



Issues Report for Pre-Determination Hearing of 12 December 2018

Reference No: APP/2018/1814

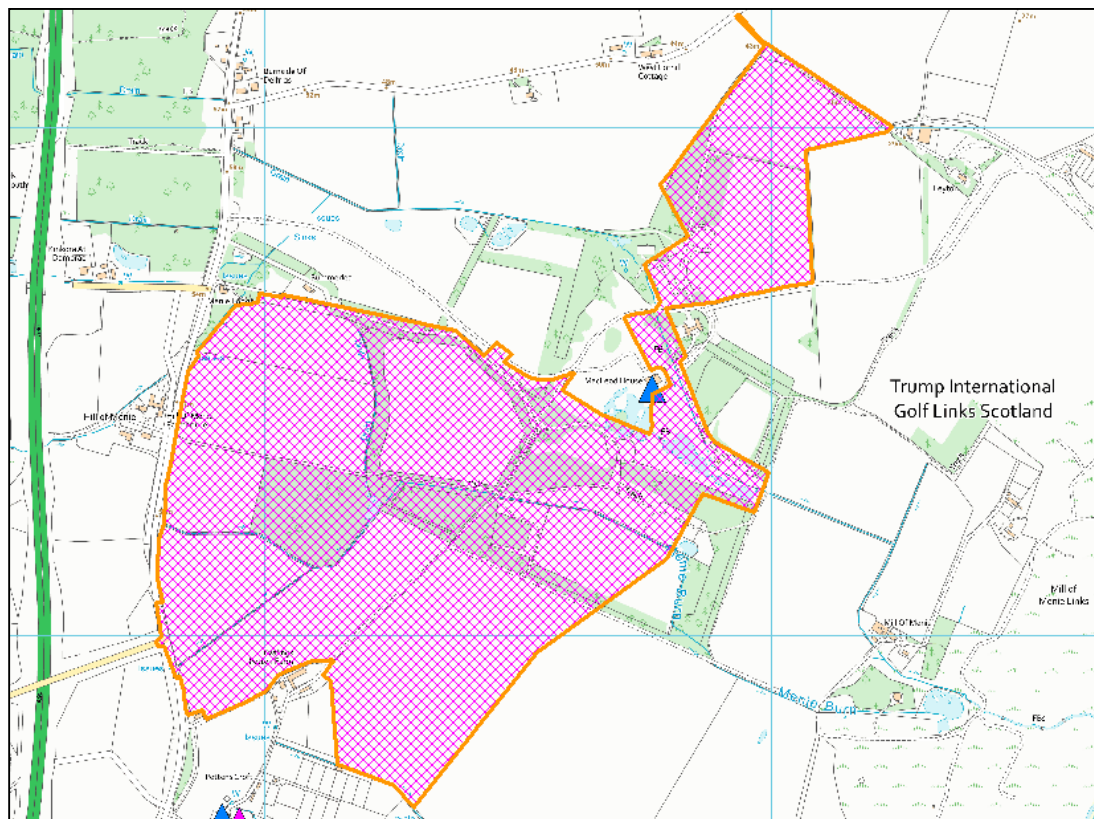
Planning Permission in Principle for the Erection of 550 Dwellinghouses (Up to 500 Residential Units and a Minimum of 50 Leisure/Resort Units), Community Facilities (Class 10 Non-residential Institutions and Class 11 Assembly and Leisure), Development Falling Within Class 1 (Shops), Class 2 (Financial, Professional and Other Services), Class 3 (Food and Drink), Landscaping and Supporting Infrastructure

Applicant: Trump International Golf Links Ltd
Agent: CMS Cameron McKenna

Grid Ref: E397511 : N820443

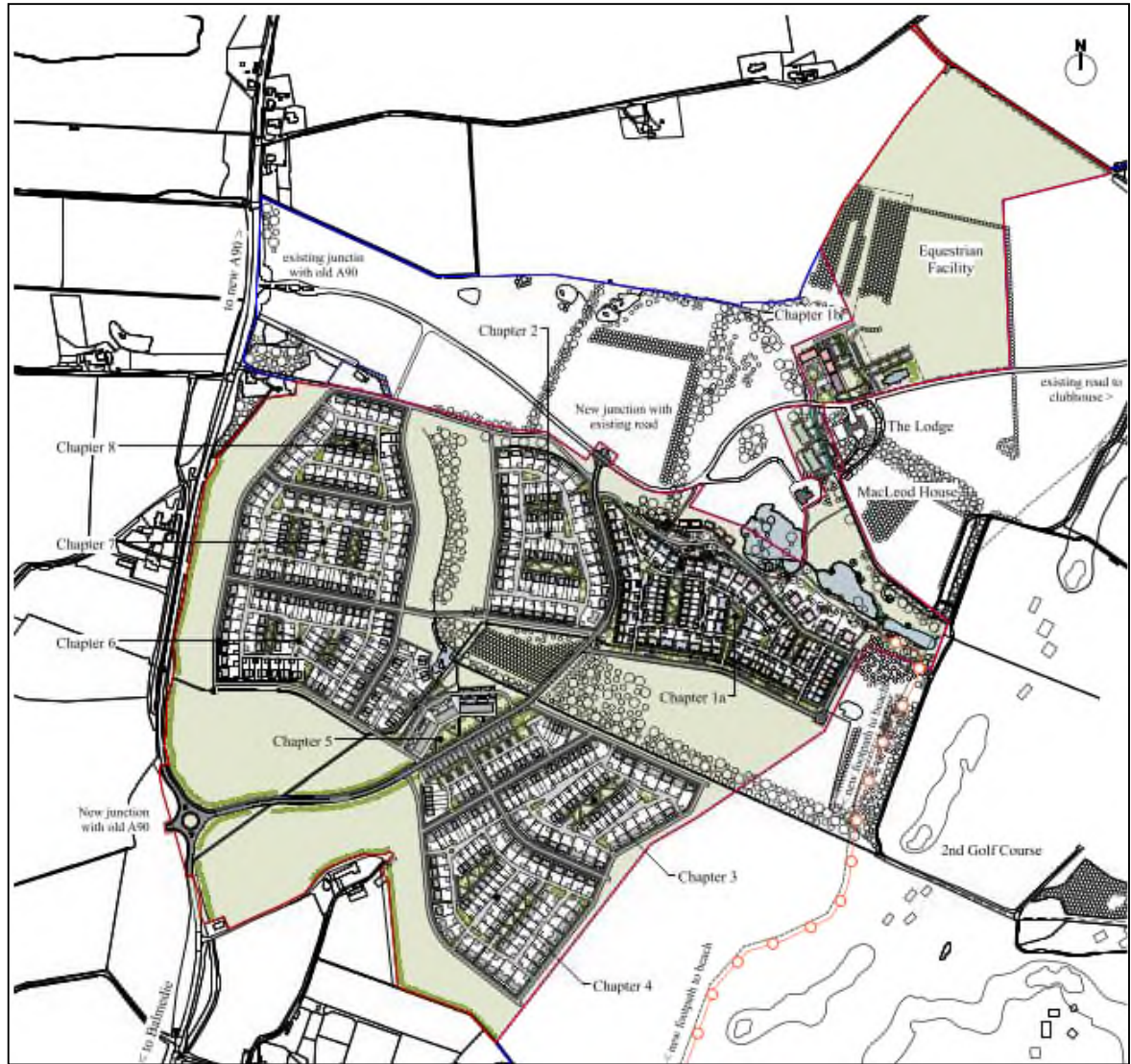
Ward No. and Name: W08 – Mid-Formartine
Application Type: Planning Permission in Principle
Representations: 2921: Objections – 2918
Support - 3

