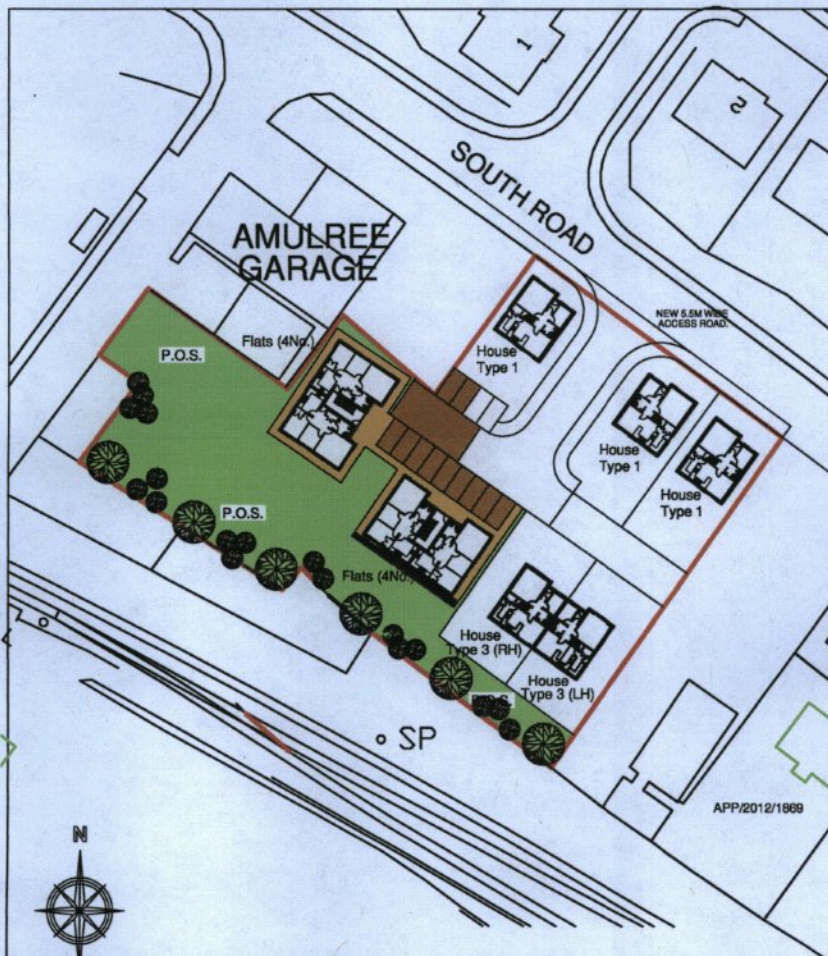


Each house would have 100m2 (min) of private garden ground along with adequate parking & turning areas within each plot.

Public open space of 1650m2 will be provided in excess of the requirements of SG LSD5 (13 x 120m2 = 1560m2) within the proposed application site.

The design is suitable to incorporate the relevant % for affordable housing required within the Insch area.



All landscaping shown within the public open space is for illustrative purposes only & would be confirmed at RMA stage following agreement with Network Rail.



SITE PLAN 1:500 @ A1

POSSIBLE LAYOUT 3

CONSISTING OF 8 FLATS AND 5 HOUSES.

PUBLIC OPEN SPACE TOTALS 1650M2
LANDSCAPED AREA = 1130M2 
PARKING / PEDESTRIAN AREA = 350M2 
DEMONSTRATING COMPLIANCE WITH ALDP Policy 8 & SG LSD5

DESIGN PRINCIPALS / SOLUTIONS

The proposed housing development on the application site (H2 Insch) would replace the antiquated buildings at Amulree Garage, South Road, Insch. The area of South Road was predominantly employment land, however over more recent times businesses have relocated to more modern facilities and this area of Insch has become more residential with large and small housing developments being built.

