LADYSBRIDGE VILLAGE—REVISED DEVELOPMENT BRIEF

1 Recommendation

The Committee is recommended to:

1.1 Agree the revised Ladysbridge Development Brief as the context for subsequent planning applications.

2 Background / Discussion

Introduction

2.1 This report presents a revised Development Brief relating to the Ladysbridge Village development, centred on the former Ladysbridge Hospital and surrounding grounds, found 3km west of Banff and to the immediate north of the A98. A site location plan is attached as Appendix 1.

Planning History

2.2 The requirement of a Development Brief relating to this site, which is designed to show the overall layout, land uses and design rationale for the development, was initially required by a planning condition forming part of the approval for application APP/2004/3466, approved by the Banff & Buchan Area Committee on 22nd May 2007 for a mixed use development at the site. The required Development Brief was then submitted and approved as part of Matters Specified in Conditions application APP/2009/3777 and thus formed a material consideration as part of the assessment of any future planning application submitted within the confines of the original APP/2004/3466 site boundary.

Original Development Brief

2.3 The original Development Brief identified three phases of housing to the rear of Ladysbridge House, all centred upon a main area of community / open space, with the entire site well enclosed within an existing tree belt / landscaping area around the northern, eastern and western peripheries. An area of business land was also identified within the eastern section of the site.

2.4 However since initial adoption of the original Development Brief the site has significantly evolved due in part to external factors such as market conditions and local housing demand. A key tangible change in the development is the increase in density of houses. This has primarily been achieved through the subdivision of original plots as well as the reconfiguration of entire phases. Such changes have been generally supported by the Planning Service to date as these proposals did not result in the fundamental change in the designated land use as specified by the approved Development Brief.
This has resulted in a total of 93 out of a potential 94 units being approved and completed/under construction within Phases 1-3 at the time of writing. The original site layout plan is attached as Appendix 2 to this report.

Recent Events

2.5 An application in principle to provide a fourth phase of housing development within Ladysbridge was submitted in 2017 and occupied an area of land originally highlighted for community use through the conversion/retention of an existing building or otherwise provision of an area of landscaping. This area amounted to just over half the total area of community / landscaping which was expected to be delivered in the central area of the development according to the original development Brief.

2.6 Despite Phase 4 being recommended for refusal by the Planning Service due to non-compliance with the original Development Brief (ie. proposing houses on community / landscaped areas) and otherwise failing to comply with applicable policies of the Aberdeenshire Local Development Plan 2017, Planning Permission in Principle was granted upon this site for 15 houses by the Council’s Infrastructure Services Committee in November 2017 with a subsequent Matters Specified in Conditions for 8 of the 15 approved houses under consideration by this service at the time of writing this report.

2.7 Other relevant applications in recent times relate to the creation of a pavilion/play area upon the remaining central community/landscaping area in addition to two separate applications to create formal landscaping out with the confines of the original application site / Development Brief area to the south of Ladysbridge House. (References APP/2016/0420 and APP/2016/1205).

Revised Development Brief

Key Changes

2.8 The revised development brief, given the evolution and changes at the site as noted above, now proposes the following variations to the original Development Brief:

1. Change of land use to the area noted as Phase 4 (part 2) on Appendix 3 of the revised Development Brief from landscaping to housing

2.9 Historically the developers have stated their desire to develop this area into housing through the submissions of previous applications APP/2015/2939 and APP/2017/0693 which were both recommended for refusal by the Planning Service on the same basis as the 15 house development approved by Infrastructure Services Committee. However upon considering these smaller applications members agreed with the view of the Planning Service that that the loss of landscaping in place of housing was not in accordance with the approved Development Brief of the time or applicable policy and the applications were therefore refused.

2.10 However given the recent approval of Phase 4 (part 1) to the north, the Planning Service do not see the merit in maintaining that this remaining area be retained for the purposes of landscaping as it should have been delivered as a wider
package of open space/ community use. In terms of layout, siting and design, the Planning Service is willing to concede on this occasion on the basis that the agent has already indicated, through the recent submission of separate applications upon this area for a total of 4 houses, that these houses will adopt the same layout and design principles as adjacent plots 5-8 to create a welcoming feature upon entry into the main body of the development.

2.11 Members should note that the Planning Service can only support the aforementioned 4 houses on the basis that this revised Development Brief be approved which will allow us to support the development in principle.

2. Extension of area covered by the Development Brief to include additional landscaping to the south and have these areas formally included as open space relating to the wider development.

2.12 Although originally unwilling to accept the substitution of the two additional areas of landscaping to the south of Ladysbridge House to counter the loss of the original central landscaped area in substitution of as part of the consideration of APP/2017/0687, the Planning Service accepts the decision of ISC, and the subsequent loss of the central community/ landscaped area from the wider development.

2.13 Furthermore the Service also acknowledges, although not the first choice of landscaping provision for Ladysbridge, that the two additional areas of landscaping offers adequate open space potential for residents of Ladysbridge whilst also securing and contributing to an impressive and distinctive face for the development when observed from the A98 to the south. On balance the Planning Service is of the view that these areas of landscaping merit inclusion within the wider Development Brief, whilst in doing so these areas will also gain protected status from any future unwanted development.