Consultations: 24
Relevant Proposals Map Balmedie Settlement Statement, allocation OP3
Designations: Aberdeen Housing Market Area (AHMA)



NOT TO SCALE

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1 Reason for Report

- 1.1 This report relates to a major planning application which requires a Pre-Determination Hearing to be held. Under the Council's agreed Scheme of Governance, the application requires to be determined by Full Council since it involves a proposal, which in the opinion of the Head of Planning and Building Standards, would be a significant departure from the Development Plan.
- 1.2 This Report summarises for Members the policy background, representations and main issues raised thus far during the consideration of the application prior to the Pre-Determination Hearing taking place. A further Report seeking the preliminary views on the proposal shall be prepared for a future meeting of the Formartine Area Committee. Thereafter the application will be reported to Full Council for determination. Minutes of the Pre-Determination Hearing will be appended to both Reports.

2 Background and Proposal

- 2.1 Planning Permission in Principle is sought for the erection of 550 dwellinghouses (up to 500 residential units and a minimum of 50 leisure/resort units), community facilities (Class 10 Non-residential Institutions and Class 11 Assembly and Leisure), development falling within Class 1 (Shops), Class 2 (Financial, Professional and Other Services), Class 3 (Food and Drink), landscaping and supporting Infrastructure on land at Menie Estate, Balmedie.
- 2.2 Within the Aberdeenshire Local Development Plan 2017 (LDP), the application site is located within a designated site, known as OP3: Menie, within the Balmedie settlement statement. The vision statement for Balmedie states that the settlement will play an important role in delivering strategic housing and employment allowances. In line with the vision of Energetica, it is expected that new development in Balmedie will contribute to transforming the area into a high-quality lifestyle, leisure and global business location. The OP3 site is allocated for:
- *two 18-hole golf courses (a championship links course and a second course); a golf clubhouse, golf academy and ancillary buildings; a driving range and short game practice area; a resort hotel (450 rooms) with conference centre and spa; 36 'golf villas'; accommodation for 400 staff (all of the foregoing comprising 'phase 1'); 950 holiday apartments in four blocks; up to 500 houses and community facilities. A masterplan was agreed by Aberdeenshire Council as part of planning application APP/2010/0423.*
- 2.3 The site is located approximately 1.6km north of the Balmedie settlement boundary to the east of the A90 and measures approximately 84 hectares in area. The land has been in long term agricultural use with woodland areas, as well as the existing hotel accommodation at Macleod House and Lodge. The topographical survey of the site highlights that the site slopes generally from northwest to southeast, falling approximately 34.5m AOD to 12.5m AOD over the length of the estate.
- 2.4 Although this is a planning permission in principle application with 8 Chapters (phases), the developer has submitted full detailed drawings and assessment reports for Chapters 1A and 1B to allow for a full assessment of these

elements alone. This means that the application can be considered as a “hybrid”, with a portion of the site subject to planning permission in principle considerations and the remainder being subject to a more in depth, detailed assessment (similar to an application for full planning permission). Any permission granted would be reflective of the level of detail submitted in terms of further stages, matters specified in conditions and requisite approval required.

- 2.5 Chapter 1A consists of 85 dwellings with a mix of townhouses, detached cottages, detached country houses and larger detached villas. The accommodation mix includes 24 x 2 beds, 28 x 3 beds, 26 x 4 beds and 7 x 5 beds. It should be noted that 5 of the 2 bed houses are to be used by the hotel as lodges. On the site plan these properties are identified with an “L”. A breakdown of the house types is shown in the table below.

Housetype	Size	Total (85)
The Blairton (2 bed cottage)	88sqm	24*
The Formartine (3 bed cottage)	132sqm	8
The Ythan (3 bed townhouse)	124sqm	20
The Gordon (4 bed cottage)	181sqm	9
The Forvie (4 bed country house)	172sqm	9
The Leighton (4 bed townhouse)	165sqm	8
The Balmoral (5 bed villa)	401sqm	7

*5 of the 24 x 2 bed cottages to be used by hotel as lodges.

- 2.6 Chapter 1B consists of 2 x 8 suite lodges, 27 worker apartments, retail, office, gym & fitness centre and a town hall alongside parking and open space. The gross floorspace proposed includes; 626.6sqm Retail, 490.2sqm Office, 400.2sqm Gym, 525.7sqm Town Hall and 980.6sqm Lodges.
- 2.7 The materials palette across Chapters 1A and B comprises wet harl with a mix of colours (country stone grey, limestone white and antique white), natural slate, dressed natural stone, random rubble natural stone, timber cladding and blue painted joinery. No details or materials have been submitted for Chapters 2-8.
- 2.8 The site is currently accessed directly from the A90 to the northwest of the site and provides access to the Championship Golf Course. A new access point is proposed to the southwest of the site and would provide direct access to the A90. This would be the primary route into the site. The proposals would connect to the public water supply network as well as the public drainage network. Surface water drainage would be dealt with by various means such as permeable paving, swale, detention basin and a filter trench.
- 2.9 There have been pre-application discussions on the current proposals and a Planning Processing Agreement has been agreed for this application to highlight information requirements and key milestones.

