

### 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 17 July 2020.

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





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.

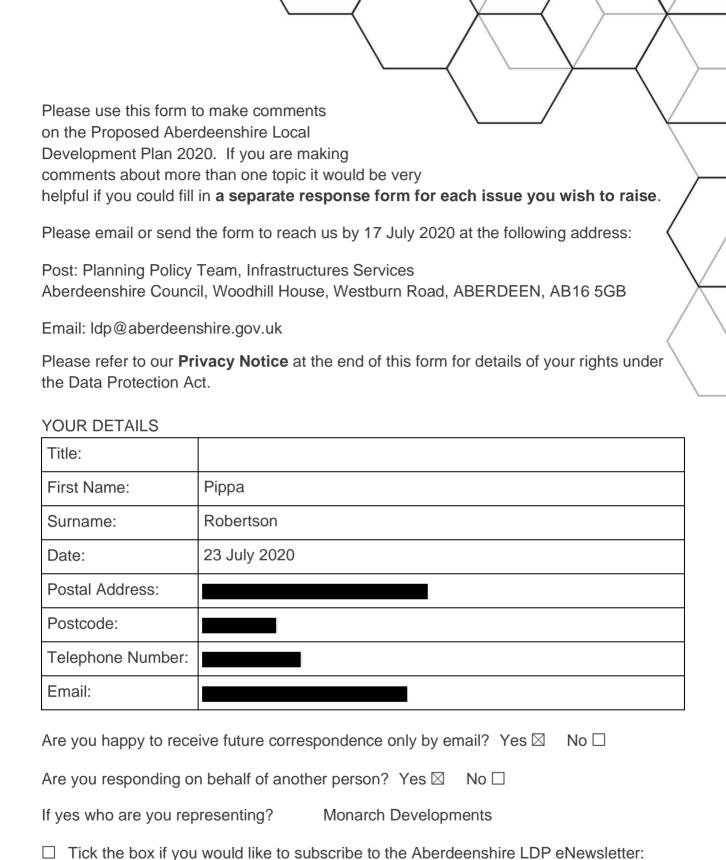
Ja jums nepieciešama šai dokumentā sniegtā informācija kādā citā valodā vai lielā drukā, viegli lasāmā tekstā, Braila rakstā vai BSL (britu zīmju valodā), lūdzu, zvaniet uz 01467 536230.

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

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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.



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):

Reallocation of part of site BUS2 (safeguarded for business uses) in Kintore as a mixed use opportunity site for housing (indicatively 14 units, including live/work units), employment and commercial units, and the extension of the boundary of the allocated site to incorporate land on which Bridgend House and associated steading buildings are located, as well as land to the east adjacent to the existing garage, as shown on the plan attached.

## Reason for change:

In the Proposed Aberdeenshire Local Development Plan (PLDP), site BUS2 is safeguarded for business uses, with the Kintore Settlement Statement noting that much of this is occupied by a transport interchange serving Kintore Railway Station. Our client owns that part of site BUS2 and land adjacent to this shown outlined in red on the plan attached, this being to the south and west of the land occupied by the transport interchange and currently undeveloped. It considered that our client's land could indicatively accommodate 14 residential units (including live work units), employment land (including the additional land to the east adjacent to the existing garage and the redevelopment of Bridgend Steading), and a coffee shop (to serve the new railway station, the development site and the wider community).

It is submitted that this proposed allocation should be supported on the basis that:

- the principle of mixed-use development in this location is established by the current Aberdeenshire Local Development Plan 2017 (ALDP), which supports the development of housing here alongside business uses, subject to a masterplan;
- earlier this year, a draft masterplan prepared in accordance with the Council's masterplan process, showing a mix of housing and business uses on that part of our client's land which is covered by the existing BUS2 designation was recommended for approval by Council officers, making it clear that a mix of uses is considered appropriate here by the Council's professional planning officers;
- consultation on the draft masterplan showed that mixed-use development on the site is supported by the local community;
- land directly to the north of our client's land has now been identified as an opportunity site for mixed use development in the PLDP, with the reasons for which mixed-use development has been supported here applying equally to our client's site;
- the mixed-use proposal would align with relevant national and regional planning policies, in particular in that this would accommodate changing circumstances, address a current oversupply of employment land and, taking into current market demand and the potential for a mix of uses, allow the realisation of new opportunities;
- the proposed allocation would incorporate the listed Bridgend Steading, facilitating its redevelopment for business units in line with the existing BUS2 allocation; and
- the mixed-use proposal meets the sustainability criteria used by the Council when considering sites for allocation in the current review of the LDP.

