

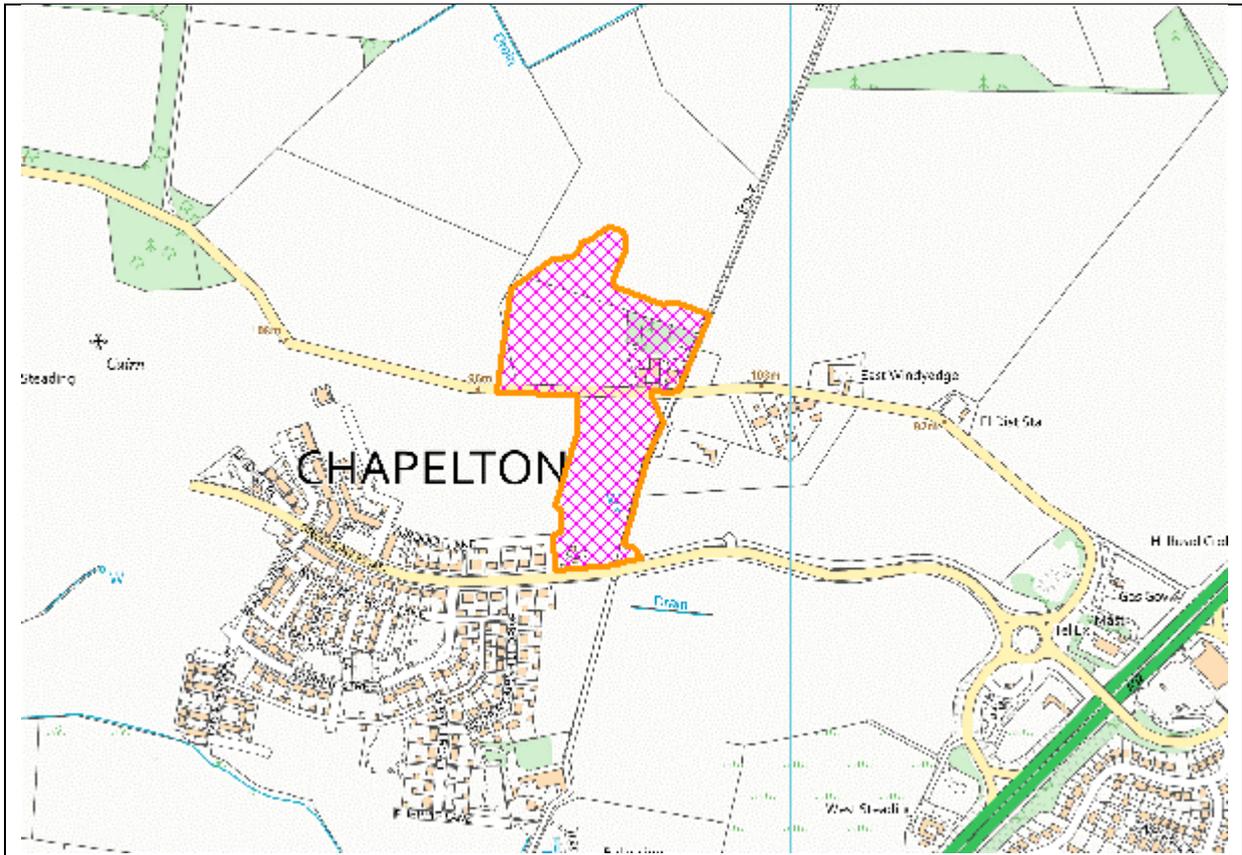
Kincardine & Mearns Area Committee Report 11 February 2020