2.10 There is extensive planning history for the Estate. The most relevant applications include;

- **APP/2006/4605** – Outline Planning Permission (OPP) for a Golf Course and Resort Development.
- **APP/2010/0423** – Approval of Matters Specified in Conditions (MSC) for Outline Planning Permission (Ref: APP/2006/4605) Including (1) Masterplan and (2) Championship Golf Course Detail Including Driving Range, Short Game Area, Putting Green and Turf Nursery. Granted on 24 June 2010.
- **APP/2010/1535** – Full Planning Permission (FPP) for the Construction of Championship Golf Course including Driving Range, Short Game Area, Putting Green & Turf Nursery. Approved on 30 June 2010.
- **APP/2012/3123** – FPP for the Change of Use from Lodge to form part of the Golf Course & Resort Development including Accommodation for Guests and Tourists. Approved on 10 January 2013.
- **APP/2012/3126** – FPP for the Change of Use of Macleod House to a use that forms part of the Golf Course Resort Development. Approved on 18 February 2013.
- **APP/2014/2972** – FPP for the Erection of a Clubhouse. Approved on 21 October 2014.
- **APP/2015/0873** FPP for the Extension to Provide Banqueting Accommodation and 6 No. Additional Hotel Rooms with Ancillary Leisure and Operational Facilities. Approved on 15 July 2016.
- **APP/2015/2823** – FPP for the Construction of 18 Hole Golf Course and Ancillary Facilities. Currently under assessment.
- **APP/2017/0533** – Modification of Planning Obligation No.7 of Section 75 Agreement (APP/2006/4605 and APP/2010/0423). Currently under assessment.
- **ENQ/2015/0526** – Proposal of Application Notice (POAN) for Planning Permission in Principle for the Erection of 850 No. Residential Units, 1900 No. Leisure Accommodation Units with Ancillary Commercial Development.
- **ENQ/2018/0706** – EIA Screening for Residential Development. Having evaluated the potential significance of the likely environmental effects, it was considered that the proposed development, by virtue of its characteristics, location and characteristics of the potential impact, was not likely to have a significant environmental effect to the extent that expert and detailed study through EIA is needed to properly assess any effect. It was therefore the opinion of Aberdeenshire Council as planning authority that the proposed development did not constitute 'EIA development' under the terms of the EIA regulations.
- **ENQ/2018/0769** – Pre-Major Application Enquiry Development Comprising up to 550 Dwellings (up to 500 Residential Units and a Minimum of 50 Leisure/Resort Units), Community Facilities, Development Falling within Class 1 (Shops), Class 2 (Financial, Professional and Other Services) and Class 3 (Food and Drink), Landscaping and Supporting Infrastructure.

2.11 Information that has been submitted in support of the application includes;

- Tree Survey Report + Drawings, submitted 25 July 2018, amended 11 September 2018.

- Non-Housing Development - New Floorspace Proposed Table, submitted 25 July 2018.
- Archaeological Desk-Based Assessment, submitted 25 July 2018.
- Construction Environment Management Plan, submitted 25 July 2018.
- Construction Traffic Management Plan, submitted 25 July 2018.
- Design Statement, submitted 25 July 2018.
- Drainage Assessment, submitted 25 July 2018.
- Draft Heads of Terms, submitted 25 July 2018.
- Pre-Application Consultation (PAC) Report, submitted 25 July 2018.
- Planning Statement, submitted 25 July 2018.
- Ecological Impact Assessment, submitted 7 August 2018.
- Landscape and Visual Impact Assessment, submitted 7 August 2018.
- Flood Risk Assessment, submitted 28 August 2018.
- Transport Assessment, submitted 28 August 2018.
- Economic Impact Assessment of Phase Two, submitted 11 September 2018.

3 Representations

A total of 2921 valid representations (2918 in objection and 3 in support) have been received as defined in the Scheme of Delegation. This does not include multiple representations from the same household which equate to 3004 letters in total. All issues raised have been considered. The letters raise the following material issues:

Objections

- *New plans do not match the Local Development Plan.*
- *Phasing not in line with original conditions or local Plan.*
- *Application appears to include no social or affordable housing contrary to policy.*
- *Proposed homes would not attract workers and would not be suitable for young families, elderly or disabled.*
- *Affordable housing is needed in order to live and work in rural areas.*
- *The local area will not see any economic benefit from the plans.*
- *Further significant environmental damage.*
- *Impact on ecology.*
- *Impact on wildlife.*
- *Impact on unspoiled open spaces.*
- *Significant environmental damage.*
- *Too much house building in area – over supply.*
- *Plans fail to recognise or include additional local amenities, road upgrades and infrastructure which are crucial to properly support an increase in the number of residents.*
- *Impact on area of special scientific interest.*
- *Inappropriate location for housing scheme, far from amenities.*
- *Little to benefit the community.*
- *Price of some properties would not target those who need housing in Scotland.*
- *Any economic benefit would be short term i.e. when the houses were being constructed.*
- *Do not need any more of this level of housing provision.*
- *The status of SSSI should mean something to planning.*

- *Scheme of large house types only.*
- *Does not support housing needs.*
- *Further devastate a once beautiful unspoiled area.*
- *Development should comprise 25% affordable homes.*
- *The infrastructure required may not be put into place prior to occupations of the residences i.e. health care, education and water/sewage facilities etc.*
- *Design of housing is out of keeping with Scottish design.*
- *Design of housing is poor.*
- *Damaging to Scotland's coastline and wildlife.*
- *Detrimental in social and cultural terms.*
- *Only a fraction of the employment envisaged has materialised.*
- *No visible beneficial of financial contributions into the local community.*
- *Impact on landscape and scenery.*
- *No viable argument in support of the generation of any economic benefit from the new plans.*
- *Impacts on accessing water and amenities.*
- *Affordable housing stock like council housing stock is in deficit of provision these days.*
- *Set a precedent for sporadic development which is contrary to the development plan.*
- *Damage to environment and landscape.*
- *Jobs have not materialised.*
- *The economic benefit has not materialised.*
- *Fails to comply with planning policies to protect the countryside and biodiversity.*
- *The environmentally sensitive area is more important than human centred economic considerations.*
- *'Green infrastructure' should be included.*
- *Offsetting affordable housing to a site in Balmedie is contrary to the spirit of the legislation.*
- *Access through the proposed estate may be problematic and may contravene the Land Reform (Scotland) Act 2003.*
- *The development will not create the number of jobs promised.*
- *Impact on privacy and amenity of current residents.*
- *Impact on low lying expansive appearance of the area.*
- *Impact on built heritage/listed building.*
- *Previous planning history.*
- *Noise, odour and disturbance.*
- *Traffic and parking in that safe access to the site is not adequate for the scale of the development.*
- *Impact on natural environment.*
- *Design, layout and materials would clash with the vernacular architecture of the area.*
- *Design shows no linkage to local architectural vernacular.*
- *Transport Assessment is inadequate in that it fails to plan for the larger resort development or major events.*
- *Heavy traffic on country roads.*
- *Increase in traffic.*
- *Traffic was never meant to go through Balmedie.*
- *Impractical to walk to Balmedie.*
- *Lack of safe walking and cycling routes.*
- *Air pollution due to heavy vehicle exhausts.*

