

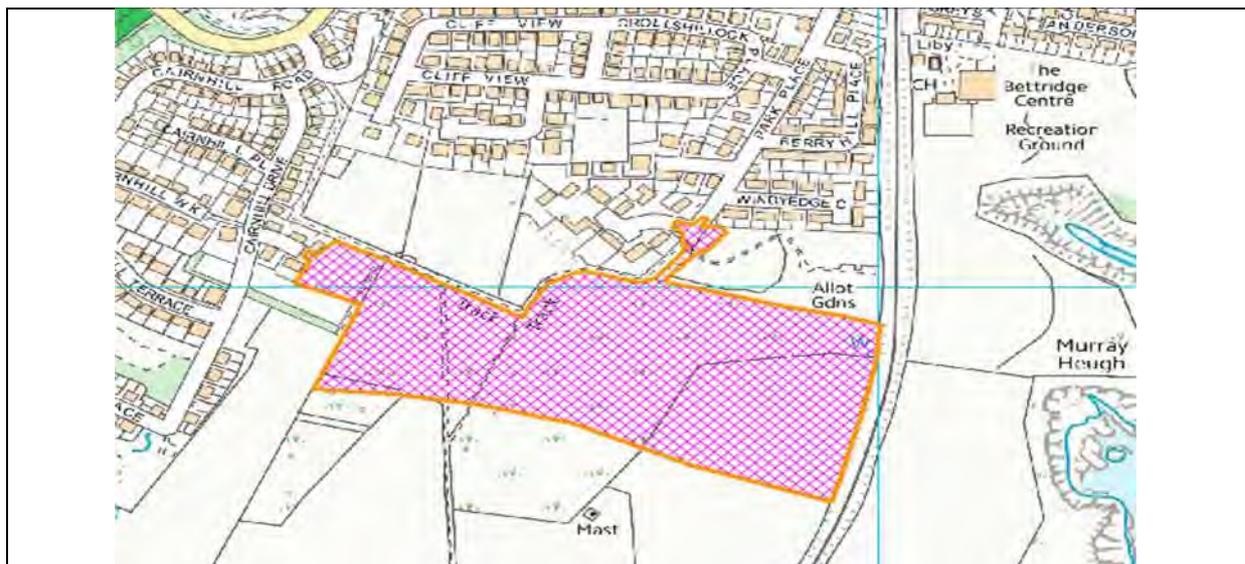
Kincardine & Mearns Area Committee Report 20 November 2018

Reference No: APP/2018/1213

Full Planning Permission for Erection of 121 Dwellinghouses and Associated Infrastructure and Landscaping at Site OP1, Park Place, Newtonhill, Aberdeenshire,

Applicant: Barratt North Scotland, Blairton House, Old Aberdeen Road, Balmedie, AB23 8SH
Agent: Halliday Fraser Munro, Carden Church, 8 Victoria Street, Aberdeen, AB10 1XB

Grid Ref: E:390782 N:792953
 Ward No. and Name: North Kincardine
 Application Type: Full Planning Permission
 Representations: 652
 Consultations: 19
 Relevant Proposals: Aberdeen Local Development Plan Map
 Designations: Aberdeen Housing Market Area
 Complies with: No
 Development Plans:
 Main Recommendation: Delegated Grant



NOT TO SCALE

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1. Reason for Report

- 1.1 The Committee is able to consider and take a decision on this item in terms of Section B.8.1 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 This application was deferred at the last meeting of Kincardine and Mearns Area Committee on 30th October 2018 for further information.
- 1.3 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 Full planning permission is sought for the erection of 121 dwellinghouses on land to the south of Newtonhill and within the settlement boundary. The proposal comprises 121 residential units including cottage flats, semi-detached, terraced and detached dwellinghouses. The site is located within the Aberdeen housing market area and strategic growth area approximately 16km south of Aberdeen and 8km north of Stonehaven.
- 2.2 The site extends to approximately 5.69 hectares and has a narrow generally rectangular shape orientated east – west. The site is bounded by existing residential development to the west and centrally to the north; a paddock to the northwest; public open space at the foot of Park Place and to the south of Windyedge Court and allotments to the northeast; the east coast railway line to the east and gorse scrub and agricultural land to the south. The village of Muchalls is located approximately 0.75km to the south. The site itself is in the main given over to gorse and scrub with an area of agricultural land in the southeast corner and an area of managed grass to west adjacent to Cairnhill Way.
- 2.3 An adopted core path (7LD01.37) runs south through the site from Park Place and connecting to a farm track heading south past Mains of Monduff Farm and on to Muchalls. A further spur of core path continues west along the northern boundary of the site connecting to the farm track. The land to the east of the core path, north of the application site and west of the railway was bequeathed to, and managed by, the Council as community amenity ground. The southern boundary of the site is not strongly defined as is the case for the land protected as a landscape buffer to the south of the application site. There are a number of informal paths through the gorse but they are often overgrown and impassable. There are also informal paths around the boundary of the gorse. The land slopes down from approximately 74 - 75m above Ordnance Datum (AOD) in the northwest corner of the site to approximately 64 -65m AOD to the southeast adjacent to the railway. There is a natural mound immediately to the south of the site approximately 81m AOD

at its highest point. The land is undulating within the gorse area and would require a degree of site levelling.

- 2.4 The application site forms part of the site OP1 allocated in the Aberdeenshire Local Development Plan 2017 (LDP) for 70 dwellinghouses. The allocation includes the 'paddock' to the northwest which extends to approximately 2 hectares. This area is under separate ownership and the owner of the paddock is not seeking to develop the area at this time. The OP1 housing allocation is bounded to the south by an extensive area designated as site P4 to provide a landscape buffer between Newtonhill and Muchalls. This buffer extends the full length of the southern boundary of the OP1, extends approximately 40m south of the OP1 boundary and extends to approximately 14,800sqm. The application site boundary incorporates this buffer strip which would include a sustainable drainage system (SUDS) pond to the west, retention of areas of gorse, further planting, extensions to the local path network and landscaping. Other than the SUDS pond, development would be excluded from the buffer strip.
- 2.5 The green area to the north and northeast of the site is designated as area P2 in the LDP to conserve the area of open space and allotments as amenities for the village and forming part of the green network. This area extends to approximately 1.7 hectares and includes the allotments to the east. The remainder is open ground and is a wild life garden. A section of the open ground extending to approximately 1350sqm is incorporated into the application site. Approximately 642sqm would be lost to transportation infrastructure.
- 2.6 The wider site was previously allocated as site H1 in the 2012 LDP. The site was initially constrained by local nature designation: SESA/SINS (Sites of Environmentally Sensitive Areas and Sites of Interest to Natural Science). However, this designation had been reviewed and the site is no longer included in the SESA/SINS boundary.
- 2.7 When considering the continued allocation in the current plan as OP1, the Reporter noted that the Community Council had held its own engagement exercise and it stated that a significant proportion of respondents supported the removal of site OP1 from the proposed plan. The only reason given in this representation was that there was a lack of need for this site to be developed due to other sizable allocations nearby. Whilst the Reporter accepted that the nearby Chapelton allocation is of particular strategic significance, both Chapelton and Newtonhill are within the Aberdeen housing market area and strategic growth area. The growth of Newtonhill is therefore consistent with the strategic plan. The Reporter recognised that there is some justification for the inclusion of appropriate additional sites, where these could assist in achieving a higher rate of completions over the plan period. This site is recognised as being effective and relatively unconstrained, and it contributes to the range and choice of sites and locations available for development. This should in turn enhance the rate of house building in the area. Therefore, its removal from the plan was considered to be counterproductive and unjustified.

