Buchan Area Committee Report - 19 June 2018

Reference No: APP/2017/2547

Planning Permission in Principle For Mixed Use Development - Erection of 500 Dwellinghouse, Business, Community, Services for the Elderly, Retail and 5Ha of Employment Land at OP1, Nether Aden, Mintlaw, Peterhead, Aberdeenshire

Applicant: Bancon Homes Ltd, Burnett House, Banchory Business Centre, Burn O Bennie Road, Banchory, AB31 5ZU
Agent: No Agent

Grid Ref: E:399575 N:847482
Ward No. and Name: W04 Central Buchan
Application Type: Planning Permission in Principle
Representations: 2
Consultations: 15
Relevant Proposals
Map: Aberdeenshire Local Development Plan 2017
Designations: Mintlaw Settlement Boundary, OP1 Allocation
Complies with Development Plans: Yes
Main Recommendation: Approve
1. **Reason for Report**

1.1 The Committee is able to consider and take a decision on this item in terms of Section B.9.1 of Part 2A List of Committee Powers and Section C.2.1 of Part 2C Planning Delegations of the Scheme of Governance as the application is for major development.

1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

2. **Background and Proposal**

2.1 Planning Permission in Principle is sought for a mixed use development comprising of 500 dwellinghouse, business, community, services for the elderly, retail and 5Ha of employment land on the OP1 site, Nether Aden, Mintlaw.

2.2 The development site lies on the southern edge of Mintlaw, to the west of the A952 and covers an area of approximately 49ha. The site is currently in use for agricultural purposes and is relatively flat. The site features several mature tree belts which subdivide the site. The site plan is shown in Appendix 1.

2.3 The Aberdeenshire Local Development Plan 2017 identifies the site as an ‘Opportunity Site’ for the development of 500 homes, business, community, services for the elderly, neighbourhood retail centre and 5ha of employment land. This allocation has been carried forward from the previous Aberdeenshire Local Development Plan 2012. A masterplan was approved in September 2017 which seeks to coordinate development across the OP1 site and the adjacent OP5 allocation (50 dwellinghouses). The masterplan layout, which is indicative can be seen in Appendix 2 with the allocations within Mintlaw shown in Appendix 3.

2.4 It should be noted that this application relates to Planning Permission in Principle, therefore full details of the final layout, siting and design have not been submitted and would be considered under a further application if this proposal were to be approved.

2.5 The development would seek to connect to the public water supply and drainage networks. A drainage impact assessment has been produced, which covers the wider development site (OP1 and OP5) – this indicates that the OP1 site would require two SUDS basins however as stated above, this application relates to Planning Permission in Principle and so the final details of the scheme would be considered under a further application if this were to be approved.
2.6 This application has been subject to a period of pre application consultation as required under Part 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. A Pre Application Consultation report has been submitted alongside this application. The application has been screened under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. It was concluded that the development would not have such a significant impact upon the environment as to warrant a full Environmental Impact Assessment.

2.7 The site has been subject to the following planning application and related enquiries:

- ENQ/2015/1691 Masterplan, Mixed Use Development Comprising 530 No Residential Units, Care Home, Nursery & Primary School and Business Park – Masterplan Agreed

- ENQ/2012/0558 MPAE, Mixed Use Development of Sustainable Village Expansion, Incorporating Residential (incl Affordable, Nursing Home & Sheltered Housing); Retail; Class 4 Business; Community Facilities (incl Potential Site For A Primary School); Park and Ride Facility, Open Space & Associated Roadways & Drainage


- APP/2010/3698, Creation of Business Park (Comprising of Use Classes 4, 5 & 6) and Associated Infrastructure including Roundabout, Refused

- ENQ/2010/0878 EIA ESOP, Proposed Business Park

- ENQ/2010/0376 POAN, Formation of Business Park Comprising Proposed Use Class 4 (Business), Use Class 5 (General Industrial) and Use Class 6 (Storage and Distribution); Erection of Combined Heat and Power Plant and Formation of New Roundabout

The following applications do not form part of this development, however lie adjacent to or partially overlap the site:

- APP/2017/3118, Erection of Dwellinghouse and Garage, Pending Consideration

- APP/2017/3119, Erection of Dwellinghouse and Formation of Vehicular Access Roads, Pending Consideration
2.8 The application has been supported through the submission of the following information:

- Design and Access Statement
  Ramsay & Chalmers – March 2016
- Transport Assessment
  Arcadis – November 2016
- Transport Assessment Addendum
  Arcadis – April 2018
- Engineering Report
  Ramsay & Chalmers – September 2010
- Drainage Impact Assessment
  Ramsay & Chalmers – March 2016
- Flood Risk Assessment
  Ramsay & Chalmers – May 2010
- Flood Risk Assessment
  Fairhurst – February 2018
- Environmental Risk Assessment
2.9 It is noted that a number of the pieces of supporting information date back a number of years. Updated documentation has been sought and provided on the advice of consultees where necessary in order to assess the principle of development. As this application relates to planning permission in principle for a large allocated site, there will be the opportunity to request updated supporting information which relates to the detail of the development when further applications are submitted. Nevertheless, the details contained within the supporting information is of use as background information in considering the principle of development.