- *Impact on local shopping, hotel and holiday businesses.*
- *Destruction of Wildlife habitats.*
- *Out of character in this coastal area.*
- *Out of scale with the surroundings.*
- *Local school at capacity.*
- *Lack of doctor's facilities in area.*
- *Seeks to renew the agreed package of required infrastructure development.*
- *Chapters lack in coherence and detail.*
- *Should be referred to a Design Review Panel.*
- *Damage to Ancient woodland.*
- *Too few footpaths.*
- *Impact of the visual landscape.*
- *Missing internal road networks on plans to existing properties within and around the estate.*

Support

- *Whilst the plans may be different from the 2008 permission, they really match what this local area needs now.*
- *Social or affordable housing would be better suited in another area of Balmedie or within Newburgh coastal corridor.*
- *Property owners would spend their money in the local economy.*
- *Will be a great deal of economic benefit from these plans.*
- *Uplift in economy.*
- *Economic development and tourism will not be damaged, but a first-class facility will bring benefits to other golf facilities along the North East coast.*
- *No further significant environmental damage.*
- *Need to develop tourism and visitors to spend in the area.*

4 Consultations

Internal

- 4.1 **Business Services (Developer Obligations)** has advised that a Developer Obligations Assessment Report has been sent to the applicant.
- 4.2 **Education & Children's Services (Education)** has advised that they do not object to this application. Contributions will be required towards primary school provision. Depending on build out rate, there may be an impact on secondary school capacity. The masterplan site crosses school catchment boundaries between Foveran and Balmedie. This will have implications for primary and secondary school provision.

The developer has been asked to provide, if possible, likely built out rates for the development which has yet to be received.

- 4.3 **Infrastructure Services (Archaeology)** has advised that the application affects the archaeology site NJ92SE0119, an area of cropmarks likely indicating prehistoric settlement activity and lies within the archaeology site NJ92SE0086, the 17th – 19th Century designed landscape of Menie House. There is the potential for previously unrecorded archaeology to survive in the

development area and as such request a condition for a programme of archaeological works is attached to any approval.

Archaeology also advocate that the extant areas of mature trees and field boundaries, that act as the physical remains of the Menie House designed landscape (SMR site NJ92SE0086) are retained where possible and incorporated into the design in order to retain the character and presence of the historic landscape. In addition, several informatives are requested.

- 4.4 **Infrastructure Services (Economic Development)** has no specific objection to the approval of this application. The proposal is considered to fit well with the Regional Economic Strategy which aims to diversify the economy from being reliant on oil and gas. The proposal will also help mitigate other weaknesses in the regional economy, such as the lack of affordable housing. Notwithstanding this the consultee considers the phasing of the previous planning application, which is a material consideration, to be more acceptable in that the residential accommodation, in that earlier application, came after the provision of the holiday accommodation.
- 4.5 **Infrastructure Services (Environment – Built Heritage)** has found the proposal acceptable subject to either the relocation of development or the introduction of strategic landscaping to conserve the historic setting of the listed building. The key concern is the impact of the 2 proposed lodges, located approximately 35 metres to the north of Macleod House. The applicant has, at the time of preparing this report, not addressed this issue to the satisfaction of the Planning Service by either demonstrating, through the submission of mitigation or relocation, that the proposal will not have an adverse impact on the setting of Macleod House.
- 4.6 **Infrastructure Services (Environment – Natural Heritage)** has requested additional information on the evaluation of the biodiversity and amenity value of the woodland, compensatory planting and other measures as well as the submission of an Access Plan for the estate.

The developer is aware of the concerns and is currently considering options.

- 4.7 **Infrastructure Services (Environmental Health)** has no objection to the approval of this application. A Dust Management Plan is in place as well as a written management plan to control noise including time of operation. They have advised that the proposed development shall be connected to the public water supply as indicated in the submitted application.
- 4.8 **Infrastructure Services (Flood Risk and Coast Protection)** has made the following comments:

As there are a small number of small watercourses and drainage channels within the site, there are localised zones of indicative surface water flood risk. It is welcomed that a qualitative Flood Risk Assessment has been provided at this stage, as part of the proposals for the overall site. The qualitative Flood Risk Assessment concludes that there is a potential fluvial flood risk to localised parts of the site.

It is understood that although this particular application relates to the overall, multiphase (“chapter”) development, it would be the intention to deliver

phases 1a and 1b within the short-term following any approval being granted, and that these phases have undergone a greater amount of detailed design to date. As such, advice to the Planning Authority regarding flood risk is as follows:

- i. It is requested that the following is undertaken, prior to any consideration of granting approval for this application that may result in the delivery of phases 1a & 1b:
 - Detailed, quantitative flood risk analysis / modelling should be undertaken for phases 1a & 1b and the results presented for review/approval. This should include appropriate drawings presenting the level and extent of the 1-in-200 year + climate change allowance floodplain.
 - No built development or land-raising shall take place within the 1-in-200 year + climate change allowance floodplain. Drawings should be presented, showing the site layout, confirming that this is the case.
 - Finished floor levels shall be set at a minimum elevation of the 1-in-200 year + climate change allowance flood level plus 600mm freeboard. It is noted that finished floor levels have been submitted for phases 1a & 1b as part of this application. These should be reviewed / amended as necessary subsequent to the output from the detailed Flood Risk Assessment.
 - Buffer strips in line with Aberdeenshire Council's guidance shall be maintained around all watercourses / waterbodies.
- ii. With respect to the multiple other phases proposed as part of the overall development, if the Planning Authority is of a mind to approve this application, it is requested that appropriate Conditions are attached to secure the flood risk matters outlined in the bullet points above prior to the progression of those phases.

With regards to surface water drainage, it is noted that an outline design has been submitted as part of this current application for permission in principle, although this appears to only relate to phases 1a & 1b. If this application is approved, it is requested that appropriate Conditions are attached to secure the provision of a full, detailed surface water drainage (SUDS) design for review/approval, including appropriate drawings and calculations, for all development phases across the site prior to their commencement.

- 4.9 **Infrastructure Services (Housing)** has advised that there is housing need in Balmedie as supported by the Aberdeenshire Council waiting list 2018 and the Housing Need and Demand Assessment 2017. Reference has been made by the developer for the proposal of 27 key worker affordable apartments. The Housing Service would require further details of this proposal before this could be considered as an affordable housing contribution.

On this occasion the Housing Service would be looking to secure a commuted sum in order to address local housing need in the Ellon Academy catchment area. This would be phased with payments on the completion of every 50th residential unit.

- 4.10 **Infrastructure Services (Landscape Services)** has no comments regarding this application.
- 4.11 **Infrastructure Services (Planning Policy)** has commented that whilst planning permission in principle already exists for a similar development, as a new application, it is important that the development proposal is compared against current planning policies whilst fully appreciating previous planning consents and the agreed Masterplan. It should be noted that LDP Policy P1 stresses the need to comply with previously agreed Masterplans and it would be expected that any application that differs from a Masterplan is supported by a full justification. It is noted that the settlement statement specifically indicates that Phase 1 requires to be completed before the construction of any housing, which reflects the agreed Masterplan.
- 4.12 **Infrastructure Services (Roads Development)** has submitted a holding objection on the grounds of insufficient information. This relates to an Access Strategy for the overall phasing of the development and details on the second point of access.

