



Buchan Area Committee Report 28 June 2022

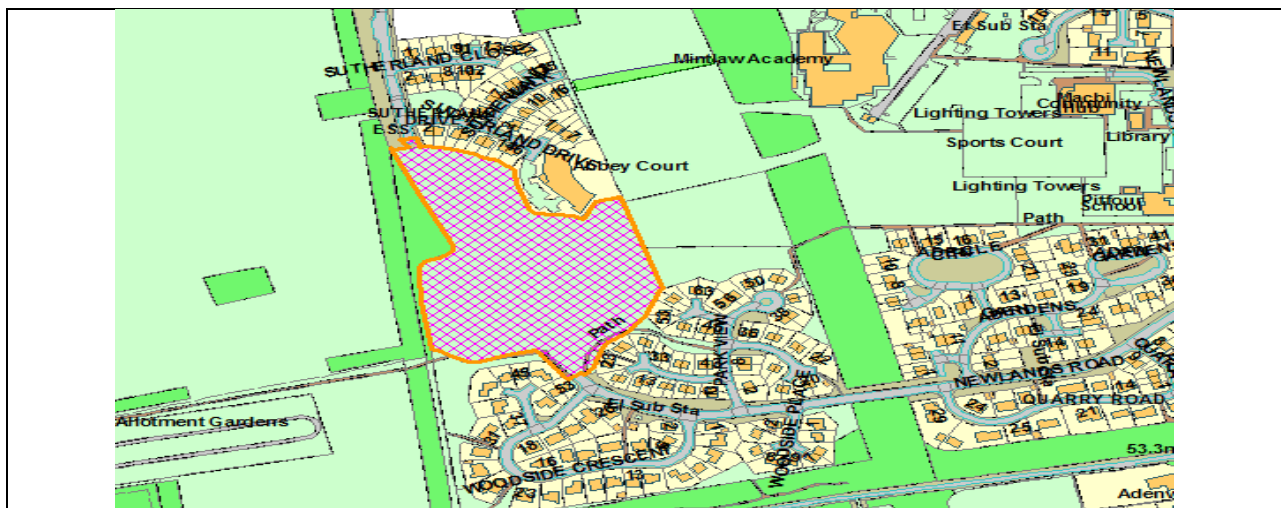
Reference No: APP/2021/1594

Approval of Matters Specified in Conditions for Condition 1 (Siting, Layout, Design, Landscaping, Drainage, Access, Parking and Boundary Enclosures) of Planning Permission in Principle Reference APP/2016/3352 for Erection of 73 Dwellinghouses and Associated Infrastructure at Netheraden, Mintlaw

Applicant: Aberdeenshire Council, Woodhill House, Westburn Road, Aberdeen

Agent: Aberdeenshire Council, Property Dept, Woodhill House, Westburn Road, Aberdeen

Grid Ref: E:399050 N:848023
Ward No. and Name: W04 - Central Buchan
Application Type: Approval of Matters Specified in Conditions
Representations: 4
Consultations: 8
Relevant Proposals Map: Mintlaw Settlement Boundary
Designations: Rural Housing Market Area
Complies with Development Plans: Yes
Main Recommendation: Grant



NOT TO SCALE

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1. Reason for Report

- 1.1 The Committee is able to consider and take a decision on this item in terms of Section B.8.1 of Part 2A List of Committee Powers and Section C.3.1n of Part 2C Planning Delegations of the Scheme of Governance as the application is recommended for refusal and has been submitted by the Local Authority or relates to land in the ownership of the Local Authority or land in which the Local Authority has a financial interest and there has been a valid objection.
- 1.2 The Monitoring Officer within Business Services has been consulted in the preparation of this report and had no comments to make and is satisfied that the report complies with the Scheme of Governance and relevant legislation.

2. Background and Proposal

- 2.1 The application site is located on the west side of Mintlaw. The Aberdeenshire Local Development Plan 2017 allocates the site as being suitable for 34 homes that encourages pedestrian connectivity to the neighbouring housing developments and the wider settlement. (Appendix 1 – Location Plan).
- 2.2 This application is a Matters Specified in Condition application, and seeks to comply with Condition 1 (Siting, Layout, Design, Landscaping, Drainage, Access, Parking and Boundary Enclosures) of planning permission in principle reference APP/2016/3352 for Erection of 73 Dwelling houses and Associated Infrastructure. The site was granted planning permission in principle on 6 July 2018. While the site was designated for 34 houses, the Buchan Area Committee deemed that the site could accommodate 73 units.
- 2.3 Condition 1 of APP/2016/3352 reads

“Details of the specified matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No development shall begin on the site unless all of the details listed in this condition have been submitted to and approved in writing by the planning authority. The development shall be carried out in complete accordance with the details approved in relation to this condition.