These points are each expanded on in turn in the following paragraphs.

## Background

Monarch Developments is a small, family-run building company locally based on Northern Road in Kintore, with a commitment to high quality development. As an example of this, Monarch has carried out extensive works to restore Bridgend House on Northern Road, which is category C listed and was previously on the buildings at risk register (see planning application reference APP/2018/2918, and listed building consent reference APP/2018/2923), and has received positive feedback on this from many people in Kintore.

Our client's site is located towards the northern end of Kintore, to the west of Northern Road, and incorporates both Bridgend House and steading buildings associated with this (which are currently in a dilapidated state). The newly developed Kintore railway station is just a short distance from the site to the east of Northern Road, and there is existing residential development to the south, with Kintore Town Centre less than a 10 minute walk beyond that. As a result, a wide range of services and facilities are available in close proximity, including the post office, a co-op food store, primary school, churches, parks, public hall, pharmacy, and a number of other shops, and eateries.

Other than Bridgend House and Steading, the site is undeveloped and generally flat grassland, sloping gently towards the south. There is further as yet undeveloped land of a similar character to the north which is allocated in the PLDP as an opportunity site for mixed use development (OP7) (see photographs in Appendix One).

#### **Extant ALDP**

In the extant ALDP, our client's site, with the exception of the land on which Bridgend House and the associated steading buildings are located and the area of land to the east adjacent to the existing garage, is included within land identified as BUS2. BUS2 is described in the Kintore Settlement Statement as:

"Safeguarded/reserved for employment uses, a transport interchange and, subject to a masterplan, for housing."

This makes it clear that a mix of housing and business uses is considered to be appropriate here in principle.

The BUS2 allocation in the extant ALDP also includes the land now identified in the PLDP as OP7 for mixed use development, as well as the land on which the new railway station is located.

#### Masterplan

In line with the allocation in the extant ALDP, our clients prepared a masterplan for that part of the BUS2 site which is within their ownership, including up to 24 houses and small business units connected to the existing transport links on the land to the west of Northern Road, and the land to east of Northern Road retained for employment use. Public

consultation on this was carried out in November 2019, with a public event held in Kintore Public Hall on Friday 29 November, feedback from which can be summarised as follows:

- in general, there was support for the overall development concept;
- most feedback and queries related specifically to concern around the retention of the
  existing trees to the south boundary of the site (these provide screening between our
  client's site and the existing adjacent residential development, and there are no
  proposals to remove these as part of any development on the site, whether business
  or mixed use development); and
- a majority of those who attended were residents of the adjacent residential development to the south of the site, demonstrating local support for mixed-use development here as set out in the draft masterplan.

The draft masterplan was then presented to the Council's Garioch Area Committee for approval on 23 June 2020, with the Report presented to the Committee making it clear that the Council's professional planners considered this to be an appropriate mix of development for the site. In particular, it is clear that:

- there were no objections to the proposal from any statutory consultees;
- the Council's Education and Children's Services (Education) considered that any educational capacity issues could be addressed; and
- the Council's Infrastructure Services (Flood Risk and Coast Protection) concluded that garden ground should not be at risk from flooding, with SEPA having withdrawn an initial objection following review of revised plans that removed development outwith the functional floodplain.

Notwithstanding the conclusions of planning officers as set out in the Committee Report, the Garioch Area Committee voted not to approve the masterplan on the basis that they considered the approval of a masterplan comprising primarily housing, rather than business uses, would effectively change the allocation of the site contrary to that in the ALDP. This however overlooks the express statement in the extant ALDP that, subject to a masterplan, housing would be suitable on the site.