The developer is aware of the concerns and is currently working with Roads and Transportation to address the matter.

- 4.13 **Strategic Development Planning Authority (SDPA)** has no comments on this application.
- 4.14 **Infrastructure Services (Transportation)** has submitted a holding objection. Additional information is required on school transportation, cycling initiatives, bus services and mode share estimates to be revised as well as providing trip generation associated with Phase 1 and Phase 2 of the outline consent to compare it with the residential trip generation for each phase.

The developer has been advised of the additional information required. To date this has yet to be submitted.

- 4.15 **Infrastructure Services (Waste Management)** has submitted an objection on insufficient information. Further information requested includes where the applicant intends to store the wheeled recycling and waste bins and information on access for the refuse vehicles is required including a swept path analysis to ensure sufficient space for manoeuvring the vehicles.

The developer has been advised of the additional information required. To date this has yet to be submitted.

External

- 4.16 **Belhelvie Community Council** has objected to the approval of this application for the following reasons:
- The proposal is non-complaint with the relevant provisions of the Local Development Plan.
 - There are no material considerations of sufficient substance to justify an exceptional approval of a non-complaint proposal as a departure from the Local Development Plan.
 - This application is premature in terms of the relevant policy statement.

- This application fails to comply with the approved Masterplan, thus contravening Policy P1.
- The proposal fails to include the required grade separated junction on the new Balmedie to Tippetty dual carriageway.
- The TA provided fails to acknowledge that the old A90 road through Balmedie was never potentially exposed to such substantially adverse traffic impacts by the provisions of the outline planning consent or Section 75 Agreement.
- The design of the individual buildings is a matter for concern and contravenes the requirement within the Energetica Corridor of achieving the highest standards of design.
- The Community Council does acknowledge the economic circumstances have changed over the past decade and would readily support the proposal only on the basis that the Planning Authority ensures that any planning consent is issued conditioned and subject to a Section 75 Agreement to secure safeguards such as:
 - the construction of the grade separated junction;
 - no construction traffic allowed to utilise the old A 90 which runs through Balmedie;
 - the applicant will prepare and submit a new and revised Masterplan for the entire development;
 - the developer to provide the primary school all as specified in the initial Section 75 Agreement entered into by the developer;
 - the developer makes payments towards the provision of community facilities all as detailed in the initial Section 75 Agreement;
 - the developer must enter into a design review process with the Planning Authority and Architecture and Design Scotland. The development, thereafter, shall be carried out in accordance with the approved designs;
 - The developer will provide 150 affordable houses integrated within the Menie development in consultation with the Housing Authority.

4.17 **Forestry Commission** has commented that the Tree Survey Drawings do not have a key and the titles are unclear. The details provided in these plans and the associated Tree Survey Report do not provide an adequate assessment of the public benefit of the woodland lost, or the areas involved and do not demonstrate that the compensatory planting proposed is adequate to meet the requirements of the Scottish Government's Control of Woodland Removal Policy which requires no net loss of forest cover and that compensatory planting must provide at least an equal level of public benefit as the areas lost. In addition, a small area centred on NJ 978 203 is shown on the Ancient Woodland Inventory as being of Long-Established Plantation Origin, this area should be surveyed for significant biological interest in the form of ancient woodland indicator species.

The developer has been requested to update the Tree Survey Report and drawings to consider the comments above. To date this has yet to be received.

4.18 **Foveran Community Council** has no objections to this application.

- 4.19 **Historic Environment Scotland (HES)** has not made any comment on this application.
- 4.20 **National Health Service (NHS)** has advised that NHS Grampian would require Developer Obligations to contribute towards a new Health Facility within Ellon.
- 4.21 **Scottish Natural Heritage (SNH)** has advised that this application will require a Habitats Regulations Appraisal (HRA) in relation to the Special Protection Area for wild birds at the Ythan Estuary, Sands of Forvie and Meikle Loch. In accordance with their Service Statement for planning, they do not propose to comments on other aspects of this application.
- 4.22 **Scottish Water** has no objection to this application. There is sufficient capacity within their water treatment works to service this proposed development. However, in order to accommodate the additional demands of this development, upgrades will be required within the existing network.

The development is remote from existing Scottish Water drainage infrastructure. However, should a connection be required to the Balmedie treatment works catchment, upgrade works within the network and at the treatment works will be required to accommodate the whole development.

For reasons of sustainability and to protect customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into their combined sewer system.

- 4.23 **Scottish Environment Protection Agency (SEPA)** has submitted an objection due to a lack of information. The key issues are;
- a) Drainage Assessment for the Planning Permission in Principle (PPiP) – demonstrating that surface water will be treated by Sustainable Urban Drainage Solutions (SUDS) in accordance with the Simple Index Approach set out in CRIA C753;
 - b) A site survey of any existing water features, confirmation of any engineering works with justification, including proposed buffers;
 - c) National Vegetation Classification (NVC) survey & assessment of all impacts upon Groundwater Dependent Terrestrial Ecosystems and adequate buffers;
 - d) Assessment of potential environmental enhancement measures and map showing location;
 - e) Confirmation of the location of any existing groundwater abstractions within 250m of all excavations with a map demonstrating adequate buffers and, where relevant, assessment of impacts;
 - f) A feasibility assessment on the use of carbon neutral technologies and design measures - including details of provision of heat and power to the development and sustainable design measures.

The developer has been asked to provide the additional information. To date this has yet to be received.

- 4.24 **Transport Scotland** has advised that conditions be attached to any approval. These relate to the number of residential units and timing of construction work.

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 B1 Employment and business land
Policy B3 Tourist facilities
Policy B4 Special development areas
Policy R1 Special rural areas
Policy H1 Housing land
Policy H2 Affordable housing
Policy P1 Layout, siting and design
Policy P2 Open space and access in new development
Policy P6 Community infrastructure
Policy E1 Natural heritage
Policy E2 Landscape
Policy HE1 Protecting historic buildings, sites and monuments
Policy PR1 Protecting important resources
Policy C1 Using resources in buildings
Policy C4 Flooding

Policy RD1 Providing suitable services
Policy RD2 Developers' obligations
Balmedie Settlement Statement (Appendix 8)

5.4 Other Material Considerations

Planning and Open Space Planning Advice Note (PAN 65), June 2008
Scottish Government's Policy on the Control of Woodland Removal
National Planning Framework for Scotland 3 (NPF3), 2014
Historic Environment Policy Statement, 2016
Managing Change in the Historic Environment; Setting, 2016
The Planning (Listed Buildings and Conservation Areas (Scotland) Act 1997
The planning history and the extant planning permission APP/2006/4605

Members will need to consider whether the proposal raises any issues in relation to differential impacts on the protected characteristics of peoples identified in the Equalities Act.