Reference No: APP/2019/2515

Approval of Matters Specified in Conditions For Conditions 3 a) (Level and Cross Sections), b) (Drainage Plan), c) (Connection to Existing Scottish Water), e) (Cut and Fill Operations), f) (Roads, Footpaths and Cycleways), g) (Screen Walls/Fencing), h) (Landscaping), j) (Layout, Siting, Design and Finish), l) (Waste/Recycling), 4 (Phasing), 6 a) (Existing and Proposed Finished Ground Levels), b) (Existing Landscape Features), c) (Existing and Proposed Services), d) (Location of New Trees, Shrubs, Hedges), e) (Schedule of Plants), f) (Hard Landscaping), g) (Indication of Trees, Shrubs to be Removed), j) (Completion and Maintenance of Landscaping), 7 (a-f Surface Water), 8 (Street Design), 17 (Construction Method Statement), 22 (Bat Survey), 36 (Waste Management Plan), 37 (Environmental Management Plan) of Planning Permission in Principle Reference APP/2011/3100 for New Settlement Comprising Residential (up to 4045 Dwellinghouses), Commercial, Retail and Community Facilities, with Associated Landscaping, Open Space, Drainage and Roads Infrastructure and Services at Phase 1A, East of Naismith Drive and Greenlaw Road, Chapelton, Newtonhill

Applicant: Elsick Development Company, C/o Agent
Agent: Chris Pattison, Turnberry Planning Ltd, 41-43 Maddox Street, London, W1S 2PD

Grid Ref:	E:389781 N:793674
Ward No. and Name:	W17 - North Kincardine
Application Type:	Approval of Matters Specified in Conditions
Representations	1
Consultations	5
Relevant Proposals	Aberdeenshire Local Development Plan
Map	
Designations:	Aberdeen Housing Market Area
Complies with	No
Development Plans:	
Main Recommendation	Grant with Conditions



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.3.1c of Part 2C Planning Delegations of the Scheme of Governance as the application for development is a departure from the Development Plan and is recommended for approval.
- 1.2 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.

2. Background and Proposal

- 2.1 This application seeks to resolve matters specified in conditions (MSC) of the original planning permission in principle (PPP) (APP/2011/3100) for a mixed use development comprising 4045 dwellings, at Chapelton of Elsieck.
- 2.2 The proposal, submitting information required by the conditions within the description of development, is effectively for 11 dwellings. Access to the site as a whole comes from Greenlaw Road to the south, with a road heading northwards shown outwith the western edge of the site. The access road has a consent via the granted full planning permission for phase 1a (APP/2011/3103), however the final alignment requires to be varied and this will come forward in a subsequent MSC submission in the near future. The access road does already exist to the rear of the existing Zero C showhome, where the road turns westwards along Murdoch Lane. Plots 6, 7, 15 and 16 take access from a small road near the Greenlaw Road junction, just north and opposite the existing Murdoch Lane. Plots 11 to 14 take access directly from the road that will run south to north, whilst plots 8, 9 and 10 take access via another minor road near the northern end of the road/site. To the east of the site lies the Causey Mounth, and the proposals include planting along this boundary to provide privacy to the residential plots and soften the settlement edge.
- 2.3 Four different house types are proposed; the four eastern plots (6-9) that mark the settlement edge, and the adjacent plot (10) at the northern edge of the site, are all of the same storey and a half design with modest differences in finish to feature elements on each property, and each orientated in a different way to add intrigue and variation to the layout, with the position of detached garages in each plot varied to aid the break-up of buildings. The 4 plots (11-14) in the centre, on the western side of the site, are also the same storey and ¾ house type with consistent finishing materials. The southern two plots (15 and 16) on the western side of the site are of different types, with plot 15 being a T shaped footprint bungalow, and plot 16 being a storey and ¾ cottage type dwelling with single storey and storey and a half projecting element. Boundary treatment consists of hedging reinforced with mesh fencing, with some feature tree planting in the corner of plots. Bat boxes are proposed on the southern gables of plots 7 and 8. Waste collection shall be

from the kerbside for plots 11-14, whilst plots served by minor roads from the main road to the west require to bring their bins to the roadside on collection days.