The Committee was also of the view that this was a prominent and important site serving a gateway function at the northern end of Kintore and that it should be developed accordingly. However, as can be seen from the photographs in Appendix One, the proposed OP7 allocation is more prominent and serves more of a gateway function than our client's site, this being located further to the north, at the junction of the A96 and the B987. As such, if any part of the current BUS2 designation should be retained as business land, it would make more sense for this to be the proposed OP7 allocation rather than our

client's land, with there being no reason to retain our client's site as business land when OP7 is allocated for mixed-use development.

Importantly, no issues were raised during the meeting that would prevent the site being reallocated for mixed-use as part of the Local Development Plan review process. Indeed, it was specifically stated that there would be merits to having some housing here given the excellent public transport links, (it being in close proximity to the new train station and to bus stops). And, whilst the proximity to the train station was also seen to be important in terms of the business allocation, it is more likely that people living in Kintore will use the train to travel to work in Aberdeen or Inverurie, rather than people living elsewhere using the train to access what would be a relatively small number of employment opportunities created by businesses uses on the BUS2 allocation as contained in the PLDP, even if the whole of the site were to be developed for that purpose. The proximity to the train station therefore supports mixed-use development here more than purely business use.

The proposed re-allocation would accordingly address the concerns raised by the Garioch Area Committee with regards to the site's status in the ALDP, while allowing housing to be delivered close to the station (the merits of which were recognised by the Committee) and should be supported accordingly.

#### Site OP7

As noted above, while land directly to the north of our client's land also forms part of the BUS2 allocation in the extant ALDP, this has been re-allocated as opportunity site OP7 in the PLDP. Specifically, this is described as being suitable for a mix of uses, including 32 homes, retail and employment land, and with the Kintore Settlement Statement making it clear that development here should be designed to connect with the wider BUS2 site.

The stand-alone mixed-use allocation of site OP7 in the PLDP stems from bid reference GR053 submitted in response to the Council's initial call for sites for the emerging Local Development Plan, which sought the re-allocation of this land for 32 homes and employment land. That bid was identified as an officers' preference in the Main Issues Report, but as a reserved site rather than being preferred for immediate development, in order to resolve constraints associated with flood risk. The Main Issues Report also indicated that convenience retail development could be considered on the site as well as housing and employment uses and that, while development of the site in isolation would lead to poor connectivity and permeability to the rest of the allocated site, a truly mixed use development at this location could be supported.

The Issues and Actions Paper for Kintore then states that it is considered appropriate to reallocate BUS2 as a mixed-use development, and recommends that this be done, with no caveat as to how much of the site this is considered to be the case for. The Garioch Area Committee agreed this recommendation at its meeting on 3 September 2019, subject to also incorporating a retail element into the proposed allocation, with no further recommendations subsequently identified by either the Infrastructure Services Committee or the full Council.

The conclusions of the Garioch Area Committee, the Infrastructure Services Committee and the full Council accordingly suggest that the whole of the BUS2 allocation should have been included as a mixed-use allocation, rather than merely that bit identified as OP7 in the PLDP. That is particularly so since there is no commentary in the decision-making process to suggest otherwise. The re-allocation of our client's land for mixed-use development should therefore be supported for the same reason as the re-allocation of OP7 was.

### **Policy context**

In the PLDP, the Kintore Settlement Statement makes it clear that there is considered to be capacity for both employment and housing development within Kintore, with this making a significant contribution to growth within the Aberdeen to Huntly Strategic Growth Area. In particular, it is noted that a lack of smaller and affordable homes is an issue for the community.

To this end, the PLDP identifies a number of designations and allocations in the settlement, including BUS1, BUS2, BUS3 and BUS4 all safeguarded for business use, site OP1 allocated for 1,000 homes, OP2 for 150 homes, OP3 for a mix of uses, including offices and community facilities, OP4 for 20ha of employment land, OP5 for commercial and community uses, OP6 for 24 affordable homes (following completion of a town park), and OP7 allocated for a mix of uses including 32 homes, retail and employment land, as set out above.