2.8 The Newtonhill Settlement Statement on the OP1 allocated site in the LDP states:-

“Future development should ensure that the site has two points of access due to the scale of the development and these can be taken from Cairnhill Drive and Park Place. This would then allow a link to be made connecting these two areas.

When developing this site, it is important that consideration is also given at the same time to ensure that the P4 buffer is developed to ensure that there is screening between this development and Muchalls. A core path also runs along the boundary and through the site and connections should be made to link up with the network.

It is expected that 17 (25%) affordable houses will be provided onsite by the developer and these should be integrated into the design of the development to provide a mix of house types and sizes to meet local need.”

2.9 The development would create two new junctions forming the main vehicular and pedestrian access from Cairnhill Way and Park Place, linking these two residential areas. The proposed affordable housing would be located to the southwest area of the site and the developer has suggested they may erect these units in the first phase of development. A series of terraced open market units would be located immediately to the north of the affordable housing and would incorporate a terrace of three affordable units. The remainder of the open market units would be located more centrally within the site. The density of development is similar to that of the neighbouring residential areas.

2.10 Public open space extending to just over 40% site is distributed across the application site. The 40% open space is over and above the extensive landscape buffer strip. There are four key areas of open space, Firstly an extensive area to the east towards the railway. This area would include a SUDS pond close to the boundary with the buffer strip to the south. This area would include a footpath extension round into the buffer strip then extend west to connect to the core path. Secondly, the core path would continue south from Park Place in its current route just outside the boundary of the site. The land to the south and east of the core path would be landscaped to a distance of approximately 7m on average, incorporating areas of retained gorse. The core path would then extend south through the site for approximately 55m over the new road with open space to the east and plot boundaries to the west. The core path would then pass through the landscape buffer then on to Muchalls as it currently does. The third area of open space is located to the east of the core path and to the north of the buffer strip forming a modest ‘village green’. The fourth area of open space is located to either side of the access road into the site from Cairnhill Way. The farm track will link through the site on a section of new road for approximately 112m.

2.11 The proposed housing mix is as follows:

91 pen market housing units comprising:

- 67 four- bed detached units;
- 12 three-bed semi-detached units;
- 6 two-bed semi-detached units; and
- 6 two-bed mid terrace units.

30 affordable housing units comprising:

- 1 four-bed detached unit;
- 8 three-bed end terrace units;
- 6 three-bed mid terrace units
- two-bed end terrace units;
- 1 two-bed mid terrace units; and
- 12 one-bed cottage flats in three blocks of four flats

The affordable housing provision is 24.8% of the total – marginally under the required 25% in the Local Development Plan (LDP).

2.12 Specific landscaping details would include retention of gorse along the boundary of the core path and to the south of the site in the landscape buffer. Rather than a continuous line of trees within the buffer strip, the applicant proposes planting groups of trees within the 'village green', around both SuDS ponds and within the buffer strip. Areas of grass and meadow flowers are also proposed.

2.13 Foul water would drain to the public system and some local sewer reinforcement may be required. Surface water would drain from the two proposed SUDS ponds across the field to the south and thereafter into the watercourse to the south. The field is in the ownership of the applicant.

Planning History

2.14 A revised Masterplan was considered and agreed by the Kincardine & Mearns Area Committee (KMAC) on 20th March 2018 (Agenda Item 12(C)). The Masterplan considered the broad principles of the proposed development and the Committee agreed that the Masterplan would be one material consideration amongst others, such as the number of proposed units, which would be assessed as part of consideration of the fine detail of a future planning application. The committee, in agreeing the Masterplan as a material consideration, did not consider the number of residential units at that stage

2.15 APP/2017/1408 – Withdrawn. The application sought full planning permission for the erection of 123 dwellinghouses, 8 flats and associated infrastructure and landscaping. The application was being considered concurrently with the Masterplan and was withdrawn to allow the masterplan to be considered in

isolation and prior to submission of a revised application if and when the master plan was agreed by Committee.

- 2.16 ENQ/2016/1661 – A Proposal of Application Notice (PoAN) was submitted on 21 August 2016. The PoAN followed pre-application discussions with the Planning Authority over a number of years.

Reports and Technical Reports

- 2.17 **Pre-Application Consultation Report (PAC).** The report details engagement with the Newtonhill, Muchalls and Cammachmore Community Council (NMCCC) pre and post submission of the PoAN. Initially, two public events were held at the Betteridge Centre Newtonhill on 28 September 2016 between the hours of 14.00 – 18.00 with over 100 people attending. A second public meeting was held in the same location on 26 October 2016 with approximately 70 members of the public attending. The comments received were considered, taken on board and fed in to the proposed Masterplan. Thereafter there was further liaison with the NMCCC. The Masterplan was considered by the Kincardine and Mearns Area Committee (KMAC) on 22 August 2017. KMAC disagreed with the recommendation to agree the Masterplan and requested a number of actions and considerations including: a Committee site visit, treatment of the core path and farm track through the site, the extent of the buffer strip adjacent to the railway, road infrastructure, site boundaries in relation to the LDP, visual impact and further public consultation. A third public consultation event took place in the Betteridge Centre on 27 September 2017 when approximately 100 members of the public attended. The applicants are confident that the issues raised by members of the public, KMAC and local stakeholders have been acknowledged and incorporated into the proposed detailed site layout which has been submitted along with this PAC Report.
- 2.18 **Design and Access Statement** prepared by Halliday Fraser and Munro with sections relating to:
- Introduction including location, the existing settlement planning context and existing views of the site;
 - Site analysis including land use, connectivity, natural environment, landscape character, topography core path and opportunities and constraints; and
 - Design proposal including Masterplan principles, landscape strategy, design concept, street hierarch, residential form, public open space, core path network connections, site levels and vehicular access, accessibility, parking, final design and design solutions.
- 2.19 **Planning Statement** prepared by the applicant dated May 2018 with sections as follows:
- Executive detailing how the developer considers the proposed development would comply with the development plan;
 - Site location and description;

- Summary of the proposal and masterplanning;
- Pedestrian and vehicular access;
- Discussion section covering issues such as the flexible approach to allocated sites in the LDP, in particular relating to the number of units where numbers are considered indicative rather than finite; delivery of affordable housing; that the layout is based on the principle of the Scottish Government guidance 'Designing Streets', adherence to Council standards of garden design, parking and open space and development density, shortfall in delivery of housing in the Aberdeen to Laurencekirk Strategic Growth Area; and reduced number to reflect local concerns; and justification for the proposed increase in numbers above those allocated in the LDP;
- Layout, siting and design in accordance with the agreed Masterplan, open space and access, SUDS provision in the landscape buffer, protection of the open feel of the core path in line with concerns raised by local residents
- Transportation and access; and
- Proposed liaison with community with regards the relocation or replanting of trees and landscape management of the area of protected land to the north of the site.
- Landscape buffer to the south and location of the site some 200m north of the existing house to the west will ensure no coalescence with Muchalls; and
- Providing suitable services.