6 Discussion

6.1 The key considerations are categorised and outlined in the following sections.

Principle of Development

- 6.2 The site is allocated in the current Aberdeenshire Local Development Plan 2017 in the Balmedie settlement statement, which states the full allocation of the site. The allocation includes up to 500 houses, community facilities, holiday apartments as well as golf villas and a resort hotel.
- 6.3 As noted in Section 2, there is an extensive planning history on this site. There is an active Outline Planning Permission (OPP) (under reference APP/2006/4605) for the development for which the details are fully specified in the allocation, including phasing. The outline permission was granted on 16 December 2008. A Masterplan has also been approved for the resort (under reference APP/2010/0423).
- 6.4 For reference, Phase 1 of the Outline Planning Permission comprises (which is specified in the conditions) the championship golf course, maintenance building, clubhouse, starters' hut, caddy shack, practice facilities, driving range, hotel, 36 'golf villas' and staff accommodation. Phase 2 of the development comprises the first block of holiday apartments to be completed prior to work commencing on the construction of any of the private houses and then broken down thereafter into blocks of holiday apartments and private houses.
- 6.5 The developer has explained in the Planning Statement the reasoning for this early draw forward of the housing. This has been due to the original phasing being no longer economically viable. This will be discussed in more detail below.
- 6.6 This application for 550 dwellinghouses (up to 500 residential units and a minimum of 50 leisure/resort units) as well as community facilities and food and drink uses are all elements which would have been contained within the OPP. Given this proposal includes 2 blocks of 8 bedroom lodge

accommodation and 5 x 4 bedroom lodge properties, this could be considered to account for part of the hotel/holiday villa accommodation of Phase 1.

- 6.7 In terms of the OPP and the settlement statement allocation, the only element of the proposal which fails to comply is the link to the original phasing in the OP3 allocation; in that phase 1 of the OPP has not been fully implemented. However, to date, several developments have been completed, such as the championship golf course and golf related facilities, the clubhouse and maintenance building.
- 6.8 Members should give consideration as to whether they feel this proposal for housing, leisure units, community facilities, shops, offices, and food and drink uses is acceptable in relation to the principle policy and settlement statement, Policy H2 Housing land, Policy B3 Tourist facilities and Policy P6 Community infrastructure, and if not whether there are any significant material considerations which would outweigh the policy considerations.

Economic Benefits

- 6.9 The developer has provided an Economic Impact Assessment (EIA) of Phase 2. Members should note that the applicant has outlined that the proposed development would generate a number of construction jobs and wider benefits from construction as well as longer terms jobs. The Report also outlines the challenging environment for investment as a result of the recession and oil price collapse and as such the market prospects today are very different compared to a decade ago. This is not necessarily unique to this development.
- 6.10 The Council's Business Development Executive has commented that the proposal fits well with the Regional Economic Strategy and proposals like this would help diversify the economy as well as help to mitigate other weaknesses in the regional economy such as the lack of affordable housing. The direct and indirect job opportunities will generate an increase in economic growth for the local economy. Whilst completion of the development would normally be welcomed, the changes to the phasing of the development makes it less attractive economically by providing more residential housing before tourism infrastructure.
- 6.11 Members should consider whether and to what extent this should carry weight in the decision-making process being one of many material planning considerations.

General Layout, Siting and Design

- 6.12 The Design Statement explains the vision of the proposed development which aims to create a network of mixed-use neighbourhoods with vernacular inspired housing typologies, intimate streets and breath-taking scenery with mature planting, shared greens and a park. The development has been inspired by the architecture found throughout Aberdeen and the wider north east of Scotland such as Braemar, Ballater and Monymusk, utilising local materials such as granite, timber, stone and slate with traditional architectural detailing.
- 6.13 In terms of general layout, siting and design, as part of this hybrid style application, detailed designs and layout have been provided for Chapters 1A

and B. The remaining Chapters of the proposal are only indicative at this stage, however Members will need to consider whether the layout could respect the setting of Macleod house, Menie Estate and the wider landscape character, as well as forming a suitable access to serve the development.

- 6.14 A central primary road runs roughly through the middle of the housing site and Chapters are branched off from here. There are large pockets of open space around the Chapters as well as formal landscaping areas within the detailed drawings. Looking at Chapter 1A, the primary and secondary roads as well as the landscaping areas are overlooked, with the rear internal lanes accessing the driveways and parking areas to focus on pedestrian access around the site with multiple walking routes through the built and woodland areas.
- 6.15 The house designs, along with the lodge accommodation and buildings within the mixed-use centre all follow a similar design which is traditional and takes architectural elements from other Aberdeenshire towns and Macleod House on site. The materials proposed across chapters 1A and B are also consistent.
- 6.16 Members should consider the proposals against Policy P1 Layout, siting and design and Policy P2 Open space and access in new development.

Roads and Accessibility

- 6.17 A Transport Assessment (TA) as well as a Construction Traffic Management Plan (CTMP) has been submitted as supporting information. The TA highlights that the estate already benefits from Outline Planning Permission (OPP) granted in 2008 for a Golf Resort.
- 6.18 The summary and conclusions of the Transport Assessment (TA) identify that the level of private residential development proposed through this Planning Permission in Principle (PPiP) application is essentially the same as the original Outline Planning Permission (OPP). The development is well placed adjacent to the A90 and is within easy walking distance of Balmedie and the amenities offered within the village. A new roundabout junction is proposed with the A90 with a new 6m wide primary road routing through the development. A network of dual-use walking/cycling paths are also to be provided and bus services can be diverted into and through the site.
- 6.19 Transport Scotland have no objections to the proposals, however both Infrastructure Services (Transportation and Roads Development Sections) have submitted holding objections for additional information, namely an Access Strategy and more details on trip generation, school transport provision, cycle lanes and viability of diverting bus services.
- 6.20 It should be noted that the internal layout of the remainder of the chapters cannot be assessed at this stage given the indicative layout. The key issue is the principle access arrangements which need to be agreed at this stage. It is general practise that other detailed elements could be agreed by way of condition.
- 6.21 Members should consider whether the proposal is accessible by varied means of transport, avoiding reliance upon the private car, whilst providing good linkages to Balmedie and whether the layout demonstrates sufficient

evidence of a sustainable community. Also, Members will need to consider whether there are any adverse transport implications in relation to the operation of the new junction, the A90 and Balmedie. These issues will need to be considered in relation to Policy RD1 Providing suitable services and Policy P1 Layout, siting and design.