2.10 No amendments have been submitted during the course of the application and therefore it has not been necessary to undertake any additional periods of re-notification, re-consultation or re-advertisement. The agent has provided additional information at the request of the Planning Service and consultees, which has included:

- Revised site plan reflecting extant planning permissions at Nether Aden Farm
- Revised Flood Risk Assessment

3. Representations

3.1 A total of 2 valid representations (0 support/ 2 objection) have been received as defined in the Scheme of Delegation. This does not include multiple representations from the same household. All issues raised have been considered. The letters raise the following material issues:

- Phasing
- Amenity (Overlooking / Overshadowing)
- Pedestrian Links
- Road Safety
- Accuracy of the Plans
4. Consultations

Internal

4.1 Business Services (Developer Obligations) have advised that heads of terms have been agreed, with contributions to be secured via a S75 agreement. Contributions have been agreed towards Affordable Housing, Primary Education, Community Halls, Sports & Recreation, Healthcare and Waste & Recycling.

4.2 Education & Children’s Services (Learning Estates) hold no objection to the proposal. It is noted that while there is some concern over the capacity of Pitfour Primary, this development has been taken into account within school roll forecasting. The buildout rate of the development may impact upon school capacity, however this can be considered under further applications.

4.3 Infrastructure Services (Archaeology) hold no objection to the proposal and have confirmed that no archaeological mitigation would be required.

4.4 Infrastructure Services (Environmental Health) hold no objection to the proposal.

4.5 Infrastructure Services (Environment Team – Natural) provided comments in relation to ecology / biodiversity, trees / woodland and access – a full discussion of which can be found in section 6 of this report. No objections have been raised, subject to a number of conditions.

4.6 Infrastructure Services (Flood Prevention Unit) hold no objection to the proposal and note further details of the SUDS features would be required via condition.

4.7 Infrastructure Services (Housing Strategy) hold no objection to the proposal and have noted that the ALDP 2017 would require 125 affordable units. This is sought in the form of 3 plots of serviced land to accommodate 102 units (approx. 34 per plot), 16 low cost shared equity units (LCSE) over a phased period and a commuted sum equivalent to 7 affordable units.

4.8 Infrastructure Services (Landscape Services) have been consulted, however at the time of writing no response has been received. This is taken as no objection to the proposal, with topics such as ecology and woodland covered by the Environment Team response.

4.9 Infrastructure Services (Roads Development) hold no objection to the proposal subject to planning conditions requiring the submission of further information.
4.10 **Infrastructure Services (Transportation)** hold no objection to the proposal subject to planning conditions requiring the submission of additional information and the delivery of infrastructure at an early stage of the development. A comprehensive discussion of the Transportation matters can be found in paragraphs 6.15 – 6.20 of this report.

4.11 **Infrastructure Services (Waste Management)** hold no objection to the proposal.

*External*

4.12 **National Health Service** have been consulted, however at the time of writing no response has been received. This has been taken as no objection, with the matter of contributions considered by Developer Obligations.

4.13 **Scottish Environment Protection Agency** hold no objection to the proposal, subject to planning conditions. The Agency sought further information in the form of a revised Flood Risk Assessment which has been provided.

4.14 **Scottish Water** hold no objection to the proposal.

4.15 **Transport Scotland** hold no objection to the proposal subject to conditions to secure upgrades to the Toll of Birness Junction and a condition to limit the number of units which may be completed until said upgrades are in place. A comprehensive discussion of the Transportation matters can be found in paragraphs 6.15 – 6.20 of this report.

5. **Relevant Planning Policies**

5.1 **Scottish Planning Policy**

The aim of the Scottish Planning Policies is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning system guides the future development and use of land in cities, towns and rural areas in the long term public interest. The goal is a prosperous and socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.
5.2 Aberdeen City and Shire Strategic Development Plan 2014

The purpose of this 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.

5.3 Aberdeenshire Local Development Plan 2017

Policy H1: Housing Land
Policy H2: Affordable Housing
Policy P1: Layout, siting and design
Policy P2: Open space and access in new development
Policy E1: Natural heritage
Policy E2: Landscape
Policy PR1: Protecting Important Resources
Policy C1: Using Resources in Buildings
Policy C4: Flooding
Policy RD1: Providing suitable services
Policy RD2: Developer’s Obligations

5.4 Other Material Considerations

None.

6. Discussion

6.1 Planning Permission in Principle is sought for a mixed use development - erection of 500 dwellinghouse, business, community, services for the elderly, retail and 5Ha of employment land on the OP1 site, Nether Aden, Mintlaw as set out in section 2 of this report.

6.2 As this application relates to planning permission in principle, the scope of this assessment is primarily limited to the principle of development, the landscape impact, the impact on the natural environment, built heritage, access and servicing, developer contributions and matters raised through letters of representation. Other matters including the layout, siting and design of the scheme and the amenity impacts would be considered under further applications for matters specified in conditions.
6.3 Policy H1 states that the Planning Service will support the development of housing on sites allocated for that purpose within the LDP and as shown in the settlement statements. The site is allocated within the LDP as OP1 for the erection 500 homes, business, community, services for the elderly, neighbourhood retail centre and 5ha of employment land, and the settlement statement notes that the site is subject to an agreed development framework and masterplan.

6.4 The development would be in keeping with the allocation as stated in the LDP. The site is subject to a masterplan, which was agreed by the Buchan Area Committee in September 2017. This masterplan shall inform the future development of the site in accordance with Policy H1 and P1.

6.5 In terms of landscape impact, the proposal must be assessed against Policy E2 Landscape. This policy seeks to prevent development which would have an unacceptable impact on key natural landscape elements, historic features or the composition/quality of the landscape character through scale, design or location.