2.20 **Ecological Survey Report** (revised) prepared by Landcare NorthEast (May 2018). The field survey concludes that the proposed development site comprises mainly dense scrub with some defined open areas of semi-improved grassland. For much of the site, scrub is expansive and uniform in nature with little species diversity. However, this habitat is of significant value to breeding birds and was noted as rich in invertebrates where vegetation structure was more open. Neutral grassland patches offer some botanical interest. Areas of adjacent improved agricultural and amenity ground have limited use by wildlife though skylark were noted displaying above cultivated arable ground and the fallow field.

2.21 **Transport Assessment**, including a Traffic Survey Report, prepared by Goodson Associates (May 2018) commenting and concluding:

The application site has been considered in terms of its sustainability and its ability to meet the aims of both the local and national transport policy; existing walking facilities in the vicinity of the site are considered to be of an acceptable standard and provide links to local amenities. Furthermore, the internal area of the proposed site is well-structured having streets that connect the urban blocks and driveways with the existing road network; the site is well placed to make use of the existing bus services; Portlethen Railway Station, located 5.5 km north of the site, serves the area of Newtonhill and the access from the site to railway station either by bus or by car is straightforward; the proposed car parking provision meets the Aberdeenshire

Council's requirements and is provided comprising on-street parking, driveways, integral and detached garages; visitor spaces located adjacent to recreational areas offer, also, higher level of flexibility. The development impact on the local road network in terms of traffic has been assessed.

The results of the capacity analysis of the surveyed junctions indicate that the predicted traffic from the proposed development can be comfortably accommodated on the surrounding network and the report concludes it has demonstrated that the proposed development will integrate well with the existing transport network, with pedestrians, cyclists, public transport patrons and car users all catered for in a sustainable manner. It is therefore recommended that there are no transport related issues preventing the award of planning.

2.22 Drainage Impact Assessment and Flood Risk Assessment prepared by Goodson Associates (May 2017) concluding:

The development drainage assessment can be deemed to satisfy all elements of the latest guidelines, technical requirements and planning policies published by the key stakeholders with regards to impact upon the existing drainage systems and the natural water environment as:

- The foul water generated by the development is to be discharged to the existing foul sewerage network. A Drainage Impact Assessment (DIA) will be required to ensure that there is sufficient capacity within the network to support the development;
- The surface water drainage from the site will incorporate full SuDS measures to control the discharge from the site to an agreed discharge rate. This will ensure no detriment to the existing watercourse which currently receives surface water from the site and is the proposed outfall for the development;
- Water quality of the existing watercourse will not be impacted on. This will be achieved using detention basins for different parts of the site. A SEPA tool, utilising The SuDS Manual (CIRIA Document C753) approach, has been used to demonstrate the SuDS features proposed will adequately mitigate contamination generated by the anticipated land uses;
- Micro-drainage source control modelling has been undertaken for the 1 in 30 and 1 in 200 year events. The results of this analysis estimate that the volume of storm water storage required for the 1 in 30 year event to be 452m³ and for the 1 in 200 year event to be 721m³. Based on consultations with Aberdeenshire the 1 in 200 year volume can be considered to be the total storage volume required.

2.23 SER/QA/Safety Audit and Accessibility Audit – The Street Engineering Review (SER), Quality Audit (QA) and various other documents have been updated throughout the course of the application. The SER/QA submissions combine to explain bespoke street design, user hierarchy, set out key design

standards, key material palette information and demonstrate that design layout has fully considered safety and needs of key user groups.

Amendments

- 2.24 The site plan, proposed treatment of the core path and a raft of drawings relating roads and access have been superseded on a number of occasions as discussions with Infrastructure Services (Roads Development) have progressed.

3. Representations

- 3.1 A total of 652 valid representations (1 in support/651 in objection) have been received as defined in the Scheme of Delegation. This does not include multiple representations from the same household which equate to 666 letters in total. All issues raised have been considered.

Support

- The site is identified in the local development plan (LDP) for housing;
- LDP states the site is a logical area for extension of Newtonhill;
- There is a history of small scale residential development on site;
- The core path in the main respected by the proposed development;
- Some of those using the core path misuse their right to access the site evidenced by dog faeces, bagged and unbagged, and dumped garden waste;
- The 'Moor' is private not public land and has been leased then owned by the same family for 85 years or more;
- Those using the core path will continue to be able to do so and this section of the core path within the site would be improved for use by all abilities;
- Houses built in Newtonhill through the seventies and later were built on prime agricultural land while this site is secondary land;
- There would be more suitable affordable housing provided – Chapleton is out of most younger persons' budgets;
- Motorists used to drive down Park Place and across the site to access the A90 despite being asked not to – this only stopped when the underpass and bypass opened;
- The site is not a 'recreational amenity' but is in fact rough pasture and was gated for that use in living memory;

Objection

The central/common themes in objections can be summarised as follows:

- In approving Chapleton there was a 'promise' that there would be no need for further housing in Newtonhill;
- Chapleton has stalled or slowed down and the existing number of

houses for sale in Muchalls and Newtonhill suggest there is no market for additional housing;

- Houses on this site will slow down delivery in Chapleton even further pushing back the time within which infrastructure provision will be delivered – in particular the primary school;
- Negative impact on access and safety on core path between Newtonhill and Muchalls;
- Negative impact on education – school rolls at primary and secondary near capacity, out of school places at capacity. Port-a-cabins would reduce outside space at the school. If the school was to expand there are existing teacher recruitment issues. Chapleton primary not built until the 489th unit is complete;
- Negative impact on health Infrastructure – Portlethen Medical Centre and ARI are already stretched – recruitment issues;
- Nursery and out of school clubs are already stretched;
- Loss of green recreational space important to physical and mental wellbeing;
- Negative landscape impact and coastal setting;
- No play area is proposed;
- Negative impact on wildlife due to the loss of habitat impacting upon endangered species including green finches, yellow hammers, wrens, goldfinches, skylarks as well as hedgehogs, deer and foxes. Where do they move to or do they just disappear?
- Increase in water extraction from local water courses – impact upon fish
- Poor history of maintenance of green spaces post development;
- Light pollution - the site would be highly visible from the south – especially at night;
- Loss of light at the allotments;
- Existing drainage infrastructure is old and needs updated – this will only add pressure;
- Mix and affordability of housing inappropriate
- Shared equity affordable housing is not selling with a previous buy back option not now honoured/available – many families cannot afford or are not eligible for a mortgage on these properties;
- Inadequate existing road infrastructure within Newtonhill and access on to the A90;
- Reduced access to the farm to the south;
- Negative impact on road safety and increased on-street parking – particularly relating to the primary school, football days and access to and from the A90;
- Traffic monitoring was carried out at quiet times and does not provide an accurate picture;
- Car parking on Cairnhill Drive and Park Place render these roads almost impossible for larger vehicles – how will these roads contend with construction and additional traffic;
- Poor access for emergency vehicles;
- Poor access to public transport so future residents will be dependent on the car;