Drainage and Flood Risk

- 6.22 The submitted Drainage Assessment highlights that there is an existing Scottish Water rising main which runs through the site and continues to the treatment works at Balmedie. The development would have a separate foul drainage system which would connect into a new adoptable pumping station. As mentioned in section 2, surface water would be dealt with by permeable paving for each property, with a swale and detention basin for the roads in Chapter 1A and a swale and filter trench for the lodges and roads in Chapter 1B with permeable paving for the properties and roads in Chapter 1B.
- 6.23 Scottish Water have no objection to the proposals but have highlighted that upgrades will be required within the existing water network and for the drainage network and at the treatment works. SEPA have asked for additional information on surface water. Members should consider whether they are satisfied that this complies with Policy RD1 Providing suitable services, which states development shall be acceptable where it connects to the mains water supply, public drainage infrastructure, and where surface water is dealt with in a sustainable manner and in ways that avoid pollution and flooding, through the use of an integrated Sustainable Drainage System.
- 6.24 Turning to flood risk, the applicant has submitted two Flood Risk Assessments (FRA); one for the whole Planning Permission in Principle (PPiP) site, and one for Chapters 1A and B. The findings of the Flood Risk Assessment (FRA) for the PPiP site concluded that parts of the site could be at risk of fluvial flooding. Watercourse channels appear to lie within well-defined valleys and flooding is therefore expected to be local to the watercourses. Development should avoid the 200yr functional floodplain and 6m buffer strips are to be left undeveloped. The findings of the FRA for Chapters 1A and B are similar with risk of fluvial flooding; in particular land at Chapter 1B may be at risk of flooding from the northern tributary of the Menie Burn. Again, development should avoid the 200yr function floodplain, 6m buffer strips and finished floor levels should be set above existing grounds levels.
- 6.25 Both SEPA and Infrastructure Services (Flood Risk and Coast Protection) have requested additional information in order for them to be satisfied that there would be no flooding issues. This additional information has yet to be submitted. Members should consider whether the information submitted, and responses from key consultees, is acceptable against Policy C4 Flooding.

Landscape and Visual Impact

- 6.26 This proposed site lies to the north of Balmedie; between the A90 trunk road and the North Sea coastline. It is an allocated site but also within the coastal zone. The site lies within the Landscape Character Assessment areas known as the Agricultural Heartlands and Coastal Strip. It is also identified in a Special Landscape Area known as the North East Aberdeenshire Coast.

- 6.27 Policy E2 Landscape identifies the nature of the landscape and seeks to protect the key natural landscape elements from unacceptable effects of developments. The Coastal Strip character area is of increased landscape sensitivity due to the open landform and relationship to the coast itself. The Agricultural Heartlands character area is less sensitive with a gently undulating lowland plateau, scattered woodland and expansive views across the landscape.
- 6.28 The applicant has provided a Landscape and Visual Impact Assessment which sets out likely impacts from the development and summarises that the effects of the proposals result from the introduction of significant development to a rural/ coastal landscape. While locally significant they are not disproportionate to the scale of the proposals and are largely capable of successful mitigation through design and the growth of landscape structure planting.
- 6.29 Consideration should therefore be given as to whether the proposed development, both the housing and the other uses proposed, would have an undue impact on the wider landscape character areas and the special landscape area.

Natural Heritage

- 6.30 A Tree Survey Report and Schedule has been submitted as well as an Ecological Impact Assessment. SNH have advised that a Habitats Regulations Appraisal is required in relation to the Special Protection Area of wild birds at the Ythan Estuary, Sands of Forvie and Meikle Loch, which has yet to be carried out. Both the Forestry Commission and our Infrastructure Services (Environment Team – Natural Heritage) has requested further information on the evaluation of the biodiversity and amenity value of the woodland, compensatory planting and other measures. Also, the Environment Team has highlighted that the Bat Survey has yet to be submitted. The Planning Service are awaiting the submission of this information.
- 6.31 A development proposal of this scale is likely to raise concerns relating to biodiversity, nature conservation and public access; however, with only details for Chapter 1A and B it is difficult to address these issues across the whole application site at this stage. Members will need to consider whether appropriately worded conditions could be used to obtain the necessary detail and supporting information to remedy any concerns raised, to ensure compliance with Policy E1 Natural heritage and Policy PR1 Protecting important resources.
- 6.32 All new developments present an opportunity for biodiversity enhancement, in line with Planning Advice. Whilst no firm details of this have been provided, at this stage, they can however be controlled by condition.
- 6.33 Members should consider whether the above points are considered to meet the relevant policies, and whether the proposal will have a detrimental impact on any protected species or natural heritage features.

Built Heritage

- 6.34 Menie House (as per the Historic Environment Scotland (HES) listing but is now known as Macleod House), a Jacobean, 2 storey property is a Category B Listed Building and is set amongst mature landscaped gardens and ponds. This property has since been converted to a hotel. The proposed housing would be situated to the south of the property, beyond the pond which is within the immediate garden grounds of the house. The two blocks of lodges however, are proposed to be located in close proximity, approximately 35 metres to the north of the listed building.
- 6.35 The developer has submitted an Archaeological desk-based Assessment focused on archaeology and built heritage. Within the proposed development site there is the Category B Listed Menie House and three heritage assets. These relate to other structures formally designated within the immediate vicinity of Menie House and are the Old Parish Church, its graveyard and the morthouse sitting in the cemetery. It should also be noted that the former steading sited north east of Menie House was also subject to listed building consent when converted into an office and additional accommodation. The Report has concluded that there is a moderate to high probability of discovering buried archaeological remains within the proposed development site, as such the Report proposes mitigation measures for any possible direct effects on archaeology. This would involve the submission of Written Scheme(s) of Investigation (WSI) which would, where necessary, make provision for appropriate post-excavation analysis and dissemination of the results of the mitigation works, as well as for archiving of the project materials and records. The Report also identifies a moderate adverse effect on the setting of Category B Listed Menie House due to the close proximity of the proposed lodges but offers no mitigation measures.
- 6.36 Infrastructure Services (Archaeology) have not raised any concerns regarding the proposals but have requested that a programme of archaeological works (WSI) is conditioned. The Built Environment Team has raised some concerns regarding the close proximity of some of the proposed houses and the two lodges to Menie House, in that these elements would have an adverse impact on the historic setting of the listed building. The developer has been asked to reassess the location of the lodges or provide mitigating measures to reduce impacts on the setting of the listed building. This is currently being considered by the applicant.
- 6.37 Members should therefore consider these responses and any comments and/or amendments received by the applicant alongside Policy HE1 Protecting historic buildings, sites and monuments of the Local Development Plan (LDP) and Managing Change in the Historic Environment documents when making a decision on this application.