- 2.4 The mix of finishing materials, reflective of the overall palette of materials established in the town, is;
- Plot 6 - White wetdash render. Granite. Slate roof. Painted timber (stone green).
- Plot 7 - White wetdash render. Granite. Slate roof to house, grey profile sheet garage roof. Painted timber (grey).
- Plot 8 - White wetdash render. Granite. Slate roof to house, green profile sheet garage roof. Painted timber (stone green).
- Plot 9 - White wetdash render. Granite. Slate roof to house, anthracite profile sheet garage roof. Painted timber (grey.)
- Plot 10 - White wetdash render. Granite. Slate roof to house, galvanized profile sheet garage roof. Painted timber (stone green).
- Plot 11 - White wetdash render. Slate roof. Painted timber (grey).
- Plot 12 - White wetdash render. Slate roof. Painted timber (stone green).
- Plot 13 - White wetdash render. Slate roof. Painted timber (grey).
- Plot 14 - White wetdash render. Slate roof. Painted timber (stone green).
- Plot 15 - White wetdash render. Slate roof to house, green profile sheet garage roof. Painted timber (grey).
- Plot 16 - White wetdash render. Granite. Slate roof. Painted timber (stone green).
- 2.5 Drainage shall differ for each plot. Plot 6's foul drainage shall go to the public sewer within Greenlaw Road, plot 7 shall be to a private package pumping station which then discharges to new foul sewers within the road to the west, and plots 8 to 16 shall all have foul connections directly into the sewer contained in the road to the west. Surface water follows the same arrangement, with the surface water drainage within the eastern road discharging to a drainage basin within the north west of the site, detailed within the submitted plans. This basin may be removed in the future as the settlement continues to expand but is designed to meet Scottish Water's adoptable standards.
- 2.6 In terms of planning history, APP/2011/3100 granted permission in principle (PPP) for a new town of 4045 dwellings and mixed uses, which is underway. APP/2011/3103 gained full planning permission (FPP) for the first 802 units at Chapelton of Elsick, and whilst initially implemented the detail and design of what has been built on site has evolved from that consent, with all subsequent phases being subject of MSC submissions under the original in principle consent. The details approved in the FPP for the first 802 units, and the indicative details within the consented PPP, showed 3 dwellings on this site, of L shape "steading type" design in large plots.
- 2.7 The agreed Masterplan and Development Framework for the overall development identified more sporadic housing on the edge of the entire settlement, to create a soft edge to transition from the countryside into the settlement. The overall development pattern agreed was low density on the

periphery of the settlement, increasing to a denser neighbourhood core. The Masterplan identifies a large part of this site as “Agricultural Plots”, with large open plots covering a large portion of the site of this application. The low density “agricultural plots” were considered to be a key component of the spatial strategy and pattern of development identified in the Masterplan. A recent application (APP/2019/2365), south of this site, proposed a similar change to the general plot size and move away from the “agricultural plots” detailed in the Masterplan. That application was approved as a departure from the Masterplan/Local Development Plan with approval agreed at Kincardine and Mearns Area Committee on 10th December 2019. That approval now forms a material consideration to the determination of other similar proposals, such as this application.

3. Representations

- 3.1 A total of 1 valid representation (objection) has been received as defined in the Scheme of Governance. All issues raised have been considered. The letter raised the following material issues;
- Proposal differs to Masterplan, with a sub-urbanising effect,
 - Orientation of some plots detract from streetscene and would not utilise solar gain properly, and
 - Light pollution.

4. Consultations

- 4.1 **Infrastructure Services (Roads Development)** accept the provision of parking spaces shown in the layout, however, have highlighted the actual road to serve the plots is outwith the application redline site boundary. As such, they require conditions to ensure the required access and footpath provision is in place for each unit, prior to occupation. Further condition relating to appropriate timing of parking provision, surfacing, grading and visibility of junctions is also required.
- 4.2 **Infrastructure Services (Floor Risk and Coast Protection)** have reviewed the submitted information and have no concerns.
- 4.3 **Infrastructure Services (Waste Management)** have no objection subject to the layout being acceptable to Roads Development.
- 4.4 **Business Services (Developer Obligations)** confirm the site is covered by the overarching s75 agreement for the entire Chapelton of Elsick development, and no further contributions are required.
- 4.5 **Scottish Water** has no objection to the application.