Specified matters:

(a) Full details of the siting, layout and design of the residential units, including elevations, layouts and site sections. The layout should include a suitable buffer strip along the western boundary to ensure the protection of the Aden Park Designed Landscape.

(b) Full details of landscaping including hard and soft landscaping features, existing trees/ plants to be retained and removed, any protective fencing to be in place during construction.

(c) Full details of the means of foul and surface water drainage, to be clearly marked on the site plan

(d) Full details of the means of access and parking (to be surfaced in hard standing). Driveways to measure no less than 2.5m x 5.5m, garages no less than 5m x 6m and visitor parking of one space per four dwellings are required and should be shown on the layout plan. drop kerbs must be formed at all new accesses, the first 5m of the driveways must be fully paved and not exceed 1 in 10.

(e) Full details of any proposed means of enclosure

For the avoidance of doubt the above details must be clearly marked on the submitted site plan.

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

2.4 The application proposes a wide range of house types ranging from one-bedroom to three-bedroom properties in a range of single storey and two storey dwellings, detached, semi-detached and terraced housing, and one bedroom apartments (Appendix 2 – Site Plan). All 73 units proposed fall into the definition of affordable housing and will be socially rented to meet the needs of Aberdeenshire Council's Local Housing Strategy. The houses are listed in the table below:

Plots	Description	No of units
1 - 12	12 x 1 Bedroom flats within the 3 storey, single apartment block.	12
13-17 52-53 67-70	1 bedroom cottage flat	12
18- 44 71-73	3 bedroom, two storey terraced housing with front porch	31

45, 48	2 bedroom, detached bungalows	2
46, 47	3 bedroom, semi-detached bungalow	2
49 - 51	1 bedroom detached and semi-detached bungalow	3
54-56 58 - 60	2 bedroom, two storey terraced house	9
57, 66	3 bedroom enhances house, end terrace	2

- 2.5 Each housetype has a simple house design that uses external materials such as vertical and horizontal cladding, and grey windows to achieve a modern and attractive development. All the houses have parking to the rear of the properties. The applicant proposes to unify the house design via a simple and limited palette of materials. The wall of each dwelling finished externally with dry dash render and includes fibre cement horizontal and vertical cladding features. The pitched roofs would be finished in concrete interlocking grey tiles and the windows and door are to be a high performance timber component. The windows will be grey in colour, while the front doors will be in a variety of different colours.
- 2.6 The application proposes to connect to the Scottish Water Infrastructure in terms of foul drainage and water supply. Surface water is, however, to be treated via a Sustainable Urban Drainage System (SUDS). Each plot will be connected to an existing surface water basin utilising new proposed pipework. The surface water from the access roads will discharge to trapped gullies, these gullies will connect into the surface water sewers or road drainage. Car parking spaces and driveways will have porous paving, which will incorporate a stone filled filter trench. The surface water collected by the filter trench will discharge to the proposed surface water sewers. The surface water sewer and road drainage will gravitate to the existing extended detention basin located to the east of the development site. The restricted flows from the extended detention basin will gravitate via the outlet control manhole and the surface water flows will be gravity drainage in an eastern direction away from the development site.
- 2.7 The proposed development includes a road that links from Newlands Road to the north, through to the housing development to the south, also known as Newlands

Road. The development has been designed so that parking spaces are mainly to the rear of houses, as aforementioned.

2.8 The proposal also includes a footpath network within the site, that extends eastwards towards the playing fields; westwards towards the Aden Allotments; and to the north and south into the existing residential developments.

2.9 In support of this application the following documents have been submitted:

- Design Statement
- Drainage Assessment Issue 3 by Fairhurst
- Interpretative Report by Fairhurst
- Street Engineering Review and Quality Audit by Fairhurst
- Cycle Audit by Wyllie Lodge Road Safety Consultants
- Design Access Audit Report by Wyllie Lodge Road Safety Consultants
- Stage 2 Road Safety Audit by Wyllie Lodge Road Safety Consultants

3. Representations

3.1 Four valid representation (4 objections) have been received as defined in the Scheme of Governance. This does not include multiple representations from the same household which equate to 4 letters in total. All issues raised have been considered. The letters raise the following material issues relevant to this application:

- 3 Storey flats are not in keeping with a village location.
- Existing houses would be overlooked by the flats
- Road safety
- Impact on services, for example GP surgery, schools.

3.2 There have been a number of issues raised in the letters of representation, including impact on wildlife. However, this site has the benefit of planning permission granted and these matters are therefore not relevant to the assessment of this Matters Specific on Conditions application.

4. Consultations

4.1 **Business Services (Developer Obligations)** advised that there is an existing legal agreement in place for this site under planning ref APP/2016/3352. As an MSC application, this application is covered by the existing legal agreement, therefore, in this instance, no further contribution is required.