6.6 The specifics of the scheme are unknown at this stage, as this application seeks planning permission in principle – however the impact can be considered in broad terms. The site is notable in that it contains a significant amount of mature tree belts which subdivide the site. It is noted that the agreed masterplan identifies that these belts are largely to be retained. While a tree survey has been provided, it does not cover the entirety of the site and is already several years old and is therefore of limited value. Given the timescales involved in the development of this site, to request a complete survey at this stage would be of limited use – rather a condition requiring the submission of tree surveys with each phase of the development would ensure the submission of up to date information for the development of each phase. Further to the intrinsic landscape value of the established tree belts, they are significant in terms of the Landscape Character of the area, which is defined as ‘Wooded Estates around Old Deer’ – this highlights the significance of woodland and tree belts as a common feature of this landscape area. The retention of tree belts would soften the landscape impact of the development through providing a degree of screening for the development and ensuring it remains a cohesive part of the landscape through the use of a common, defining feature. At this stage of the process, the proposal does not give rise to any issue significant enough to suggest that the landscape impact would be unacceptable when measured against Policy E2 – however this would be further assessed under an application for matters specified in conditions. At this stage, the principle of development can be agreed with cognisance to the agreed masterplan and landscape character.

6.7 In terms of the natural environment, the Planning Service has received comments from the Environment Team. An ecological survey has been provided, which confirms that no evidence was found within the site of badger, otter, water vole or red squirrel. The survey did identify that a number of trees have some bat roost potential, albeit not for a major roost. As this application
relates to Planning Permission in Principle, a further application would be required prior to the start of works. Given the size of the site, and the present build out rate within Mintlaw it is not unreasonable to conclude that this site would be developed over a number of years – therefore any further ecological surveys undertaken at this stage would require to be updated accordingly, as wildlife populations can be considered transient. A species protection plan can be conditioned to be submitted with each phase of the application, which would require survey work to establish whether protected species are present within the relevant area of the site and outline any mitigation measures. This would satisfy the protected species portion of Policy E1 Natural Heritage.

6.8 With regard to built and cultural heritage, Archaeology have been consulted and have advised that they hold no objection to the proposal and that no archaeological mitigation would be required. The site does not contain any Scheduled Monuments or Listed Buildings, with the closest listed buildings (42-50 South Street, Mintlaw) afforded screening through the existing tree belts and buildings. It is therefore considered that the proposal would comply with Policy HE1 as the principle of development would not have a negative impact upon the character, integrity or setting of a listed building, scheduled monument or archaeological site.

6.9 Access and Servicing are considered under Policy RD1 Providing suitable services – which places the onus on developers to ensure that their developments provide safe and suitable access, to the satisfaction of Roads Development and Transport Scotland (where access is via a trunk road). The transport assessment identifies a requirement for a roundabout on the A952 (to the east of the site) which would form the principal access point, with subsidiary access taken from Nether Aden Road (to the north of the site) – this would include signalisation of the A952 / Nether Aden Road junction. In principle these means of access are considered appropriate, however full details would be considered under a further application for matters specified in conditions. Transportation have requested conditions to ensure the access is formed to a suitable standard at an early stage of the development. Roads Development have been consulted on this proposal, and hold no objection subject to relevant conditions. The access arrangements for this proposal are therefore appropriate under Policy RD1.

6.10 With regard to water supply the site shall be connected to the public water supply – with Scottish Water confirming that capacity is available. A connection to the public sewer would be sought – Scottish Water have been unable to confirm capacity, however have responded with no objection. Should capacity be unavailable, this matter would need addressed prior to the approval of matters specified in conditions. On the basis that a connection to the public sewer can be secured, the proposal would comply with the water and waste water section of Policy RD1.

6.11 Surface water drainage would be addressed through the use of suitable SUDS, as outlined in the accompanying drainage impact assessment. Flood Risk and Coastal Protection and SEPA have been consulted on the proposal, and both bodies have returned with no objection subject to suitable planning
conditions – primarily regarding the submission of full drainage details with each phase of the development. This aspect of the development is not under consideration at this time, it would be appropriate to condition the submission of full details. The proposal would comply with the Policy C4 Flooding, in that the supporting information confirms that no dwellings would be constructed within an area of medium to high flood risk.

6.12 SEPA have requested that a condition be attached to require full details of any water features (including their protection if required) to be submitted. This would include an assessment of any Groundwater Dependent Terrestrial Ecosystems (GWDTE) and private water sources. This would enable a full assessment to be undertaken when further applications are submitted. SEPA have also requested a condition requiring a Construction Environment Management Plan (CEMP) be attached.

6.13 The use of district heating was discussed with the developer, with SEPA requesting a feasibility study be conditioned. The discussions led to a partial resolution of the matter – in that a standard Carbon Neutrality Condition would be attached. This would tie in with Policy C1 Using resources in buildings, as the policy requires the submission of energy statements to demonstrate the relevant efficiency standard has been met.

6.14 Policy RD2 Developers’ obligations states that contributions will be sought towards the provision of necessary infrastructure. Said contributions must relate fairly and reasonably towards the scale of the development. Heads of Terms have been agreed with contributions sought towards Affordable Housing, Primary Education, Community Halls, Sports & Recreation, Healthcare and Waste & Recycling.