- Overdevelopment – the application site only covers part of the allocation in the LDP and the whole site has an allocation for 70 units; Impact on the character of the village;
- The development is not in the public interest. The development adds nothing to the village in terms of amenities – it will just add to the existing strain on services;
- Coalescence of Newtonhill and Muchalls with the site clearly visible from Muchalls conservation area;
- The site offers no employment opportunities or youth facilities;
- Not the right development in the right place;
- The Aberdeenshire Housing Market effective housing supply has risen in 2018 to an 8.1-year supply there is no further requirement for additional sites;
- The slowdown in Chapleton is due to slowdown in housing demand due to the price of oil, not the development capacity or appeal of the site;
- The Planning Statement makes a number of incorrect comments on Chapleton regarding the lack of choice and affordability of housing on offer.
- This application site does not meet any of the six qualities of successful places as defined in LDP Policy P1.

4. Consultations

Internal

- 4.1 **Infrastructure Services (Affordable Housing)** supports the proposed affordable housing mix and is satisfied with the proposed integration on the grounds this proposal meets housing need as identified by Aberdeenshire Council waiting list 2018 and the Housing Need and Demand Assessment 2017. The ground floor flats of the 1 bed flats, and the 4 bed house will have a ground floor bedroom and bathroom and may help to assist in meeting the housing needs of households with particular needs. It is also in accordance with the Local Development Plan's Affordable Housing Policy providing an onsite contribution of 25%. This would be 30 units based on the proposal of 121 residential units. In terms of Low Cost Shared Equity (LCSE) 3 units are required. The LCSE would need to be secured by a S75 agreement to ensure they remain affordable in perpetuity and subsidised by the developer to be sold at benchmark prices.
- 4.2 **Infrastructure Services (Archaeology)** has no objection to the proposal but request a condition requiring the submission of a Written Scheme of Investigation (WS) (this has been submitted and no changes are required) and a post excavation research design (PERD) if required.
- 4.3 **Infrastructure Services (Contaminated Land)** has no objection to the proposal subject to an informative relating to contamination found during development.

- 4.4 **Infrastructure Services (Environment Team)** require further information to be submitted including a detailed Access Plan; biodiversity and landscaping; protection of retained areas of trees and habit; removal of exotic species from the landscaping plan; details of wildflower planting mix and subsequent maintenance; and protection of breeding birds.
- 4.5 **Infrastructure Services (Environmental Health)** has no objection to the proposal but recommend a condition relating to the submission of a dust suppression scheme.
- 4.6 **Infrastructure Services (Floods Risk and Coast Protection)** comment the site is not at risk of flooding and they are satisfied with the surface water drainage proposals. They request a condition requiring the drainage to be carried out in accordance with the approved plans.
- 4.7 **Infrastructure Services (Roads Development)** – has confirmed that as a result of ongoing engagement, the submitted SER/QA is considered to be acceptable and adequately demonstrates that design layout has fully considered safety and needs of key user groups.

As such, it is important that any future layout amendments including (but not confined to) change of house types, parking allocation or distribution and/or boundary treatments may potentially affect content of the original submissions. It should also be noted that additional requirements relating to essential improvements to existing roads infrastructure have been included as relevant planning conditions.

- 4.8 **Infrastructure Services (Transportation)** comment they have no objection to the proposal. Subject to a condition requiring the submission of a Travel Plan. The Transport Assessment is considered acceptable. With regards sustainable accessibility the distance of public amenities is accepted as being within the 1600m distance as specified within Scottish Planning Policy and Planning Advice Note 75. It is noted that at the current time, the nearest bus stops are 400 to 600 metres away, which is at most 200m out with the 400m standard guidance value. The junction modelling shows all junctions examined are anticipated to operate within acceptable capacity levels due to this development.
- 4.9 **Infrastructure Services (Waste Management)** has no objection to the proposal subject to Roads Development's consultation response.
- 4.10 **Education and Children's Services** has no objection to the proposal providing the following justification:
- The Learning Estates Team monitor a live school roll forecast which differs from the published 2017 school roll forecast. This includes up to date information regarding revised build out and completion rates of houses from developers and up to date pupil numbers;
 - Education & Children's Services have also recently completed a capacity review of all primary schools in Aberdeenshire adhering to

Scottish Government guidance. This capacity review resulted in a change of capacity for many schools, including Newtonhill where the capacity will now be 459 as of August this year;

- The uplift in capacity for Newtonhill and a slower than expected build out rate for another development in the catchment means that Newtonhill School is not forecast to exceed capacity for several years, until 2024. This is still subject to change in future years if the completion rates of houses in the catchment continue to be lower than expected; and
- Whilst there is no delivery date yet for a school at Chapelton, long term that would alleviate any capacity pressure in the future at Newtonhill School.

Following a request from Members, when this proposal was presented to the Kincardine and Mearns Area Committee, on 30 October 2018, further comments were sought from Education and Children's Services in relation to the expansion of early years provision. It has been clarified that when taking into account the capacity of partner providers in the area and the nursery provision at Newtonhill School, there is currently sufficient capacity for the expansion of early years provision in the Newtonhill area.

4.11 **Legal and Governance (Developer Obligations)** confirm Developer Obligations have been agreed as follows:

- Affordable Housing – 30 Units on site;
- Infrastructure contributions towards community halls, sports and recreation facilities and healthcare facilities

External

4.12 **National Health Scotland** comments the patients from this proposed development of 121 units would be served by the Portlethen Medical Practice. NHS Grampian had previously stated that obligations for site OP1 would be required to go toward this practice. It was also previously confirmed that NHS Grampian were in the process of extending the medical practice in Portlethen. The proposed extension is now complete and has been designed to accommodate all additional patients from proposed residential developments identified within the current LDP for the Newtonhill area and including the number of units identified from this settlement.

4.13 **Newtonhill, Muchalls and Cammachmore Community Council (NMCCC)** objects to the proposal on a number of grounds that can be summarised below:

- Access to the site makes it unsuitable for development;
- The proposed development adds nothing to Newtonhill and will create problems for education, the local transport network and medical care;
- Loss of natural amenity;

- It is counterproductive to approve a development that is in direct competition with Chapleton without any of the community benefits;
- The access road would cross protected land P2 in the LDP. The Council argue it is entitled to sell of this land. NMCCC challenges this;
- The proposal does not meet the key planning outcomes of the national Planning Framework or Scottish Planning Policy;
- Newtonhill is a commuter settlement and this development would add to the existing carbon footprint;
- NMCCC asked for the site to be removed from the current LDP;
- Increase the numbers of units above the site allocation of 70 should only be supported where any associated negative impacts on infrastructure, open space and residential amenity can be addressed;
- The site has only been included in the LDP to provide a second point of access for Cairnhill – this is not required and not wanted;
- LDP Policy E2 Landscape seeks to preserve the environment and by doing so promote tourism – much needed in the area with the decline in the oils and gas industry;
- Pressure on Newtonhill Primary School and building houses in Newtonhill would delay the opening of the new primary school in Chapleton;
- The development would put further pressure on the Portlethen Medical Centre;
- Public transport to the site is limited to the bus and it is not easily reached by train;
- Management of rock blasting if required needs confirmed;
- The wildlife Garden in P2 needs protected during development, as does access to the allotments.