- 4.2 **Education & Children's Services (Education)** do not object.
- 4.3 **Environment and Infrastructure Services (Contaminated Land)** has confirmed that there do not appear to be any issues of concern and no further information regarding contaminated land is required.

The 2005 phase 2 investigation report for this site is incomplete and were contamination of the site suspected, it would not be acceptable by reasons of age and standards required by contaminated land investigations.

- 4.4 **Environment and Infrastructure Services (Flood Risk and Coastal Protection)** initially objected to this application regarding overland flows paths and capacity of the proposed surface water drainage system in a high water period. On receipt of further information to address areas of concern, the Flood Risk and Coastal Protection team has removed its objection and has no further comments to make.
- 4.5 **Environment and Infrastructure Services (Housing)** supports this application. There is a housing need in Mintlaw as supported by the Aberdeenshire Council waiting list 2021 and the Housing Need and Demand Assessment 2017. The affordable housing required based on the proposed 73 residential units is 18.25 units. However, it is noted that the developer is Aberdeenshire Council and is proposing 100% affordable housing and the Housing Service would support this proposal.
- 4.6 **Environment and Infrastructure Services (Roads Development)** do not object to this application subject to conditions regarding provision of access, car parking spaces and visibility splays.
- 4.7 **Environment and Infrastructure Services (Waste Management)** has no objection.
- 4.8 **Scottish Water** do not object to this application. The proposed development will be fed from Turriff Water Treatment Works, however Scottish Water cannot confirm capacity at this time. There is currently sufficient capacity for a foul connection in the Mintlaw Waste Water Treatment works to serve this development.

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 2020

The Strategic Development Plan (SDP) was approved on 12 August 2020.

The purpose of this Plan is to set a clear direction for the future development of the City Region. It sets the strategic framework for investment in jobs, homes and infrastructure over the next 20 years. 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.

The Aberdeenshire Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Aberdeen City & Shire SDP 2020 as approved forms part of the Development Plan.

5.3 Aberdeenshire Local Development Plan 2017

Policy H1 Housing land
 Policy H2 Affordable Housing
 Policy P1 Layout, siting and design
 Policy P2 Open space and access in new development
 Policy C1 Using resources in buildings
 Policy RD1 Providing suitable services
 Policy RD2 Developers' obligations

5.4 Proposed Aberdeenshire Local Development Plan 2020

Aberdeenshire Council on 5 March 2020 resolved to agree the Proposed Aberdeenshire Local Development Plan (LDP) 2020 as the 'settled view of the Council' on what the final adopted content of the LDP 2022 should be. The Proposed LDP 2020 is a material consideration in the determination of planning applications. The Planning Authority must therefore assess what weight it should have in the context of this particular application. The Proposed LDP has been subject to public scrutiny and the Planning Authority is awaiting the outcome of the LDP Examination by an independent Reporter. Nevertheless, it is considered that the level of weight that should be applied to the Proposed LDP 2020 remains as not significant at this time.

On the 18 April with reference to the legislation the LDP 2017 becomes technically 'out of date'. Notwithstanding the Aberdeenshire LDP 2017 remains the primary document against which planning applications should be determined until such time as a new LDP for the area is adopted. Currently Scottish Planning Policy (SPP) deals with this circumstance at Paragraphs 32 to 34. The policies of the LDP 2017 are reflective of the policy position within SPP. Both SPP and the National Planning Framework 3 are confirmed as significant influences on the content of the plan, as confirmed within Section 2 – 'Influences of the Plan'. In summary, when a development plan is more than five years old the presumption in favour of sustainable development is a significant material consideration, this must be balanced against any adverse impacts of the proposed development which would significantly and demonstrably outweigh the benefits. All of these matters however are already embedded within the policies of the Local Development Plan 2017 and deemed robust in their consideration.

6. Discussion

- 6.1 Paragraph 33 of Scottish Planning Policy (SPP) states that where a development plan is more than five years old, the presumption in favour of development that contributes to sustainable development will be a significant material consideration. This must be balanced against any adverse impacts of the proposed development which would significantly and demonstrably outweigh the benefits.
- 6.2 The principle of development has been established by the approval of planning permission in principle reference APP/2016/3352. The scope of this application is to consider the matters raised within condition 1 of planning permission APP/2016/3352, which includes design and layout of development; provision of access, parking, foul, and surface water drainage; mean of enclosure and landscaping.

Affordable Housing

- 6.3 Policy H2, Affordable Housing, states that all new housing development of four or more houses must include 25% of the service plots for affordable housing that meets the needs of the current Housing Need and Demand Assessment. Affordable housing could include social rented houses, subsidised low cost housing for sale, and low cost housing without subsidy. In this case all 73 units proposed are to be socially rented, affordable housing. Aberdeenshire Councils Housing Officer has confirmed that the proposal meet the housing need as identified by Aberdeenshire Council's waiting list 2021 and the Housing Need and Demand Assessment 2017. As such, the proposed development complies with Policy H2.