6.15 A transport assessment was submitted alongside the application. This has demonstrated that the development has the potential to have a significant impact upon the A90 / A952 Toll of Birness Junction – this is an infrastructure capacity constraint. In respect of this issue both Transportation and Transport Scotland have been consulted on the development, and an agreed solution identified. This solution would involve proportional contributions towards a long term intervention at the Toll of Birness (identified as a roundabout in the Transport Assessment) and a short term intervention to be undertaken by the developer (additional signage). In addition to this a condition would be required in order to limit the number of houses which may be built on site before the Long Term Intervention is put in place. The Transport Assessment has demonstrated that infrastructure capacity could accommodate 200 units. It is acknowledged that the site is allocated within the Aberdeenshire Local Development Plan 2017, alongside a number of other significant allocations within Mintlaw and the intention of this agreement is not to throttle development, but rather to ensure that development can occur in a controlled manner which would not undermine the safety of the Toll of Birness Junction. In respect of this proposal, in order to address the Transportation matter the following would be required:
• Proportional contributions secured via a S75 agreement.
• A condition to secure the short term intervention prior to the occupation of any houses on the site.
• A condition to limit the number of houses which may be built and occupied on this site prior to the long term intervention.

6.16 The agreed approach would allow development to occur within this allocated site, however there would be implications for other allocations within Mintlaw moving forward – namely the further strain on capacity at the junction until such a time as the Toll of Birness has been upgraded and an expectation that any application for an allocated site would be accompanied by a Transport Assessment which specifically considered the impact of said scheme on the Toll of Birness, with proportional contributions sought if an impact is demonstrated by the Transport Assessment.

6.17 The condition to limit the amount of houses which may be occupied before the long term intervention is in place, would be set at 200 houses for this site. This figure has been arrived at through the process outlined in the ‘Transport Assessment Addendum, Arcadis dated April 2018’ and seeks to reflect the likely impact of that number of houses whilst acknowledging that the site remains allocated. Based upon the build out rate of similar developments within the area, this would equate to around a 10 year period. The condition does include a caveat that may allow additional houses, if the developer can satisfactorily demonstrate that additional houses would not have a significant negative impact on the Toll of Birness Junction.

6.18 In terms of the impact that this site would have on the remaining allocations, the allocated sites within Mintlaw are at varying points of the development cycle, with a summary contained within Table 1. The table shows that the Northwoods site is relatively well established at this point, with 73 units complete according to the Housing Land Audit 2017, and permission in place for a further 116 units (the remainder of the first phase and 100 units in phase B). Approving this application would result in the 2 largest allocations developing between 189-200 units each prior to the junction upgrade and would allow the OP1 site to become established, even in light of the infrastructure constraints.

<table>
<thead>
<tr>
<th>Site Name</th>
<th>Allocation</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>OP1: Land at Nether Aden</td>
<td>500 homes, business, community, services for the elderly, neighbourhood retail centre and 5ha employment.</td>
<td>PPP application under consideration – this application</td>
</tr>
<tr>
<td>OP2: Land at Northwoods</td>
<td>600 homes and facilities for the elderly</td>
<td>Phase 1 approved, largely complete. (89 units) Phase B approved (100 units)</td>
</tr>
<tr>
<td>OP3: Former Artlaw Crescent/ Nether Aden Road</td>
<td>20 homes</td>
<td>No movement</td>
</tr>
<tr>
<td>OP4: South of Playing Field</td>
<td>34 homes</td>
<td>Approved by BAC (5 September 2017)</td>
</tr>
</tbody>
</table>
Table 1: Allocations within Mintlaw

6.19 For the avoidance of doubt, regardless of the outcome of this application there is now effectively a calculated infrastructure capacity of 200 dwellinghouses across the allocated sites (notwithstanding the permissions already in place or awaiting legal agreements) within Mintlaw until such a time as the Toll of Birness Junction has been upgraded, or the developer can demonstrate any impact on the junction is negligible.

6.20 Both Transportation and Transport Scotland hold no objection to the development subject to the contribution and condition package outlined above. There is an added focus on the infrastructure constraints affecting the site, with the supporting information identifying the issue. Solutions have been identified and set out to enable development to progress in line with wider infrastructure upgrades.

6.21 Housing Strategy have been consulted, and have advised that the development would require 125 affordable units. This is sought in the form of 3 plots of serviced land to accommodate 102 units (approx. 34 per plot), 16 low cost shared equity units (LCSE) over a phased period and a commuted sum equivalent to 7 affordable units. A breakdown of the affordable housing mix is shown in Table 2. The proposal complies with Policy H2 of the LDP in that it would provide 25% affordable housing.

<table>
<thead>
<tr>
<th>Affordable housing required to meet identified housing need</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tenure</td>
<td></td>
</tr>
<tr>
<td>Social rent within each plot x 3</td>
<td>12</td>
</tr>
<tr>
<td>1 Bed flats/houses</td>
<td>8</td>
</tr>
<tr>
<td>2 bed flats/houses</td>
<td>12</td>
</tr>
<tr>
<td>3 bed houses (no flats)</td>
<td>2</td>
</tr>
<tr>
<td>4 bed houses with ground floor bedroom with bathroom</td>
<td></td>
</tr>
<tr>
<td>LCSE phased (to be agreed)</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>16</td>
</tr>
</tbody>
</table>

Table 2: Affordable Housing Mix

6.22 In terms of delivery it is anticipated that the affordable housing shall be delivered as per Table 3. In terms of the commuted payment, this is payable upon completion of every 4th private unit, with the final of the 7 payments coming after the 28th private unit (but before 29th), in line with 25% provision. This commuted payment will help meet local housing need by potentially facilitating the earlier delivery of social rent in Mintlaw on site owned by a RSL partner.
Upon completion of Open Market Unit