The development has been designed to meet the ever changing needs of land use, etc in rural communities such as Insch as well as its improving transport links to surrounding areas as well as further a field destinations making developments like the proposed more appealing to first time buyers, families etc. etc, this would allow the proposals to fall into a number of the new council policies but mainly the following;

SG LSD2: Layout, siting and design of new development.

SG Rural Development 1: Housing and business development in the countryside.

SG LSD5: Public open space.

The application site is also part of ALDP 2012 as site H2 Insch for upto 12 houses. The proposals at present are for PPP as such the actual layout would not come forward till Reserved matters stage, hence the previous layouts to demonstrate the sites potential as well as the ability for it to incorporate the infrastructure, mix of house types as well as incorporating public open space and meeting the requirements of current planning policies.



Proposed Sites - ALDP 2012 - Insch

Site H1 is allocated up to 48 houses in the first phase of the plan.

Site H2 is allocated for up to 12 houses in the first phase of the plan.

Site H3 is allocated for up to 10 houses in the first phase of the plan.

Site E1 is allocated for employment land.

In compliance with the Scottish Building Standards Regulations, the dwellings would be designed to minimise heat loss, maximise energy efficiency and sustainability using a combination of appropriate materials and suitable orientation to maximise solar gain and minimise North facing openings. The house will be constructed using modern techniques and materials to limit heat loss and provide low energy bills. The use of renewable energy generation will be used within the design. The Building standards require all housing to be designed to ensure flexibility for adapting to changing circumstances of its occupants.

Attenuation measures are to be designed into the development prior to an application for approval of reserved matters is applied for so as to reduce any noise impact to the development from any current businesses / rail activities.



SITE DETAILS

As the site is at present a garage and previously been used to sell / store petrol a stage 1 contaminated ground assessment has been commissioned by Enviro Centre and is at present being undertaken, findings to be submitted to Environmental Health Department for their comments.

A Drainage Impact assessment is being prepared by Ramsay & Chalmers Consulting engineers who are also preparing a report on possible vibration impact on foundations of the future development. We anticipate no major problems on proposed foundation design due to the existing building within the application site showing no signs of vibration damage.

A Noise impact assessment is also in the process of being commissioned (should it be required at PPP stage) and will be undertaken on the week beginning the 21st April with results forwarded to Environmental Health Department on its completion.

ENERGY STATEMENT.

Location/Orientation

The site is situated on the site of Amulree Garage (Barrem Motors), South Road, Inch. in a reasonably sheltered area of the town, the site can be developed to incorporate the southern sun enhancing solar gain to the development and allowing the use of solar products.

Adaptability

It is proposed that the proposals conform to "Housing for Varying Needs"

Building Design

The construction will be super insulated prefabricated timber kit. Achieving a U Value of 0.14W/M2k maximum.

Triple glazing is to be used with entire window & door units giving a maximum U Value of 1.2W/M2k

Ceilings are to be insulated to give maximum U Values of 0.11W/M2k & 0.16W/M2k, with ground floors having a maximum U Value of 0.16W/M2k

Houses will be designed using Sap 2009 and is to have a minimum energy efficiency rating of B. This could be further enhanced by using further renewable energies such as solar products.

In addition to the high quality insulated envelope of the building the following sustainable measures are to be adopted.

The development will be fully compliant with section 6 of the 2011 Building Standard Scotland Regulations relating to energy use consequently exceeding the requirements of PAN 84.

A High efficiency air source heating system could be used to heat the house, with solar panels for water heating.

Photovoltaic panelling are to be used in the design, orientated South for maximum efficiency.

Passive ventilation is to be used in all bathrooms & kitchen.

Low water use fittings and dual flush toilets will be provided throughout.

Under section 7 of the 2011 Building Standards Scotland Regulations the finished house will have a minimum sustainability level of Bronze Active.