Other Considerations

- 6.38 The site is covered by pockets of prime agricultural land. Policy PR1 Protecting important resources generally discouraged developments that would have a negative effect on important environmental resources, however the policy does exclude allocated sites with the Development Plan.
- 6.39 A package of Planning Obligations for the development has been issued to the applicant. The Heads of Terms have yet to be agreed, however the

Planning Authority is seeking contributions for Primary Education, Community Halls, Sports and Recreation, Healthcare and Waste and Recycling.

Members will need to consider the potential implications of the scheme in relation to Policy RD2 Developers' obligations.

- 6.40 The affordable housing requirement would be secured through a Section 75 Agreement by a commuted sum in order to address the local housing need in the Ellon Academy catchment area. Policy H2 Affordable housing sets out the requirement for 25% provision.
- 6.41 In terms of carbon neutrality and energy efficiency, no detail has been provided at this stage; however, this is usually dealt with by a condition. Members will need to consider whether there are any impediments to achieving the level of on-site renewables set out in Policy C1 Using resources in buildings.
- 6.42 The site is located with the Energetica Corridor, which stretches from Aberdeen to Peterhead generally in line with the northern "Strategic Growth Corridor" as defined in the Strategic Development Plan. The Energetica Corridor is covered by Policy B4 Special development areas which seeks development to keep to a design and sustainability vision. Members will need to consider whether the proposal meets the requirements of the Energetica Supplementary Guidance and Policy B4.

Public Comment

- 6.43 Most of the concerns raised in the representations have been covered by the above discussion, and a number of points are subjective, and Members should form their own view on aspects such as phasing, compliance with the Local Development Plan, impacts on ecology/biodiversity/woodlands, layout, siting and design, impact on the landscape and amenity, infrastructure and transportation. Technical issues such as roads, access, drainage and flood risk rely on the response from consultees, however Members should consider those responses, the relevant policies and the comments from the public when making a decision.

Concluding Remarks

- 6.44 In conclusion, the purpose of the Pre-Determination Hearing is to outline the main issues to allow consideration of the impact of the proposed development of 500 dwellinghouses, 50 leisure units, community facilities and various uses within Classes 1 (Shops), Class 2 (Financial, Professional) and Class 3 (Food & Drink) on land at Menie Estate, Balmedie.
- 6.45 The application is supported by several documents, both technical and non-technical including a detailed Masterplan. It is however acknowledged that there are currently a number of outstanding holding objections from consultees and information that has yet to be submitted. Future Area Committee and Full Council Reports will both highlight and assess any new information submitted, update consultations responses and identify, where appropriate, the resolution of any outstanding issue or otherwise.
- 6.46 The key consideration for Members is whether the proposal complies with the principle policies of the Local Development Plan, and if not whether

there are any significant material considerations which would outweigh these policy considerations in recognising the proposed development as a significant departure to the approved Local Development Plan. The proposed development is considered to be a significant departure to the designation of the application site known as OP3: Menie within the Balmedie Settlement Statement based on the alternative phasing of the development now proposed. Members should, as part of their deliberation, consider what impact the proposed changes to the phasing would have on the vision statement for Balmedie with respect to the delivery of strategic housing and employment allowances and in line with the vision of Energetica, the impact that the proposed development would have on transforming the area into a high-quality lifestyle, leisure and global business location. Consideration should include the materiality of any economic benefits or otherwise that may justify departing from the plan and the settlement vision. Technical issues outlined in relation to the site itself must also be considered.

6.47 In summary the key points to consider are:

1. The principle of the development in this location outwith the development plan process and consequences of acceptance as a departure from the Development Plan.
2. The potential conflict between the Coastal Zone and the site allocation.
3. Impact on existing and proposed roads network.
4. Suitability of proposed cycle and footpath provision and linkages, including safe routes to school.
5. Impacts on water supply, drainage and flood risk.
6. Provision of facilities to serve the development and the wider area e.g. School site and community facilities.
7. Impact on both primary and secondary education provision.
8. Landscape and visual impact on the landscape character of the area and valued views.
9. Impact of layout, siting and design of the proposed development.
10. Potential impacts on listed buildings and structures.
11. Impacts of the loss of habitat and benefits of new habitat creation.
12. Loss of prime agricultural land.
13. Economic Benefit/Provision of employment opportunities.

7 Departures, Notifications and Referrals

7.1 Strategic Development Plan Departures

None. The proposal is considered to generally comply with the strategy (para 3.30) in that the proposal, in its wider sense, realises the economic potential of the Menie Estate.

7.2 Local Plan Departures

Balmedie Settlement Statement (Appendix 8)

The Settlement Statement is an integral part of the Development Plan. The Settlement Statement for Balmedie identifies this site as being **OP3** allocation, as indicated above. The Settlement Statement identifies that the site is allocated. Notwithstanding, the allocation does not imply any support for any development which deviates from the approved scheme, including the conditions and Section 75 legal agreement of the original permission. The settlement statement identifies Phase 1 to be complete before the construction of any private housing and Phase 2 to alternate resort and residential development. The rationale is to develop the commercial development prior to the residential development. This proposal seeks the early development of the residential development and the agent cites economic reasons for this alternative phasing in the plan.

Policy R1 Special rural areas

The aim of this policy is to promote appropriate development in both the greenbelt and coastal zone. Regarding the latter the policy presumes in favour of several criteria. These do not include residential development. The policy states that development in the coastal zone must require a coastal location. Notwithstanding the above the site is allocated in the Local Development Plan.

Policy HE1 Protecting historic buildings, sites and monuments

The aim of this policy is to ensure that all development respects the character and setting of any listed building. In this case Macleod House is a listed building.

Policy E1 Natural heritage

The aim of this policy is to ensure that development does not adversely affect a nature conservation site unless set criteria apply.

Policy E2 Landscape

The aim of this policy is to ensure that all development respects the landscape setting, by reason of scale, location and design.

Policy PR1 Protecting important resources

The aim of this policy is to ensure protection for the water environment, prime agricultural land and trees which are of importance. As a significant part of the site is prime agricultural land this aspect of policy is important.

Policy C4 Flooding

The aim of this policy is to ensure that development is supplemented by appropriate information to ensure that flood risk is adequately managed.

Policy RD1 Providing suitable services

This policy aims to ensure that all development is well related to existing developments or settlements, is in accordance with national guidelines and is in close proximity to public transport links/delivering major improvements to public transport services. This policy ties in with the Settlement Statement. The policy also relates to water and waste infrastructure.

8 Next Stages

- 8.1 Following the Pre-Determination Hearing a Report will be put forward to a future meeting of the Area Committee with an Officer recommendation. The Area Committee will be given an opportunity to express a preliminary view on the proposed development, which will then be reported to a subsequent meeting of the Full Council for a final decision.**