<table>
<thead>
<tr>
<th>Affordable housing unit completion</th>
<th>Social Rent</th>
<th>LCSE</th>
<th>Commuted Sum</th>
</tr>
</thead>
<tbody>
<tr>
<td>28th</td>
<td>-</td>
<td>-</td>
<td>7</td>
</tr>
<tr>
<td>165th</td>
<td>1st Plot approx. 34 units</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>210th</td>
<td>-</td>
<td>8th LCSE</td>
<td>-</td>
</tr>
<tr>
<td>260th</td>
<td>2nd plot approx. 34 units</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>310th</td>
<td>-</td>
<td>16th LCSE</td>
<td>-</td>
</tr>
<tr>
<td>355th</td>
<td>3rd Plot approx. 34 units</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

Table 3: Planned Delivery of Affordable Housing

6.23 A total of 2 valid representations (0 support/ 2 objection) have been received as defined in the Scheme of Delegation. These representations raised concerns over the phasing of the site, the amenity impact of the development, pedestrian links, road safety and the accuracy of the plans.

6.24 The amenity impact of the development has been touched upon in paragraph 6.2 of this report. While the matter shall be considered in more detail once a detailed design has been submitted, the principle of siting a residential, community services and employment development on the periphery of a settlement is not unprecedented, and the proposed uses are considered appropriate to the surrounding land uses – primarily agricultural and residential. The development site is allocated within the Aberdeenshire Local Development Plan 2017, therefore the wider strategic principle has already been considered and agreed.

6.25 The phasing of the development does not form part of the proposal under consideration, although the agreed masterplan does include indicative phasing – which may account for the confusion between the submission details and those presented at the pre application public consultation. Phasing would be considered under an application for matters specified in conditions.

6.26 With regard to road safety, Roads Development have been consulted on the application and have returned with no objection to the proposal. The issue of the siting of speed limit signage lies out with the remit of the Planning Service.

6.27 Pedestrian access to the site is a material consideration, however as this application relates to planning permission in principle full details of the layout, siting and design of the scheme have not been provided. The matter would be considered under an application for matters specified in conditions when full design details would be considered.

6.28 A letter of representation raised concerns over the accuracy of the plans, and in particular the absence of approved houses at Nether Aden Farm. This is not a material consideration, as the plan must simply be sufficient to identify the location and boundary of the site of the proposal, however the matter of
inaccurate plans was raised with the developer, and in the interests of clarity revised plans including the location of extant planning permissions at Nether Aden Farm have been provided.

6.29 In conclusion it is considered that the proposed development complies with the policies and principles outlined in the Aberdeenshire Local Development Plan 2017. The development would be in keeping with the site allocation and therefore the principle of development can be established under Policy H1. It has been demonstrated the site can be adequately serviced and accessed as per the requirements of Policy RD 1. Contributions towards local services would be secured via a section 75 legal agreement in line with Policy RD2. Further details of the development would be considered under an application for Matters Specified in Conditions.

7. **Area Implications**

7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community

8. **Implications and Risk**

8.1 An equality impact assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.

8.2 There are no staffing and financial implications.

8.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.

9. **Sustainability Implications**

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

10. **Departures, Notifications and Referrals**

10.1 **Strategic Development Plan Departures**

None

10.2 **Local Development Plan Departures**

None
10.3 The application is not a Departure from the Local Development Plan or Strategic Development Plan and no departure procedures apply.

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

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

11. Recommendation

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

A) The conclusion of a Section 75 Legal Agreement in order to secure Developer Contributions: AND

B) The conditions outlined below:

1) Site wide MSC

Notwithstanding the provisions of the Section 59 of the Town and Country Planning (Scotland) Act 1997, and unless otherwise agreed in writing by the Planning Authority, details of the specified matters listed below, shall be submitted for consideration by the Planning Authority before the expiration of 15 years from the date of the grant of this permission [this 15 year period substitutes the 3 year period referred to in Subsections (2)(a)(i) and (3) of Section 59 of the Town and Country Planning (Scotland) Act 1997]. No development shall begin on the site until all of the details listed in this condition have been submitted to and approved in writing by the Planning Authority, and the development shall be carried out fully in accordance with the details approved in relation to this condition;

a) Phasing Scheme for the entirety of the site which clearly identifies each development block/phase, including proposed land uses.

b) Plan outlining the road hierarchy for the development, demonstrating how each development block/phase shall be accessed and integrated. This Plan must also demonstrate pedestrian pathways and cycle paths. This shall inform the detailed layout, siting and design of each development block/phase.

c) Full details of the proposed roundabout on the A952, which shall form the main access point of the development.

d) Full details of the proposed A952/ Nether Aden Road signalisation scheme.
e) Full details of the proposed crossing facilities on Nether Aden Road, including a timescale for delivery.

f) Overarching Public Transport Strategy (OPTS). The OPTS shall outline the principles which shall inform the detailed PTS which shall be submitted with each development block. The OPTS must:
   i. Identify how public transport services shall be delivered into the site;
   ii. Identify how any public transport service shall serve the needs and requirements of all user groups
   iii. Propose service frequency / time range

g) Design Code, outlining the design principles for the development which shall inform the layout, siting and design of each development block/phase in order to ensure a coherent development.