In this regard however, it should be noted that the Proposed Aberdeen City and Aberdeenshire Strategic Development Plan (PSDP) (with which the Local Development Plan must conform) states that Local Development Plan allocations should be small scale in nature, with no changes having made to the PSDP in this regard following the publication of the Report of the Examination of the Plan. It is also important for allocations to be deliverable within the timescale of the Local Development Plan. This notwithstanding, most of the allocations in Kintore (as set out above) are large scale, with there currently being a limited market for such development, and with the smaller scale allocation OP6 being contingent on the completion of the town park before it can be delivered. And, although OP7 is still a small allocation, the Issues and Actions Paper and the Council's decisions in relation to this indicate that it was intended to be part of a mixed development across the whole of the current BUS2 allocation, rather than being developed in isolation. In the absence of that, as is clear from the photographs in Appendix One, OP7 would be a standalone development, remote from the rest of the settlement and from the new train station. The proposed mixed use allocation for our client's site would not however be contingent on any other development happening first and, on the basis that this could accommodate both small scale housing and employment uses (including live/work units) would address the lack of effective small scale sites in Kintore. This should therefore be supported in line with the requirements of the PSDP. That is particularly so as the allocation would have no significant impact on the overall housing allowances, given that the Issues and Actions Paper – Policies and Introduction is clear that housing allocation numbers are indicative only, meaning that in some cases actual housing numbers delivered on other

allocated sites could be lower. Indeed, the Report of the Examination of the PSDP states that it is "unlikely that the allocation of smaller sites would compete directly with established strategic sites" and that "By enabling development on a smaller scale, which completements strategic allocations, a continuity of supply of deliverable new housing land can be maintained".

The proposed re-allocation of the site as an opportunity site for mixed-use development would also respond to the current economic climate, in which there is a significant oversupply of employment land. In this regard, the **Aberdeen City and Shire Employment Land Audit 2018/2019 (ELA)** identifies 281ha of marketable supply in Aberdeenshire. As expressly recognised in the ELA, this supply significantly exceeds the targets set out in the extant Strategic Development Plan (which requires only 60ha of marketable land to be available in the Strategic Growth Areas of Aberdeenshire, with this being unchanged in the PSDP).

The ELA also recognises the impact that the change in the oil price since the end of 2014 has had on market activity and notes that, even with price stability at \$60 - \$65 per barrel anticipated in 2020:

"Whether this could involve new property requirements which would in turn filter through to an increased take up rate of employment land remains to be seen."

The likelihood of an increased take up is then inevitably even less when the oil price is less than that anticipated, as it currently is, with no prospect of that rising in the near future.

Meantime, the ELA identifies a significant fall in the take up of employment land in Aberdeenshire over 2018/19, with development taking place on around just 3ha of employment land in 2018/19, compared to a 10 year average of around 14ha per annum.

There is therefore no apparent need for additional employment land allocations in the Aberdeenshire Strategic Growth Areas generally or within Kintore itself, such that the reallocation of our client's site for mixed-use development would have no adverse impact on availability of employment land or on future economic development opportunities. This is particularly so given the other employment land allocations in Kintore as set out above (including 20ha at OP4, which is a significant allocation for a settlement of Kintore's size).

Indeed, the oversupply of employment land is likely to only increase in light of the ongoing Covid-19 pandemic, in which there is increased interest in more flexible working arrangements, including home working and opportunities for small business units/studio spaces in close proximity to where people live in order to reduce the need to travel. It is anticipated that this interest will continue and indeed grow in the future, and the planning system needs to ensure the delivery of the right types of development to meet this.

Taking the above into account, it should be recognised that **Policy P3 Infill and** householder developments within settlements (including home and work proposals) of the PLDP expressly supports working from home proposals, stating that

these will be encouraged. There are also similar provisions in the extant ALDP, yet proposals for live/work developments are not yet commonplace in the Development Plan area. The proposed allocation of our client's site as an opportunity site for mixed-use development, including live-work units, would clearly align with the Council's encouragement of such developments as expressed in both the ALDP and the PLDP.

As well as Policy P3, there is also support for live-work developments in the Policies Issues and Actions Paper, in which it is stated that the preference is for live/work proposals to be focused on existing settlements where access to services to support a live/work unit are readily available. The proposed allocation would be in such a location.

In light of the above, there seems to be little or no prospect of the site being taken up exclusively for business use in the current or medium term market, where-as there is increased demand for mixed use and live-work proposals instead. The proposed allocation would help address this, in a location where access to services is readily available, and should be supported accordingly.