4.14 Newtonhill, Muchalls and Cammachmore Community Council (NMCCC).

On 23 August, and in response to the submission of additional information and revised drawings and documents, raised the following concerns:

- In response to the proposed phasing plan, and due to the slowdown in the economy and housing market, the developer may not complete all four proposed phases of the development or may delay completion for several years;
- The link road connecting Cairnhill Drive and Park Place should be completed prior to the occupation of the first house;
- If development was superseded or ceased, the s75 agreement should include provision for land to be returned to its pre-development condition and the core path re-instated;
- Notwithstanding the proposed phasing plan, it is unacceptable for core path to be closed for any period of time. There is no reason why the core path and farm track cannot follow the same route through the site during the construction phase.

4.15 Network Rail has no objection subject to conditions relating to the construction of an unclimbable fence, submission of a foul and surface water drainage scheme and details of landscaping close the railway boundary.

- 4.16 **Scottish Environment Protection Agency (SEPA)** has no objection to the proposal nor requests any conditions. They provide the applicant with guidance relating to licenses that may be required.
- 4.17 **Scottish Water** has no objection subject to the proposed development and provides advice to the applicant.
- 4.18 **Shell UK Limited** comment from the information provided, there is no reason why the development and associated construction works would directly affect our pipeline servitude strip or the safety and integrity of our pipeline.
- 4.19 **Transport Scotland** has no objection to the proposal nor requests any conditions.

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 Proposed 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 H1 Protecting historic buildings, sites and monuments

Policy PR1 Protecting important resources

Policy C21 Using resources in buildings

Policy C4 Flooding

Policy RD1 Providing suitable services

Policy RD2 Developers' obligations

5.4 Other Material Considerations

Agreed Masterplan

6. Discussion

6.1 The principal planning issues to be considered in this case are: the proposed increase in the number of dwellinghouses over and above the allocation in the Aberdeenshire Local Development Plan (2017) (LDP); pedestrian and vehicular access and egress to the development, residential amenity, public open space, the treatment of the existing core path through the site and the impact on local infrastructure.

6.2 Site OP1 is indicatively allocated for 70 houses in the LDP Newtonhill settlement statement with the application seeking 51 more houses than the indicative allocated. As previously stated, the application site does not include 'The Paddock' immediately to the northwest, which is included in the OP1 allocation.

Principle of Development

6.3 The allocation of the site in the LDP for residential development establishes the principle of development subject to other material considerations. Site OP1 was retained in the current LDP on the grounds that the growth of Newtonhill is consistent with the strategic plan and would allow the creation of a required link road between Park Place and Cairnhill Road.

6.4 Policy H1 Housing land states: *'We will support the development of housing on sites allocated for that purpose within the local development plan and as shown in the Settlement statements. Capacities of sites shown in Appendix 5 of this plan and the settlement statements are indicative at this stage. Higher densities would only be considered where any associated negative impacts*

on infrastructure, open space and residential amenity can be addressed and where justified through an approved masterplan or design statement that has been subject to appropriate public consultation’.

- 6.5 Infrastructure impacts will be expanded upon later in this report, but in short there is sufficient educational capacity to support the proposed additional units, affordable housing would be provided at an early stage and the additional housing proposed would help support local services and amenities. The proposed additional housing is therefore not seen to have any negative impacts on existing infrastructure that cannot be addressed by condition or Developer Obligations.
- 6.6 In this instance, as outlined in section 2 above, whilst the Kincardine and Mearns Area Committee agreed the Masterplan, the proposed increase in numbers above the LDP allocation was not considered by committee at that time. The proposal is therefore, technically, a departure from the LDP Policy H1 Housing land.
- 6.7 The proposed development has the potential to affect the build out rate at Chapleton and other consented schemes in the wider area, a point made in many of the letters of representation. Further, a common thread through the representations was that many people were under the impression that if Chapleton was approved, there would be no requirement for the OP1 allocation in the 2017 LDP. These matters are discussed in section 2 of this report. In essence, both sites are located within the Aberdeen housing market area and strategic growth area. The growth of Newtonhill is therefore consistent with the strategic plan. There was justification for the inclusion of appropriate additional sites, where these could assist in achieving a higher rate of completions over the plan period. Site OP1 is recognised as being effective and relatively unconstrained, and it contributes to the range and choice of sites and locations available for development. This should in turn enhance the rate of house building in the area, all in keeping with the Development Plan Strategy of promoting housing development in sustainable and agreed locations
- 6.8 Therefore, removal of site OP1 from the LDP would have been counterproductive and unjustified. Further, competition between developers would not be a sustainable reason for refusal.

Justification

- 6.9 In support of the application the applicant has provided justification for the increase in numbers on the grounds the oil crisis in the Aberdeen region has severely impacted upon prospective house buyers in obtaining mortgages and stating the mix presented has come about as a result of recent changes in the local and world economy. They go on to state the current marketing conditions and the critical shortfall in the delivery of housing in the South Aberdeenshire Strategic Growth Area, including at Chapleton, suggesting a more flexible approach is required to provide a supply of private and affordable housing. The developer suggests the lack of choice for prospective

buyers in the local area could be addressed by the proposed development, particularly with regard to ensuring large-scale delivery and fits well with current market conditions. Further, the proposed mix makes the most of the Scottish Government's 'Help to Buy' scheme, in that smaller house types are proposed. By virtue of the increase in smaller houses proposed, the site can accommodate more houses than allocated for the site and in line with the flexible approach to allocated sites in the LDP – an approach supported elsewhere in Aberdeenshire, in the main on allocated sites where numbers have been previously approved but developers have sought to increase the approved numbers as a result of re-mixing sites to provide a range of house types to suit current market conditions. Approving this site as proposed would provide much needed affordable housing and the applicants go on to state affordable housing is unlikely to be provided in Chapleton for some time – none in Phase 1 and 10% in phase 2 (from 257th - 801st unit).

- 6.10 The applicant goes on to state, when the site was allocated in the 2012 LDP, one of the reasons was to facilitate a link road between Park Place and Cairnhill Drive. This was to allow these areas to benefit from a second access point in line with Council standards, and also to aid emergency vehicles if one of the existing single points of access was blocked. The delivery of the link road between the two existing housing estates is a key Council requirement both in planning and road safety terms. However, its delivery requires a critical mass of housing to make it viable. The proposals presented provide that critical mass. Any notion of reducing the number of units further will seriously impact on the ability to deliver the housing development and subsequently the link road.
- 6.11 Considering the above, the principle of development is considered acceptable as a departure from Policy H1 of the Local Development Plan.