Reason: Permission for the development has been granted in principle only and subsequent approval is required for these matters in accordance with section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2) Phased MSC

Notwithstanding the provisions of the Section 59 of the Town and Country Planning (Scotland) Act 1997, and unless otherwise agreed in writing by the Planning Authority, details of the specified matters listed below, for each individual development block/phase (as detailed in the phasing scheme submitted and approved in relation to Condition 1 of this permission) shall be submitted for consideration by the Planning Authority before the expiration of 15 years from the date of the grant of this permission [this 15 year period substitutes the 3 year period referred to in Subsections (2)(a)(i) and (3) of Section 59 of the Town and Country Planning (Scotland) Act 1997]. No individual development block/phase shall begin until all of the details listed in this condition for that development block/phase have been submitted and approved by the Planning Authority. The development block/phase shall be carried out fully in accordance with the approved details.

Specified matters:

a) Full details of Layout, Siting and Design. This must include:
   i. Plan clearly marking the location of all dwellings and other structures.
   ii. Elevations, Floor Plans and Cross Sections of any dwellinghouse / buildings.
   iii. Site sections, including the finished floor level of all dwellings / buildings to a fixed datum point.
   iv. A schedule of housetypes and finishes for each plot
v. Details of public open space, including details of any play equipment and any means of enclosure.
vi. Details of any water course buffer strips.

b) Full details of means of foul and surface water drainage to include:
   i. Construction details of the SUDS features


c) Full details of Landscaping to include:
   i. A tree survey in accordance with BS 5837: 2012 or any such standard as is in use at the time of submission.
   ii. Existing Landscaping features and vegetation to be retained
   iii. Protection measures for the landscape features to be retained
   iv. Existing and proposed finished levels
   v. The location of new trees, shrubs, hedges, grassed areas and water features
   vi. A schedule of planting to comprise species, plant sizes and proposed numbers and density.
   vii. The location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment.
   viii. An indication of existing trees, shrubs and hedges to be removed.
   ix. A programme for the implementation, completion and subsequent management of the proposed landscaping.

d) Full details of the road layout, parking and access arrangements to include:
   i. Street Engineering Review (SER)
   ii. Stage 2 Quality Audit
   iii. Full details of the Roads SUDS & SUDS selection method, demonstrating integration with site drainage impact assessment.
   iv. Any access point which forms a junction with the public road, which shall be completed to an adoptable standard.

e) Full details of Pedestrian and Cycle Access, to include:
   i. The location of any footpath and cycle ways.
   ii. A Safe Routes to school Audit providing safe and lit routes between each residential area and each of the schools, as proposed in section 3.2 of the Transport Assessment (Mintlaw Masterplan Transport Assessment, Arcadis – November 2016)
   iii. The audit should address surface condition, suitability for a range of difference user groups, year round maintenance, pedestrian desire lines, potential vehicle conflicts, street lighting and parking for each route.

f) Detailed Public Transport Strategy, which must;
   i. Identify how public transport services shall be delivered into the development block/ phase;
   ii. Identify how any public transport service shall serve the needs and requirements of all user groups
   iii. Propose the proposed network of stops and shelters
   iv. Propose service frequency / time range
v. Include a plan for the staged introduction of new or extended services in line with the development phases.

vi. Provide details of the Park and Ride Proposal, including the number of parking places.

g) Full details of Affordable Housing provision, or parcels of land for Affordable Housing if agreed. This must include:

i. The means of accessing any parcels of land

ii. Demonstrate any parcel of land is sufficient to accommodate the required number of units.

Reason: Permission for the development has been granted in principle only and subsequent approval is required for these matters in accordance with section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended) and to allow a for a reasonable period of time to plan and implement the development.

3) Building Rate + Toll of Birness (Long Term)

No more than 200 dwellinghouses shall be built and occupied within the site (as per ‘Site Plan’, Drawing No. Mintlaw/01 Rev C, dated May 2017) until such a time as:

a) The transportation interventions outlined in Sections 3 and 4 of the ‘Transport Assessment Addendum, Arcadis dated April 2018’ have been put in place, or an alternative scheme (agreed by the Planning Service in consultation with Infrastructure Services (Transportation) and Transport Scotland) has been implemented. OR;

b) It can be demonstrated to the satisfaction of the Planning Service in consultation with Infrastructure Services (Transportation) and Transport Scotland that the construction and occupation of additional dwellinghouses would not have an unacceptable impact upon traffic flows.

For the avoidance of doubt the Long Term Intervention referenced in this condition relates to a roundabout layout as outlined in Sections 3 and 4 of the ‘Transport Assessment Addendum, Arcadis dated April 2018’.

Reason: In the interests of Road Safety and in order to ensure that the A90 / A952 Junction remains within capacity.

4) Toll of Birness (Short Term)

Prior to the occupation of any dwellinghouses within the site, transport interventions shall be put in place at the A90 / A952 ‘Toll of Birness’ Junction as outlined in section 4.3 and shown in figure 4.2 of the ‘Transport Assessment Addendum, Arcadis dated April 2018’ or such other scheme as may be agreed in writing with the Planning Service in consultation with Infrastructure Services (Transportation) and Transport Scotland
For the avoidance of doubt the Short Term Intervention referenced in this condition relates to the package of additional signage as outlined in Section 4.3 and shown in figure 4.2 of the ‘Transport Assessment Addendum, Arcadis dated April 2018’

Reason: In the interests of Road Safety and in particular the safety of the A90 / A952 Junction.

5) Public Water Supply

The development hereby approved shall be connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply without the separate express grant of planning permission.

Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

6) Public Sewer Connection

Waste water from the proposed development shall be disposed of via the public sewer as indicated in the submitted application and shall not be disposed of via private means without the separate express grant of planning permission.

Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

7) Water Features Protection

No works in connection with any development block/ phase of this development (as per the phasing scheme to be agreed under condition 1) shall commence unless full details of any proposed or existing water features and their protection (if appropriate) within that development block/ phase have been submitted to and agreed by the Planning Authority. This must include:

a) A phase 1 habitat survey to identify whether there are any Groundwater Dependent Terrestrial Ecosystems within the site and 250m of the site boundary.

b) Private water supply **source locations** and whether any sources fall within the 100m or 250m buffer zone of proposed roads, excavation and other works as stated in LUPS-GU31 section 2.6.

c) Full details of the existing wells and hydraulic pump located in the Phase 2B Industrial area of the site as shown within ‘Fig 22 – Phasing Proposals’ of the agreed Masterplan (Mintlaw Sites M1/EH3 Masterplan, dated November 2016). This must include confirmation of whether they are in use and/ or details of decommissioning. Any decommissioning of these
feature must be carried out in a manner and with materials which will not impact on the groundwater;

d) A site layout clearly showing all proposed infrastructure, overlain with details of the extent and depths of all proposed excavations and showing relevant buffer zones.

Relevant buffer zones are:
  i. 100m for excavations less than 1m;
  ii. 250m for excavations greater than 1m

Further guidance can be found in LUPS-GU31 section 2.4 Guidance on Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystems;

e) A plan highlighting a minimum 8m buffer strip (either side) along the watercourse (shown as a drain on the OS map) which runs from north to south at the eastern boundary of the site.

f) Any other drains, which may also require buffer strips and restoration for ecological benefit and amenity value;

This condition refers to LUPS-GU31 (Land Use Planning System – SEPA Guidance Note 31 – Guidance on assessing the impacts of development proposals on groundwater abstractions and groundwater dependant terrestrial ecosystems).

Reason: In the interests of biodiversity and in order to ensure the development would not have an unacceptable impact upon the groundwater component of any private water supplies.

8) CEMP

No works in connection with any development block/phase of this development (as per the phasing scheme to be agreed under condition 1), including demolition, ground works and vegetation clearance shall commence unless a construction environmental management plan (CEMP) for that development block/phase has been submitted to and approved in writing by the planning authority. The CEMP shall include the following:

(a) Risk assessment of potentially damaging construction activities;
(b) Identification of biodiversity protection zones;
(c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
(d) The location and timing of sensitive works to avoid harm to biodiversity features;
(e) The times during construction when specialist ecologists need to be present on site to oversee works;
(f) Responsible persons and lines of communication;
(g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
(h) Use of protective fences, exclusion barriers and warning signs.

All works carried out during the construction period shall be undertaken strictly in accordance with the approved CEMP.

Reason: In the interests of protecting the biodiversity of the environment.

9) Protection Plan

No works in connection with any development block/phase of this development (as per the phasing scheme to be agreed under condition 1) shall be carried out until a Species Protection Plan has been submitted for that development block/phase and agreed with the Planning Authority. The species protection plan shall:

a) Require and be informed by up to date survey work;

b) Outline measures to prevent the destruction or disturbance of the habitats of protected species where possible;

c) Outline mitigation measures for the loss of habitats where said loss is unavoidable.

Thereafter the scheme shall be carried out in accordance with the agreed Species Protection Plan.

Reason: In the interests of safeguarding the habitats of a protected species.

10) Carbon Neutrality

No individual dwellinghouse or building shall be erected onsite unless an Energy Statement applicable to that dwellinghouse or building has been submitted to and approved in writing by the planning authority.

The Energy Statement shall include the following items:

a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development;

b) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy C1 of the Aberdeenshire Local Development Plan 2017.

The development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.
Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and Policy C1 of the Aberdeenshire Local Development Plan 2017.

11) Parking Spaces

No individual dwellinghouse or unit shall be occupied or otherwise brought into use unless sufficient parking spaces have been provided for that dwellinghouse or unit in line with Aberdeenshire Councils Parking Standards.

All areas of public or visitor parking shall be in place by the completion of the penultimate dwellinghouse or unit of each development block/phase.

Parking provision shall be in accordance with details approved under condition 2 for each development block/phase.

Reason: In order to ensure that adequate parking both in terms of quantity and quality is incorporated into the development and in order to ensure the flow of traffic is not impeded by parked vehicles.

12) A952 access upgrades

No more than 20 dwellinghouses shall be built and occupied until such a time as the primary access to the site (in the form of a roundabout on the A952 road (details to be agreed under condition 1)) has been delivered or such other scheme as may be agreed in writing with the Planning Service in consultation with Infrastructure Services (Transportation) and Infrastructure Services (Roads Development) and thereafter shall be retained in perpetuity.

Reason: In the interests of Road Safety and in order to ensure the site is served by an appropriate means of access.

13) A952/ Nether Aden Road signalisation

No individual dwellinghouse or unit within the development shall be occupied unless, the scheme for the signalisation of the A952/ Nether Aden Road (details to be agreed under condition 1) has been implemented or such other scheme as may be agreed in writing with the Planning Service in consultation with Infrastructure Services (Transportation) and Infrastructure Services (Roads Development). Thereafter the signalisation scheme (or other intervention as agreed) shall be retained and operated in accordance with the scheme.