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.

From the 29 March 2019, the Strategic Development Plan 2014 went beyond its five-year review period. In light of this, for proposals which are regionally or strategically significant, or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeenshire Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

5.3 Aberdeenshire Local Development Plan 2017

Policy H1 Housing land
Policy P1 Layout siting and design
Policy E1 Natural heritage
Policy E2 Landscape
Policy RD1 Providing suitable services
Policy RD2 Developers' obligations

5.4 Other Material Considerations

Chapelton of Elsick Phase 1 Masterplan, agreed by Kincardine and Mearns (K&M) Area Committee on 5th June 2012.
Chapelton of Elsick Development Framework agreed by K&M Area Committee on 5th June 2012.

6. Discussion

- 6.1 This application seeks consent for matters specified in conditions of the original PPP consent for a new town at Chapelton of Elsick, with specific focus on delivering 11 units on a site at the eastern edge of the settlement, north of the now established Greenlaw Road which connects the town to the A90 at Newtonhill. The details of the proposal, outlined above, combine to propose a mix of 11 modest dwellings on the edge of the town, with the key considerations relating to technical requirements of the conditions, the suitability of this scale and design of dwellings, and whether the concerns raised in the representation pose any material issue for the proposal.
- 6.2 The principle of residential development on this site is established and identified through the LDP allocation and the PPP granted for the new town at Chapelton of Elsick, therefore development is compliant with Policy H1 of the LDP as it will deliver housing on an allocated site, and the phasing plan has identified how this site ties in with the wider development, satisfying condition 4 of the original PPP. However, concerns have been raised in a representation that the level and style of development proposed differs to that originally promoted through earlier applications and the agreed Masterplan for the site.
- 6.3 The notable difference between the Masterplan, and previously consented FPP, is the previous detail showed 4 plots in this general location, rather than the 5 now proposed along the settlement edge and the denser additional development that takes in the western part to deliver 11 dwellings on a site slightly larger than what was shown to be 4 large "agricultural plots". A key component of the Masterplan was the sensitive treatment of the edge of the settlement. The same considerations and issues were encountered during the recently approved application (APP/2019/2365) to the south, with the Planning Service recommendation approval of a denser form of development on those "agricultural plots" on the basis of it retaining the principles of the Masterplan in terms of a soft settlement edge being accepted by the Area Committee. This current proposal offers some of the same house types,

similar materials, detailing and orientation to vary the built edge, and similar landscaping proposals along the Causeymouth to break up the massing and ensure the intentions of the Masterplan are secured. Whilst not strictly complying with the Masterplan, this current application, with materiality given to the acceptance of a similar level of development on the settlement edge to the south of this site, is acceptable as a departure from the Masterplan and Policy P1, and the appropriate treatment of the site, scale and design of houses, appropriate boundary and landscaping treatments, combine to satisfy most details set out in condition 3, and condition 6, of the original consent, and satisfy the requirements of Policy E2 of the LDP.