Affordable Housing

- 6.12 Policy H2 Affordable housing requires a provision of 25% affordable housing on all sites. As previously stated, the proposed 30 affordable units would be fractionally below 25%. The applicant has confirmed they are willing to deliver the affordable housing in the first phase of development. The Housing Strategy Team have commented they include triggers in their consultation responses to ensure the delivery of the affordable housing timeously as historically it has quite often been last to be built. However, they are happy to have discussions with the developer and any Registered Social Landlord (RSL) to discuss the delivery of the affordable housing, and if the applicant proposes building affordable units earlier than the proposed delivery targets, then subject to having funding, they are happy to negotiate on the timing and delivery of phases. In essence they are happy to have early delivery but not later than their targets. Further, early delivery means that the Council meets identified housing need sooner which impacts positively on the waiting list.
- 6.13 Subject to a legal agreement agreeing the trigger points for the delivery of affordable housing and other Developer Obligations, this application would satisfy Policy H2 Affordable Housing

Layout, siting and design

- 6.14 Policy P1 layout siting and design states that we will support major developments if they keep to a previously agreed masterplan and have gone through appropriate public consultation. As outlined above, the application has been through extensive pre-application public consultation and has an agreed master plan. It should be noted Policy P1 does not require the Masterplan to include justification of the proposed increase in numbers. This Service is satisfied the proposal complies with this aspect of Policy P1.
- 6.15 Other central considerations in Policy P1 relate to seeking developments meet the six qualities of successful places, which are distinctive; safe and pleasant; welcoming; adaptable; efficient; and well connected.
- 6.16 In this case, the requirement for two vehicular access points and through road, the shape of the site, the requirement to respect and maintain the core path through the site and integration with the landscape buffer to the south limit the options for the site layout while offering opportunities in terms of mitigation for the loss of scrub gorse and extending the local path network. The proposed layout has gone through a number of iterations during the pre-application process, in particular relating to the core path and the site boundary.
- 6.17 The Planning Service is of the opinion that, while there are a number of house types on offer, the design throughout could be considered uniform in terms of finishing materials (roughcast walls, concrete roof tiles and white framed UPVC windows and doors); however, the overall design is in keeping with the housing development to the west. The proposed mix of housing is considered acceptable. The connectivity and permeability through the site allows for ease of movement for people, and most houses front onto either the roads, footways or open space, which creates a safe and pleasant environment for residents. There is a wide range of both open market house and affordable house types proposed.
- 6.18 While there are a small number of units with blank gables and the open space is in the main around the boundary of the site with some units backing onto these areas, the development embraces the principles set out in 'Designing Streets' in a number of important regards, primarily in its street pattern and general layout. This service is of the opinion the proposed design and layout is likely to result in an attractive environment of good residential amenity. On balance, and considering the limitations of the site, this service is of the opinion the proposed development meets the six qualities of successful places and complies with LDP Policy P1 Layout, siting and design.
- 6.19 The areas of open space adjacent to the roads, road access points as well as open space provision to the west, south and east of the site and adjacent to the core path and within the buffer strip will help make the development welcoming for both existing residents in Newtonhill and prospective future residents, helping integrate the site into the community. Excluding the

landscape buffer to the south, more than 40% of the site is given over to open public space. As described in the Core Path and Access section below, the proposed leisure paths would enhance the permeability and connectedness of the site with the wider area. The proposed linkages also ensure the site is well connected and accessible to the wider community and allow residents within the site to access the amenities of Newtonhill. The proposed development would therefore comply with Policy P2 Open space and access in new development.

- 6.20 With regards P2 protected land, the applicant has committed to producing a Construction Management Plan (CMS) and this will be subject to condition. The CMS would include ongoing liaison with the local community to ensure access to the area, including the allotments, will be minimised. Further submission of an Environmental Management Plan (EMP) required by condition. The EMP shall include details of how any loss of community garden will be compensated for landscaping proposal.
- 6.21 While the density of any individual development will be a concern of marketing, siting and design needs, the Council would expect the overall density of residential development to be provided at approximately 30 houses per hectare, as is the case here. The increased number of units proposed is not considered to have an impact on the amenity of existing and prospective residents of a nature significant enough to warrant a recommendation of refusal.
- 6.22 The very nature of this current submission shows how the overall site has been adapted to reflect market trends and the current economic climate through amended layout and house types freeing up space for additional housing. The plots in this particular proposal have sufficient garden ground to allow for future modest extension of most of the dwellings, adapting to the future needs of residents. The mix of house types proposed also caters for a wide array of potential occupiers, ensuring a good mix of people within the site.
- 6.23 Through condition, full details of the energy efficiency and carbon neutrality measures to be incorporated into each dwelling shall be obtained, ensuring each dwelling is efficient in terms of energy consumption and complies with Policy C1 Using resources in buildings, and the “efficient” requirements of Policy P1.

Access and Core Path

- 6.24 The route of the core path round and through the application site has been described above. Through the Masterplan process and representations, it is clear the core path is highly valued by the local communities of Newtonhill and Muchalls. The proposed treatment of the core path has improved through the Masterplan process. The impact on the character and relative openness is now considered acceptable. The length of the route through the built area has been minimised. While there will be some disruption of the core path during development, this must be kept to a minimum. The applicant has proposed a

number of proposed diversions through and round the western boundary of the site. The diversion to the east of the railway line would only be acceptable to the Planning Authority in a worst case scenario. Continuing liaison with the Planning Authority and clear signing and publication of diversions, including timescale would be subject to a condition of planning permission. It should be noted that any proposed diversions are required to protect the health and safety of members of the public when crossing an active construction site.

- 6.25 A significant number of representations express concern regarding the loss of public access to the area known locally as the Moor as a result of the development. While this service acknowledges this loss, it must be remembered the public has enjoyed access and amenity over private land. While many view the area as a public asset that should be saved for the greater good, it is not the gift of the Planning Authority to insist private land is retained for recreational use. Further, as previously discussed, the wider site is allocated in the LDP for residential development. While it is acknowledged the character of the open space will change significantly, the proposed landscaping, retention of gorse where possible, extension to the local path network and landscaping of the buffer strip would provide acceptable mitigation.

Section of P2 made available to the developer

- 6.26 The Planning service has sought advice from legal Services and they have confirmed that issues arising from the Land ownership are irrelevant to the consideration of a planning application by the determining planning authority.
- 6.27 Title issues may be relevant to the eventual implementation of a development but that is a completely separate matter.
- 6.28 Legal Services have confirmed, the issues arising from the titles have previously been addressed, and responded to by the Council, under separate processes, and these objections do not raise any new matters which have not already been considered and rejected by the Council.

Landscape Impact and Built Heritage

- 6.29 The potential landscape impact, in particular on the Muchalls Conservation Area and the coastal character of the site and surrounding area was raised in a number of representations. The matter was considered in the Design and Access Statement submitted in support of the application including visualisations.
- 6.30 While it is acknowledged the landscape character of the site and immediate area would change as a result of the proposed development, it must be remembered the site is allocated for residential development in the LDP and the principles of developing the site have been considered in the agreed Masterplan.