Reason: In the interests of road safety and in particular the safety of the A952 / Nether Aden Road Junction.
14) Footpaths

No individual dwellinghouse or unit shall be occupied or otherwise brought into use unless a continuous formal shared footway, in line with the proposals set out in paragraph 3.2 of the Transport Assessment (Mintlaw Masterplan Transport Assessment, Arcadis – November 2016) has been provided for that development block/phase.

Details of the footway shall be approved under condition 2, and construction shall be in accordance with those details. Thereafter the footway shall be retained in perpetuity.

Reason: In the interests of road safety and encouraging active transport.

DIRECTION UNDER SECTION 59 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997:

That subsection (2)(a)(i) of section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended) shall apply as respects of the permission with the substitution for the period of 3 years referred to in that subsection of 15 years, as is considered appropriate by the Planning Authority in this instance on the basis of the scale of the development. The provisions of section 59(2) shall therefore be read as follows:

That this planning permission in principle shall lapse unless a further application or applications for approval of the matters specified in all condition(s) attached to this grant of planning permission in principle across the entire site has been made before whichever is the latest of the following:

(i) The expiration of 15 years from the date of this grant of planning permission in principle:
(ii) The expiration of 6 months from the date on which an earlier application for the requisite approval of matters specified in conditions was refused;
(iii) The expiration of 6 months from the date on which an appeal against the direction at the end of the conditions such refusal was dismissed.

Pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2005.

11.2 Reason for Decision

It is considered that the proposed development broadly complies with the policies and principles outlined in the Aberdeenshire Local Development Plan 2017. The development would be in keeping with the site allocation and therefore the principle of development can be established.
For noting:-

Part 2C (Planning Delegations) states at Section C.2.2 for Major Development, that following consultation with the Chair and Vice-Chair of the determining Committee for applications initially dealt with by the Area Committee, the Head of Planning and Building Standards can refuse planning applications for which Section 75 Agreements are not completed or Developer Obligations are not paid within six months from the date of the Committee at which the application is determined. Local Ward Members shall be notified of any such refusal.

Please note that this power may be exercised in respect of the application which is the subject of this report if the application is approved by the Committee."

Stephen Archer  
Director of Infrastructure Services  
Author of Report: James Hewitt  
Report Date: 04/06/2018
Figure 1: Allocations within Mintlaw
Application Summary
Application Number: APP/2017/2547
Address: OP1 Nether Aden Mintlaw Peterhead Aberdeenshire
Proposal: Mixed Use Development - Erection of 500 Dwellinghouse, Business, Community, Services for the Elderly, Retail and 5Ha of Employment Land
Case Officer: James Hewitt

Customer Details
Name: Mrs Brenda Finnie
Address: 1 Baluss Cottages Mintlaw Peterhead

Comment Details
Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment: After attending the recent public exhibition of the plans at MACBI and chatting to the agent, we had no intentions of objecting to the application. However, after reading the information we discovered that the agents blatantly lied to us at the exhibition, we made it clear who we were and where we live in relation to the development and when we asked about phasing we were told that no development would take place near us as it would start in the north-west corner, after reading the phasing section in their statement and the public consultation report, it seems clear that they intend to begin development immediately next door to us. Our comments on this are not mentioned in the report which leads us to question if any other comments were not mentioned in the report (omit any bad publicity?). The public consultation report should detail the questions we asked and when the decision was taken to change the phasing, or if this was the plan all along why have they lied?
The plans provided are out of date providing a false context for the development. The buildings at Nether Aden are all different now as the previous landowner has sold off plots so none of the new residents houses are shown. Our sons house next door to us is also not shown, making the development seem less onerous on neighbours as it doesn’t show how it will affect his privacy/overshading. Development there must be carefully considered in this respect e.g. low rise. There is no footpath provision shown for connecting us and the development next door to the public pavement at the entrance to the Beeches. surely this basic fundamental for promoting pedestrian/cyclist connectivity should be provided?
Comments for Planning Application APP/2017/2547

Application Summary
Application Number: APP/2017/2547
Address: OP1 Nether Aden Mintlaw Peterhead Aberdeenshire
Proposal: Mixed Use Development - Erection of 500 Dwellinghouse, Business, Community, Services for the Elderly, Retail and 5Ha of Employment Land
Case Officer: James Hewitt

Customer Details
Name: Mrs Louise Finnie
Address: A'Deen, Baluss Cottages Mintlaw Peterhead

Comment Details
Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment: At the recent public exhibition we made it clear where our house is in relation to the development so that the developer could tell us what is going on near us. We were told not to worry as development would start in the north-west corner of the site and would take 10, 15 or 20 years to filter down near our house. After viewing the current plans, this was a blatant lie (can't figure out the reason why they would do so) and I would ask when the plan changed as it isn't mentioned in the phasing section or the public consultation report (they've not mentioned our questions at all). If the plan was always to develop near to us first all along I can't understand why they wouldn't just say so, unless it was a ploy to avoid bad publicity? We realise the development will go ahead but the poor public engagement and blatant lies by the developer has left us with a bad feeling towards them.
In any case, development around our house should be low rise ie. single storey to avoid overshading or privacy issues.
A pavement and street lights must be provided between the development south of us and the existing pavement at The Beeches to match the councils requirements to promote pedestrian connectivity/accessibility. Although I can't specifically find it in their documentation, I presume that the 30mph signs will be moved south with street lights to serve the new development?
The plans are out of date, our house is not shown as are many at Nether Aden, again this is blatant covering to favour the developer (seems less onerous in terms of how it will affect neighbours) by providing false context.