- 6.4 The submitted roads detail within this application shows detail that is yet to be submitted or consented. Whilst not included in this application, the general arrangement of the road is acceptable to Roads Development, and a condition can be utilised to dwellings are not occupied until the full road infrastructure to provide vehicular access to each plot is in place. This will ensure compliance with relevant Policy RD1, and satisfy the matters specified in condition 3f and condition 8 for this specific part of the wider site.
- 6.5 In relation to waste management and refuse collection, the applicant has provided a plan to detail bin collection, showing the route of bins being moved along the shared accesses, or for plots 11 to 14 being from the kerbside. This satisfies the requirements of condition 3l and the relevant part of Policy RD1. Remaining parts of Policy RD1 are satisfied through the Council's Floor Risk and Coast Protection team accepting the submitted drainage details, with surface water solution being temporary in nature until the development progresses to latter phases to provide the final drainage solution for the units north/west of the site. These details satisfy the requirements of conditions 3b 3c, and 7.
- 6.6 Details relating to construction access demonstrate the same general arrangement as what is currently utilised for construction traffic to sites north of Greenlaw Road. Vehicles shall access the site via the temporary haul road which turns north before the Causeymouth, which avoids traffic using established residential streets within phases of the development already complete, thus minimising inconvenience to residents. This addresses the requirements of condition 17.
- 6.7 Matters relating to construction management and environmental protection during development are now addressed separately by SEPA. The conditions remain on the original consent due to practices in place at that time, and technically require to be addressed. The submitted information by Fairhurst (CEMP) focusses on condition 36 and 37, and SEPA have previously acknowledged that they shall ensure development takes place appropriately through their separate Controlled Activities Regulations (CAR) licence process. The Planning Service are satisfied that the detail submitted is in line with practices established on existing/adjacent phases and accept that the process is now governed elsewhere. For the purposes of the condition of the PPP, the submitted information satisfies what is required under condition 36 and 37.

- 6.8 The final matter relevant to conditions being addressed relates to bats. The bat survey submitted with the original FPP for phase 1a (APP/2011/3103) identified some presence in the locale, and as required in the survey mitigation 1 in 3 dwellings along the settlement edge are to be fitted with bat boxes. Plots 7 and 8 will have bat boxes fitted on their southern gable. The details of this are acceptable to address the condition and comply with Policy E1 of the LDP.
- 6.9 The Council's Developer Obligations team confirm that the site is covered by the existing s75, therefore this application complies with Policy RD2 of the LDP.
- 6.10 To respond to the points raised in the representation, the proposal does differ to the Masterplan as acknowledged above, but the detailed scale, siting and design remains acceptable in terms of other relevant planning policy considerations. It is noted that some houses/plots propose glazed gables that face northwards, this is quite common and still allows light into houses, albeit these will not benefit from direct sun light and heat. If all developments fully ensured every dwelling was fully exposed to sunlight with exposed southern elevations, layouts would be extremely linear and monotonous. The proposal strikes a good balance of orientation and materials to provide a high quality standard of design. Some houses will benefit more than others from solar gain, but all will meet the required energy efficiency requirements, mainly through the building fabric and general compliance with Building Standards. The final point concerned about light pollution is not significant, all new development comes with street lighting and a level of light emission from new houses, and in this instance the proposed houses and settlement as a whole comes with the backing of being identified for development in the LDP.
- 6.11 The submitted details combine to present a development of 11 dwellings on a site within the established settlement of Chapelton of Elsick. Whilst not strictly adhering to the Masterplan, thus not complying fully with Policy P1 of the LDP, the proposal does deliver the intended soft edge to the settlement with housing of a low density, modest scale on larger plots with suitable landscaping and boundary treatment to help define the settlement edge and provide a natural transition between the adjacent agricultural fields to the east, and the developing new town to the west. The submitted details satisfy the technical requirements of consultees and all relevant conditions of the original planning permission in principle consent for the overall development of a new town, and the proposal complies with all other relevant policies of the LDP and 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. Implications and Risk

- 8.1 An equality impact assessment is not required because the proposal 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 P1 Layout siting and design

- 10.3 The application is a Departure from the valid Local Development Plan and has been advertised as such. 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 GRANT subject to the following conditions:-

1. No residential unit shall be occupied unless all roads, footpaths, parking and turning areas within and serving the residential unit have been completed to the level of bottoming and binder course, including the access bellmouth and all turning heads, in accordance with the Council's Standards for Roads Construction Consent and Adoption.

Reason: To ensure the timely provision of essential road infrastructure.

2. Within 6 months of the occupation of the penultimate residential unit, or upon expiry of the period of three years from the date of the first residential unit to be occupied, whichever is sooner, all roads, footpaths, parking and turning areas within and servicing the site shall be completed to their final surface course specification in accordance with the Council's Standards for Road Construction Consent and Adoption. Once provided, all parking and turning areas shall be retained in perpetuity.