Business Land

2.14 A purple area to the east has been highlighted on the Appendix 3 plan and as previously noted this land is currently reserved for potential business or employment use. Under the terms of the current legal agreement relating to APP/2004/3466, in the event that this land is marketed for its originally intended purposes and no credible offers or interest is received for a minimum of 12 months of being first placed on the market, the developers have the option enter into discussions with the Planning Service to seek potential / viable alternatives.

2.15 Members should be aware that this process is already underway with this land being marketed by Knight Frank at the current time. However, as this is a mechanism enshrined within the existing legal agreement this matter is considered separately from the determination of this revised Development Brief. The inclusion of the business land on this appendix is purely for information at this moment, whilst the developers will not be required to produce a further Development Brief in the event they pursue another land use on this site in the event they fail to attract a credible commercial / business use to the site.
Ladysbridge House

2.16 A yellow area has been indicated on the revised Development Brief, identifying land to the east of Ladysbridge House. The developers have indicated that they wish to continue the previous designation for this section of land which allowed for the clearance of non-listed auxiliary buildings for future development. The Planning Service is comfortable with this approach on the understanding that any future development on this land be appropriate to the setting of Ladysbridge House and be subject to additional scrutiny by the Planning Service and appropriate consultees due to the site's proximity and relationship to the B listed Ladysbridge House.

2.17 Although an area to the front of Ladysbridge House has been designated as open space/landscape, the developers have requested that this area be informally reserved for the exclusive use of the residents of Ladysbridge House as private garden grounds. The Planning Service has no issue with this minor update on the basis that the identified land continues to serve a purpose incidental to the enjoyment of the individuals within Ladysbridge House and that no future use/development within such area would adversely affect the setting of the listed building which remains of paramount importance.

Public consultation

2.18 Given scale of changes contained within this revised Development Brief, it is opinion of this service that no public consultation was required prior to bringing this item before committee.

Conclusion

2.19 Should members agree this would form the new framework which would guide officers in their assessment regarding future applications submitted within the boundary line.

2.20 Overall, the Planning Service accepts the indicative layout plan as shown in Appendix 3 of the revised Development Brief (the full revised brief is attached as Appendix 4 to this report) as an appropriate future approach for the wider Ladysbridge Development. Although not a masterplan, it provides an indication of the layout that could be expected to be delivered as part of a detailed planning application.

2.21 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

3 Scheme of Governance

3.1 The Committee is able to consider and take a decision on this item in terms of Section B.1.1 of the Scheme of Governance as the matter relates exclusively to the Banff & Buchan Area Committee and is not delegated to any other committee.
4 Implications and Risk

4.1 An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.

4.2 There are no staffing and financial implications.

4.3 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 proposal as the planning authority and must determine the proposal on its own merits in accordance with the Development Plan unless material considerations justify a departure.

Stephen Archer
Director of Infrastructure Services
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APPENDIX 1
Site Location Plan
APPENDIX 2
Site Layout Plan 2009
Appendix 3 – Ladysbridge Village Proposed Amended Layout 2018

LADYSBRIDGE VILLAGE
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Proposed Amended Layout 2018

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APPENDIX 4

Ladysbridge Updated Development Brief

Ladysbridge, Banff, Aberdeenshire

Prepared on behalf of Ladysbridge Village Limited

August 2018

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1. **Introduction**

1.1 Knight Frank on behalf of our client Ladysbridge Village Limited are submitting this updated development brief for Ladysbridge Village, Banff for consideration by the Banff and Buchan Area Committee. The brief has been updated to take account of changes in circumstances since the development was first granted outline planning consent in July 2009. Since 2009 over 90 houses have been built and occupied at Ladysbridge including the conversion of the Category B Listed Ladysbridge House to form 15 townhouses. Generous open space provision has been provided with the houses, a footpath system and land reserved for business development which has resulted in the creation of a new settlement at Ladysbridge. More recently an additional 15 houses were granted planning consent subject to legal agreement at Ladysbridge in November 2017.

2. **Site Characteristics and Background**

2.1 Ladysbridge was a former hospital site owned by NHS Grampian. It is a substantial site comprising circa 24 hectares of land which contained open space and landscaping, a variety of hospital buildings and the Category B listed building, Ladysbridge House. The hospital became surplus to requirements and was sold to Ladysbridge Village Limited who sought an alternative use of the site as a major new residential led mixed use development and have developed it as such since 2009. Ladysbridge lies approximately 1 mile to the south of the settlement of Whitehills and 2 miles to the west of Banff, one of the main service centres in Banff and Buchan. The site lies just off the main A98 Banff to Portsoy Road and gains access to that road via the B9121 Whitehills Road. Regular bus services are operated by Stagecoach along these routes.

2.2 The land subject of the development brief is a former brownfield site and measures 23.64 hectares. It is identified in Appendix 1 - Site Location Plan. Housing on the site is zoned to Whitehills Primary School and to Banff Academy for education.

3. **Planning Context**

3.1 Ladysbridge Village is currently located within land designated as countryside in the recently adopted Aberdeenshire Local Development Plan 2017. The planning context and background is considered below.