In this regard, **Scottish Planning Policy 2014 (SPP)** makes it clear that the planning system should allocate sites that meet the diverse needs of different sectors in a way that is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities, with Local Development Plans expected to take account of (amongst other considerations) current market demand and the potential for a mix of uses. In doing this, SPP expressly states that:

"New sites should be identified where existing sites no longer meet current needs and market expectations. Where existing business sites are underused, for example where there has been an increase in vacancy rates, reallocation to enable a wider range of viable business or alternative uses should be considered, taking careful account of the potential impacts on existing businesses on the site" [paragraph 103].

Given the significant over-supply of employment land and increasing demands for flexible live-work options, both as discussed above, re-allocation of the site should be considered in accordance with SPP. At the same time, the proposed re-allocation would not undermine the continued availability of employment land across Kintore as a whole, allowing an appropriate percentage of employment uses to be delivered on our client's site (including the redevelopment of the Steading buildings and the land to the east adjacent to the existing garage (on which our clients would intend to build a business unit for themselves and have interest in another unit here from a neighbouring business)) and with BUS1, BUS3 and BUS4 still safeguarded exclusively for business use, as well employment allocations at OP3, OP4, and in the mixed-use allocation at OP7.

It should also be recognised that the presumption in favour of sustainable development set out in SPP stresses that decisions should be guided by a number of principles, including:

responding to economic issues, challenges and opportunities;

- making efficient use of existing capacities of land; and
- supporting delivery of accessible housing.

As a mixed-use development including live-work units on our client's site would do all three of these things, it would be expected that the Council would respond positively to such a proposal, as required by SPP.

Further, compared to the current business use designation, it is submitted that a mix of business and residential uses provides much more of an opportunity to plan and design a development which is not just sympathetic to the historic setting of Bridgend House and Steading, but which positively enhances it, and which gives new use to the Steading. This is also in line with SPP, which states that planning should enable positive change in the historic environment, informed by a clear understanding of the importance of the heritage assets affected. In other words, the proposed allocation should be seen as an opportunity to enable positive change as advocated by SPP.

## **Proposed allocation**

With regards then to the specific allocation of our client's site as an opportunity site for mixed use development, including live-work units, it clearly scores positively when assessed against the criteria used to determine preferred sites proposed in response to the Council's initial call for sites as set out below:

- the existing allocation makes it clear that there are no nature conservation, landscape or other constraints that would prejudice development here;
- the proposed allocation would facilitate the redevelopment of the Bridgend Steading buildings (which are currently in a dilapidated state, as set out above), making a positive contribution to the historic built environment in this regard;
- as set out in the draft masterplan, gas and electric supplies are available adjacent to the site and a SUDs strategy suitable for mixed-use development can be designed in accordance with Scottish Water requirements accommodating the topography of the site;
- the residential nature of existing properties to the south of the site and the proposed mixed-use allocation to the north mean that there would be no conflict between the proposed use and other uses in the area;
- the site is easily accessible by active and sustainable modes of travel, being in close proximity to the new Kintore Railway Station and Transport Interchange and with a range of services and facilities available in Kintore town centre just a short walk away, as set out above, making it well suited for residential as well as business use;

- when considering the draft masterplan, Education and Children's Services (Education)
  indicated that any educational capacity issues could be addressed, with there being no
  capacity issues that would prevent mixed-use development taking place; and
- importantly, mixed-use development on the site can be delivered in the PLDP timescale with there being no constraints to doing so.

### Conclusion

In light of the above, it is clear that the proposed change scores positively when assessed against relevant criteria and is also consistent with local and national policy, the views of the Council's professional planning officers, feedback from the local community, and the approach taken with regards to other sites. That part of site BUS2 which is within our client's ownership should therefore be reallocated as a mixed use opportunity site for housing (indicatively 14 units, including live/work units), employment and commercial units, and the boundary of the allocated site extended as shown on the plan attached accordingly.

Appendix One: Photographs of site









#### 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.

#### Fmail:

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	Х
Council	^

## The Legal Basis for collecting the information is:

Personal Data	
Legal Obligations	Χ

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 decisionmaking, 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.