Reason: To ensure the timely completion of essential road infrastructure.

3. The gradient of the first 5m of each vehicular access (measured from the edge of the prospectively public road) shall be fully paved and shall not exceed a gradient of 1 in 20, with visibility splays of 2.0m by 17m formed on either side of the junction of the vehicular access with the prospectively public road, and be retained in perpetuity.

Reason: In the interests of road safety

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

Whilst different to the density outlined in the agreed Masterplan, and therefore not in strict accordance with Policy P1 Layout, siting and design of the Aberdeenshire Local Development Plan (2017), the submitted details satisfy the requirements of the relevant conditions of the original planning permission in principle, combining to deliver 11 dwellings of an appropriate layout, scale, density and design which contributes to an appropriate development that will continue to define the transitional edge of Chapelton of Elsick, in keeping with the aspirations of the Masterplan, compliant with the requirements of the remaining relevant policies of the Aberdeenshire Local Development Plan (2017)

Stephen Archer
Director of Infrastructure Services
Author of Report: Neil Mair
Report Date: 24 January 2020

Comments for Planning Application APP/2019/2515

Application Summary

Application Number: APP/2019/2515

Address: Phase 1A East Of Naismith Drive And Greenlaw Road Chapelton Newtonhill

Proposal: Conditions 3 a) (Level and Cross Sections), b) (Drainage Plan), c) (Connection to Existing Scottish Water), e) (Cut and Fill Operations), f) (Roads, Footpaths and Cycleways), g) (Screen Walls/Fencing), h) (Landscaping), j) (Layout, Siting, Design and Finish), l) (Waste/Recycling), 4 (Phasing), 6 a) (Existing and Proposed Finished Ground Levels), b) (Existing Landscape Features), c) (Existing and Proposed Services), d) (Location of New Trees, Shrubs, Hedges), e) (Schedule of Plants), f) (Hard Landscaping), g) (Indication of Trees, Shrubs to be Removed), j) (Completion and Maintenance of Landscaping), 8 (Street Design), 17 (Construction Method Statement), 22 (Bat Survey), 36 (Waste Management Plan), 37 (Environmental Management Plan) of Planning Permission in Principle Reference APP/2011/3100 for New Settlement Comprising Residential (up to 4045 Dwellinghouses), Commercial, Retail and Community Facilities, with Associated Landscaping, Open Space, Drainage and Roads Infrastructure and Services

Case Officer: Neil Mair

Customer Details

Name: Mr Alexander Collin

Address: Windyedge Newtonhill Stonehaven

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Certificate A of the application form states that the applicant is the sole owner of all the land to which the application relates. However I am aware of at least two owners (of which I am one) of property contained within the application site indicated by the red line on the application drawings.

The proposed layout is a clear departure from the original masterplan. This is perfectly illustrated by the submitted PROPOSAL COMPARISON SKETCH which indicates eleven properties where the masterplan had indicated four. This is clearly at odds with the original concept which proposed a 'green' edge of semi-agricultural properties comprising modest dwellings and out-buildings on plots large enough to accommodate a small paddock for livestock or a market garden. The application proposals would result in a perimeter of sub-urban executive properties inappropriate to the rural location and inconsistent with the original masterplan.

The design of the house types seem uneasy with their relative position within the layout, probably

a result of their regurgitation from other developments. For example Plot 16 has solar panels facing north, Plots 11, 12, 13 and 14 present large blank gables to the street potentially having an adverse, overbearing effect on the streetscape. Plots 6, 9 and 10 have large areas of glass facing north, away from the available views. Indeed even the submitted drawings seem confused, with the elevation orientations of Plot 9 titled as would be expected, with the predominately glazed elevations facing south or to the views, however on the plan layouts it is rotated to its detriment.

The specified street light fitting is already the cause of severe light pollution around the current development due to high levels of horizontally thrown light. This is caused by the highly directional LED beams reflecting off the polycarbonate glazing bowls and the inclusion of these fittings in the proposals will only exacerbate the problem.