- 6.31 The southern boundary of the application site would be approximately 150m north of the southern boundary of existing housing to the west and approximately 580m north of northern boundary of Muchalls. The proposed housing would be to the north of a natural mound. The visual impact of the proposed development from the perspective of Muchalls would be minimised by the topography and remaining gorse to the south. Also, as the proposed landscaping along the southern boundary of the site and in the P4 landscape buffer strip to the south of the site matures, the visual impact will be further reduced. Considering the above, this service is satisfied that the proposed development would not have a significant visual impact in general terms and there would not be a significant impact on the character, integrity or coastal setting of the Muchalls Conservation Area. Further, considering the proposed development does not bring development closer to Muchalls the development would not represent coalescence between the two settlements. The proposal would therefore comply with Policies E2 Landscape and H1 Protecting historic buildings, sites and monuments.

Natural Heritage

- 6.32 It has been demonstrated that no protected species were found within the site, however, species occurrence changes over time and therefore the results of the walkover badger survey presented in this report are snapshots in time. If the project progresses to construction, a watching brief should be required. If there are sightings or signs of protected terrestrial mammals then work should stop immediately and SNH must be contacted for advice before work recommences.
- 6.33 While it is acknowledged there would be loss of gorse habitat resulting from the proposed development, and that bird species in particular would be affected, areas of gorse would be retained as part of the proposed landscaping and open space strategies promoted, in particular to the south of the site.

Impact on Infrastructure – Primary School and Medical Practice

- 6.34 Education and Children's Services (Learning Estates) first response simply commented they have no objection to the proposal. Following a request from the Planning Service citing the significant public concerns raised in relation to education provision, this Service subsequently confirmed the basis of their position and provided clarification as detailed in section 4 above.
- 6.35 National Health Scotland has no objection to the proposal commenting the newly constructed extension to the Portlethen Medical Practice has accounted for the increase in patients resulting from this development. Developer Obligations would be required to help fund the extension

Infrastructure – Drainage and Roads

- 6.36 Floods Risk and Coast Protection comment the site is not at risk of flooding and this Service is satisfied with the surface water drainage proposals subject

to a relevant planning condition requiring the drainage to be carried out in accordance with the approved plans. SEPA has no objection to the proposed development and do not request any conditions.

- 6.37 It is acknowledged the drainage from the two SuDS ponds south to Pheppie Burn is out with the application site. The discharge of surface water would be controlled to ensure there would be no detriment to the burn, including water quality, which currently receives surface water from the site.

Developer Obligations

- 6.38 Developer obligations towards Affordable Housing (30 units on site); community halls; sports and recreation facilities and healthcare facilities would be secured in a legal agreement relating to the proposed development. Subject to the conclusion of the legal agreement the proposal would comply with LDP Policy RD2 Developers' obligations.

Other Material Considerations

- 6.39 The concerns raised in letters of representation are considered largely addressed in this report. While the potential impact on infrastructure (transportation, education, medical services) can be addressed, many representations refer to the loss of village and community feel as the settlement expands. It is acknowledged there may be a change to certain elements of the social character of the village as a result of the change brought about by development, however it is likely that positive and negative impacts will be experienced and that this aspect is not quantifiable.

Conclusion

- 6.40 The proposal is for housing on an allocated site, exceeding the allocation in the LDP settlement statement. There is an acceptance within Policy H1 that the allocated number of units can be exceeded, with justification, where the proposal is not considered to negatively impact on infrastructure, open space or residential amenity. In this instance, the Planning Service is satisfied that sufficient justification has been provided to support the proposed increase in number of units above that allocated in the LDP, that there will be no negative infrastructure impacts from the additional housing, and the proposal would be appropriately designed, laid out and of a compatible scale, nature and finish to the neighbouring development. The site can be suitably accessed and serviced and will have no detrimental impact on the local amenity or character of Newtonhill.
- 6.41 However, the proposal does not fully comply with the LDP, and the Planning Service is recommending approval of the application as a departure from LDP Policies H1: Housing land which requires an agreed Masterplan that includes justification for the proposed increase in number of units. The Planning Service consider it acceptable to depart from this policy in this regard as it has been demonstrated that any associated negative impacts on infrastructure, open space and residential amenity can be addressed. This application is therefore recommended for approval.

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 Plan.

8. Equalities, Staffing and Financial Implications

- 8.1 An equality impact assessment is not required because the proposed development does not have a differential impact on any of the 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

Policy H1 Housing

- 10.3 The application is a Departure from the valid Local Development Plan and has been advertised. Any representations received have been circulated as part of the agenda and taken into account in recommending a decision. The period for receiving representations has expired.
- 10.4 The application 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 Full Planning Permission be delegated to the Head of Planning and Building Standards subject to:-

- (i) **Completion of a Section 75 agreement to address Developers Obligations and affordable housing contributions;**
- (ii) **The following conditions:-**

01. No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

Reason: To safeguard and record the archaeological potential of the area.

02. No building hereby approved shall be brought into use unless a Travel Plan has been submitted to and approved in writing by the Planning Authority. The Travel Plan shall encourage more sustainable means of travel and shall include mode share targets. It shall identify measures to be implemented, the system of management monitoring review, reporting and duration of the incorporated measures designed to encourage modes other than the private car. No building shall be brought into use unless the measures set out in its approved Travel Plan have been implemented in full. A Residential Travel Plan shall be prepared for the written approval of the Planning Authority and included in the move in packs.

Reason: In the interests of encouraging a more sustainable means of travel to and from the proposed development.

03. No dwellinghouse hereby approved shall be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plans Goodson Associates; Ref 13633; May 2011. The foul and surface water drainage systems shall be permanently retained thereafter in accordance with the approved maintenance scheme.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

04. The applicant must provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. Details of the proposed fencing shall be submitted to the Planning Authority for approval before development is commenced and the development shall be carried out only in full accordance with such approved details.

Reasons: In the interests of public safety and the protection of Network Rail infrastructure.

05. No development shall take place on site until such time as a surface and foul water drainage scheme has been submitted to and approved in writing by the Planning Authority. Any Sustainable Urban Drainage Scheme must not be sited within 10 metres of the railway boundary and should be designed with long term maintenance plans which meet the needs of the development. The development shall be carried out only in full accordance with such approved details.

Reason: To protect the stability of the adjacent railway cutting and the safety of the rail network.

06. No development shall take place on site until such time as a scheme of landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall include hard and soft landscaping works, boundary treatment(s), details of trees and other features which are to be retained, and a programme for the implementation/phasing of the landscaping in relation to the construction of the development. Where trees/shrubs are to be planted adjacent to the railway boundary these should be positioned at a minimum distance from the boundary which is greater than their predicted mature height. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Network Rail can provide details of planting recommendations for adjacent developments. All landscaping, including planting, seeding and hard landscaping shall be carried out only in full accordance with such approved details.

Reason: To control the impact of leaf fall on the operational railway.

07. No works in connection with the development hereby approved shall commence unless a scheme for suppressing dust from activities on the site has been submitted to and approved in writing by the Planning Authority. The development hereby approved shall not operate unless the dust suppression scheme has been implemented in accordance with the approved details. Once implemented the dust suppression scheme shall thereafter be permanently retained in accordance with the approved details.