**Aberdeenshire Local Development Plan (2017)**

3.2 The Aberdeenshire Local Development Plan was adopted by Aberdeenshire Council in April 2017. The plan unfortunately did not designate Ladysbridge as a settlement but continued with the 2012 LDP allocation of the site as Countryside and to which countryside policies would apply. This is a contradictory planning policy approach for what in effect is a small settlement comprising more than 90 houses and with the
potential to increase by a further 50% in the future. In order to address this anomaly representations have been made as part of the review process of the new Aberdeenshire Local Development Plan 2021 seeking to have Ladysbridge identified as a designated settlement in the new LDP. In this respect it is worth noting that the now superseded adopted Aberdeenshire Local Plan (2006) identified Ladysbridge as a rural service centre and the Aberdeen City and Aberdeenshire 2017 Housing Land Audit identified Ladysbridge as a settlement in which more houses were constructed between 2012 and 2017 than in Banff.

Planning Application History

3.3 An outline planning consent (APP/2004/3466) for a mixed use development at Ladysbridge, including demolition of identified buildings, was approved by Aberdeenshire Council in July 2009. This was supported at the time by a design/development brief and Site Layout Plan for the site (See Appendix 2). Since then detailed consents have been brought forward for housing which has resulted in over 90 houses being built and occupied and the creation of a new settlement at Ladysbridge. As part of the planning approvals and a Section 75 Legal Agreement a network of footpaths and open space was provided. This included a substantial central open space area with a sports pitch and play equipment. A new footpath/cycleway was also put in place linking Ladysbridge to the settlement of Whitehills and the Core Path network.

3.4 In April 2016 a new area of amenity open space on land lying between the converted Ladysbridge House and the A98 Road was granted planning consent (APP/2016/0420) and measures 1.93 hectares in area. This was a major addition to the useable open
space provision at Ladysbridge and will be laid out as an informal area with paths, an orchard, hedges, seating and an area for dog walkers to exercise their pets off the lead. This area was not designated as open space in the original development brief and outline planning consent, however was in the ownership of Ladysbridge Village.

3.5 More recently an additional 15 houses were granted planning permisssible in principle consent subject to legal agreement at Ladysbridge in November 2017 (APP/2017/0687). This was on an area within the original development brief on which one of the former hospital buildings was located and identified to be retained if possible as a community facility. Unfortunately it was not possible to retain the building. It was offered to Whitehills Community Council for community use however their preference was to use premises in Whitehills. The building which was not in a good state of repair and had high maintenance liabilities was therefore demolished. Planning consent however was granted for the erection of a smaller more sustainable community building in the central open space area in 2016 (Reference APP/2016/2618). It should be noted that the developer contributions package agreed as part of the outline consent for the Ladysbridge development will contribute over £70,000 for community facilities in the area. The new community building is being provided in addition to that sum. The relocation of the community building to the central open space area, which can be accommodated there without detriment to the area, freed up the area originally proposed for community use for an appropriate alternative use. This was recognised in the granting of the consent for 15 houses by the ISC Committee in November last year. It is however possible to accommodate a further 4 houses in the site of the now demolished building and this is being promoted as part of the development brief update.

4. Ladysbridge Development Brief Update

4.1 The updated development brief for Ladysbridge is seeking to regularise the land use allocations across the Ladysbridge site and update these to take account of planning consents granted since 2009. The brief has not sought to change guidance on materials and house design for which the original Design Brief should continue to be relied upon in conjunction with discussions with the Council’s Development Management Service. The proposed amended layout for Ladysbridge is shown in Appendix 3. This identifies the following:

- The areas already developed for housing (Phases 1, 2 and 3 and Ladysbridge House);
- The generous areas of open space on site including the strategic landscaping areas, the central open space area (with play equipment, a sports pitch and a community building) and the major new landscape additions on the southern boundary of Ladysbridge lying between the A98 Road and Ladysbridge House;
- The area identified as Phase 4 which includes Part 1 which has consent for 15 houses and Part 2 which can accommodate an additional 4 houses for which it is
intended a planning application will be lodged subject to approval of the updated development brief by the Council;

- The area of land lying immediately to the east of Ladysbridge House is identified as a site for future development, in accordance with the original approved development brief. Any development proposed on this site will require to be subject to discussions with planning officers and need to respect the setting of the Category B listed Ladysbridge House.

- The area identified as Phase 5 continues to be reserved for employment use (commercial and business uses) – this land is now being marketed by property advisors Knight Frank; and

- The start of the footpath/cycleway link from Ladysbridge to Whitehills and the wider Core Path network.

5. Phasing and Delivery

5.1 Phases 1 and 2 of the Ladysbridge development have been completed and Phase 3 is nearing completion. It is intended that work will start on Phase 4 Part 1 later this year as demand remains high for new houses at Ladysbridge. This will also include 3 affordable units. Phase 4 Part 2 will commence subject to approval of the updated development brief and the securing of planning consent. Development of Phase 5 is dependent on securing interest from businesses interested in developing and locating at Ladysbridge. The Community Building is programmed to be commenced later this year or early in 2019.