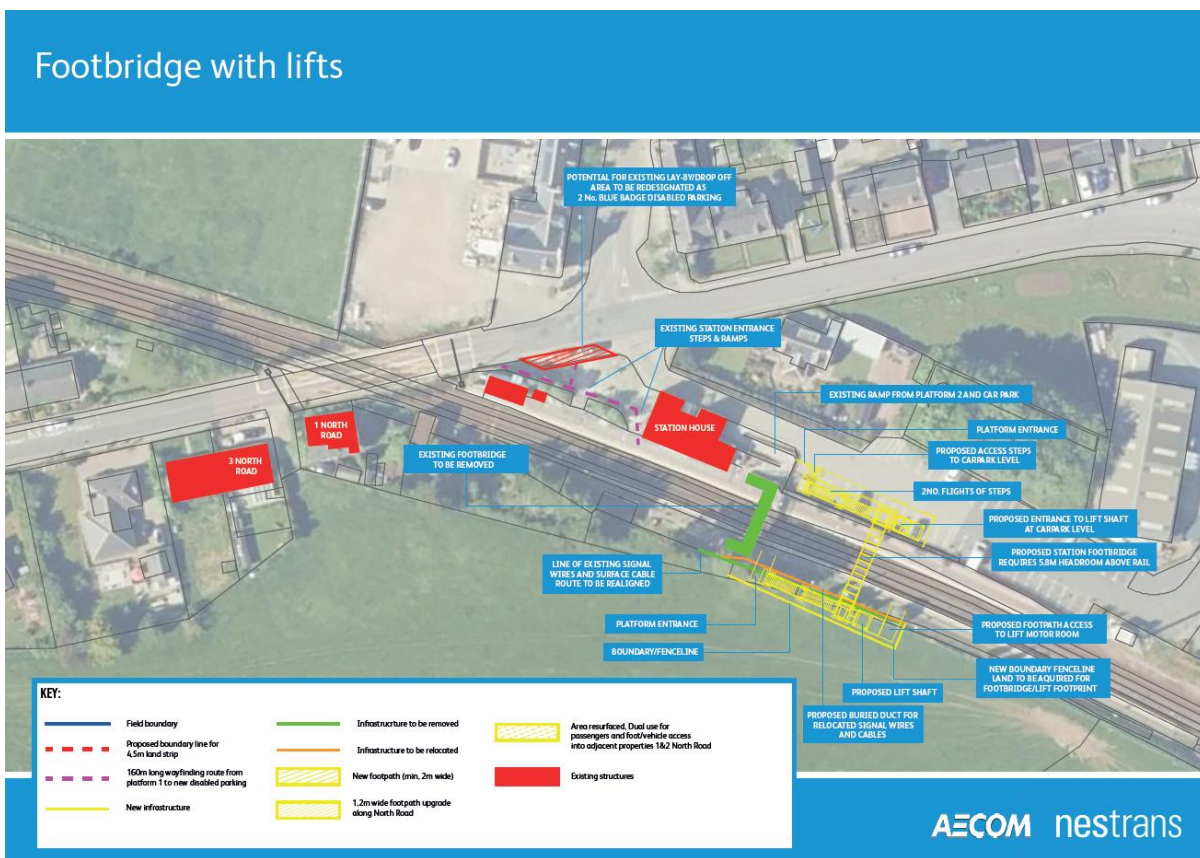
A Rainwater Harvesting System could be used and plumbed back into the building for use in WC flushing etc.

APPENDIX 5

1. Artists impression of proposed Inch Railway Station DDA-compliant Access project



2. Proposed Inch Railway Station DDA-compliant Access project scheme



3. Aberdeen – Inverness Improvement Project Map – Insch platform extension

By 2019, passengers will benefit from the following service improvements:

- Introduction of hourly service between Inverness – Elgin providing 1,300 additional seats each day.
- Extended platforms at Insch to accommodate longer High Speed Trains.
- Majority of Aberdeen to Inverness services formed of High Speed Trains providing 1,400 additional seats each day.
- Introduction of half hourly all day service between Aberdeen – Inverurie, providing 3,000 additional seats each day.
- Additional Elgin – Aberdeen early morning and late evening services.
- New through services between Inverurie – Montrose reducing the need to interchange at Aberdeen.