Reason: To ensure that dust from the development does not result in undue loss of amenity for surrounding properties.

08. No works in connection with the development hereby approved shall commence unless a detailed check of the site for active badgers has been undertaken. Should any badger setts be discovered or if there are any sightings or signs of protected terrestrial mammals during the construction period then all work must stop immediately and the Planning Authority and Scottish Natural Heritage consulted. Work should not recommence until such time as appropriate mitigation measures have been agreed in writing with Scottish Natural Heritage. The check shall be undertaken not less than 14 days before the commencement of the development and no site clearance or other works in connection with the development hereby approved shall commence unless the written confirmation has been submitted to and approved in writing by the planning authority.

Reason: In the interest of safeguarding the habitat of the species and securing its long-term protection.

09. No works in connection with the development hereby approved shall commence unless a tree protection plan has been submitted to and approved in writing by the planning authority. Tree protection measures shall be shown on a layout plan accompanied by descriptive text and shall include:
- a) The location of the trees and shrubs to be retained and their root protection areas and canopy spreads (as defined in BS 5837: 2012 Trees in relation to design, demolition and construction);
 - b) The position and construction of protective fencing around the retained trees and shrubs (to be in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction);
 - c) The extent and type of ground protection, and any additional measures required to safeguard vulnerable trees and their root protection areas;
 - d) An arboricultural impact assessment which evaluates the direct and indirect impacts of the proposed development on the trees to be retained and proposed mitigation;
 - e) An arboricultural method statement to demonstrate that operations can be carried out with minimal risk of adverse impact on trees to be retained;
 - f) A method statement for any works proposed within the root protection areas of the trees shown to be retained.

No works in connection with the development hereby approved shall commence unless the tree protection measures have been implemented in full in accordance with the approved tree protection plan. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the planning authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks. The approved tree protection measures shall be retained in situ until the development has been completed.

Reason: In order to ensure adequate protection for the trees and hedges on the site during the construction of development, and in the interests of the visual amenity of the area.

10. All landscaped areas outwith the curtilages of the dwellinghouses and shown on the approved drawings shall be permanently retained as such and shall at no time be used as private garden ground nor incorporated within the curtilage of any of the dwellinghouses hereby approved without the express grant of planning permission by the Planning Authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order amending, revoking or re-enacting that Order no means of enclosure, other than that shown on the approved plans, shall be erected within the landscaped areas without an express grant of planning permission by the planning authority.

Reason: In the interests of the character and appearance of the development.

11. No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority.

Details of the scheme shall include:

- a) Existing landscape features and vegetation to be retained;
- b) Protection measures for the landscape features to be retained;
- c) Existing and proposed finished levels;
- d) The location of new trees, shrubs, hedges, wildflower areas, grassed areas and hard landscaping;
- e) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- f) An indication of existing trees, shrubs and hedges to be removed;
- g) A programme for the implementation, completion and subsequent management and long term maintenance of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

12. No removal of hedgerows, trees or shrubs or site clearance shall take place between 1st March and 31st August inclusive, unless a detailed check of the site for active birds' nests has been undertaken and written confirmation has been submitted to the planning authority that no birds will be harmed and that there are appropriate measures in place to protect nesting bird interest on the site. The check shall be undertaken no later than 14 days before the commencement of the development and no site clearance or other works in connection with the development hereby approved shall commence unless the written confirmation

and protection measures have been submitted to and approved in writing by the planning authority. The development shall be carried out in accordance with the approved protection measures.

Reason: In the interest of safeguarding the habitat of local bird species.

13. No works in connection with the development hereby approved (including demolition, ground works and vegetation clearance) shall commence unless a construction environmental management plan (CEMP) 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.

14. No works in connection with the development hereby approved shall commence unless a detailed site-specific construction method statement and related site plan has been submitted to and approved in writing by the planning authority. All construction works on the site shall be carried out in strict accordance with the approved construction method statement.

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

15. No individual dwellinghouse hereby approved shall be erected unless an Energy Statement applicable to that dwellinghouse 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.

16. Unless otherwise agreed by the Planning Authority in consultation with any relevant consultees, the development hereby approved shall be carried out in complete accordance with the approved phasing plan.

Reason: To ensure that build-out of the development is phased so as to avoid adverse impact on local services and infrastructure and in the interests of the visual amenity of the area.

17. The proposed development 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 by the planning authority.

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

18. Prior to commencement of development, details of improvement works to incorporate new road connections, external footpaths and other relevant associated infrastructure on to the Public Road or Core Path Networks as generally detailed on drawing number 13633/701 rev D dated 3rd October 2018 are to be submitted and on approval be completed in full. All details to be discussed and agreed with Aberdeenshire Council, Roads Development. All works shall be carried out to the satisfaction of the Planning Authority in consultation with Aberdeenshire Council, Roads Development.

Reason: In the interests of road and public safety

19. Prior to occupancy of any dwelling two points of full vehicular access on to the public road network must be provided. Full details of this shall be agreed with the Planning Authority in consultation with Roads Development.

Reason: In the interests of road and public safety

20. Prior to occupancy of the 41st dwelling the footpath linkages between development and the adjoining core path networks must be delivered generally in accordance with Street Engineering Review (Rev C 10th October 2018) section 2.5 (figure 4). All details to be discussed and agreed with Aberdeenshire Council, Roads Development and the Planning Authority. All works shall be carried out to the satisfaction of the Planning Authority in consultation with Aberdeenshire Council, Roads Development.

Reason: In order to enhance the overall permeability of the development in line with the requirements of Designing Streets.

21. Prior to approval of any alterations/amendment to development layout which may impact on street layout or function (including alterations to house types, driveway arrangements, parking allocation and distribution, boundary treatments or indeed any direct street layout amendments) are proposed a SER/QA review submission will be required. Where said review submission deems it necessary the original SER/QA documents will need to be updated accordingly.

Reason: In order to ensure the adequate function of proposed street layouts in line with the submitted SER/QA documents.

22. The maximum gradient of the first 5m of any driveway/parking space shall not exceed 1 in 20 and driveways shall be fully paved.

Reason: In the interests of road and public safety and to avoid loose material to be spilled on to the public road

23. Prior to occupancy of any unit, parking spaces, surfaced in hardstanding materials shall be provide within the site in accordance with drawing 13633_705_N.

Reason: In order to ensure the provision of adequate parking provision for each dwellinghouse.

11.2 That the Committee agree the reason for departing from the Aberdeenshire Local Development Plan (2017):

In this instance, the Planning Service is satisfied that sufficient justification has been provided to support the proposed increase in number of units above that allocated in the LDP as a departure from Aberdeenshire Local Development Plan (2017) Policy H1: Housing, as there will be no negative impacts on infrastructure, open space or residential amenity from the additional housing proposed and the proposal will be appropriately designed, laid out and of a compatible scale, nature and finish with the surrounding settlement.

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: Gregor Spence
Report Date: 05 November 2018