Layout, siting and Design

- 6.4 The proposed development is allocated in the Aberdeenshire Local Development Plan 2017 as OP4 suitable for a residential development. The site would link the existing residential developments to the north and south of the site, and complete the development of this area.
- 6.5 Policy P1 requests that all new development demonstrates the six qualities of successful places, this includes creation of a sense of place; be safe and pleasant; promote security and protecting amenity; be welcoming through visual appeal; and be well connected to create well connected places. The proposed development proposes to contribute to the wider residential development, connecting the residential developments to the north and south, improving connectivity and sense of place within this area of the town.
- 6.6 In terms of design, the application proposed that a distributor road is installed to provide that continuity through each development. However, the developer has designed the layout so that houses front the distributor road, with parking to rear, to retain the feeling of travelling through a residential and not a "by-pass". Designing the layout with car parking to the rear, ensures that the house designs are the dominate feature in the streetscape and not the cars parked in front of them. In addition, the parking to the rear of the property, next to the rear private gardens for each plot, delivers a communal space for safe and convenient interaction with neighbours.
- 6.7 The proposed houses have a simple design, however the use of materials such as grey windows and cladding provide a contemporary appearance to each house. The Planning Service acknowledge that that the applicant had provided a good range of house types from one-bedroom apartments, two storey and single storey houses, as well as semi-detached, detached and terraced housing to meet local housing demand. The use of finished materials will provide an element of unity throughout the ranging house types that will deliver a sense of place within the development and the wider area.

- 6.8 In terms of privacy, each house will have between 70sqm and 240sqm of rear garden space. The rear garden area of each house will be defined by a 1.8 metre high closed board fence, which will provide suitable screening and privacy. The proposed flats will not have individual private garden spaces, however adequate open space is to be provided at the flats, which include drying greens. The residents will also benefit from the proposed footpath network and areas of public open space for amenity.
- 6.9 The developer appears to have considered the privacy and amenity of existing, neighbouring residents. The applicant proposes single storey houses to the rear of the properties on "Sutherland Drive" that will ensure that the existing residents are not overlooked. The houses at "Park View" to the south will have a landscaped buffer measuring 3.5 metres and 13 metres between to the rear boundaries of the proposed and existing dwellings that will provided suitable window to window distances to maintain privacy.
- 6.10 The proposed flats are ideally located on the southwest part of the application site. The flat are some 22 metres from the rear boundaries of the nearest, existing properties at "Woodside Crescent", and will therefore have no significant impact on neighbouring amenity, including loss of light or privacy. In addition, the trees immediately west and north provide suitable screening from the setting of Aden Country Park.
- 6.11 The Planning Service is satisfied that the proposed development meets the criteria of Policy P1. The development has been well designed to create a modern development that is compatible with design of the surrounding area. The development is welcoming, but creation of attractive street frontages, while create attractive communal areas and parking to the rear of properties. The Planning Service is also satisfied with the range of house types proposed, ensuring the delivery of a housing supply that meets a variety of needs.

Landscaping and Open Space

- 6.12 Condition 1b of APP/2016/3352 requests that *"(b) Full details of landscaping including hard and soft landscaping features, existing trees/ plants to be retained and removed, any protective fencing to be in place during construction."* In addition, condition 1a ensures that *"The layout should include a suitable buffer strip along the western boundary to ensure the protection of the Aden Park Designed Landscape."*
- 6.13 Policy P2 Open space and access in new developments requests that the Council generally expects 40% of each major development site be devoted to good quality open space. Developers should deliver spaces that takes account of the function, location and characteristics of the development proposal and site. Creating welcoming, accessible and well connected space.

- 6.14 The proposed development would deliver approximately 0.83 hectares of open space throughout the development, which represents approximately 26% of the development. The main area of open space is located on the east side of the application site. Whilst it is acknowledged that the development falls short of the requirement, the Planning Service judges that the proposed layout and open space provision is well designed to include a walking loop; links from the site to the adjoining area, including to the playing fields, woodland and Aden Country Park; and attractive wild flower meadow. The quality of open space is much more important than just the quantity, as such in this instance given the benefits of the delivery of affordable housing, infrastructure, that the Planning Service can support this development in terms of the open space provision in this instance, recognising its location and linkages to recreational spaces.
- 6.15 The applicant has provided a detailed landscaping plan that demonstrates the developers planting scheme, which includes area of grass, as well as a wild flower meadow and extensive tree planting. The applicant proposed to retain the existing trees to the west to ensure a buffer is provided between the development and the proposed development. All planting would be carried out in the first planting season, following completion of the development. Grass areas would be maintained and cut are least 16 times per year and the wildflowers would be cut back annually. The developer proposes to replace trees that have become severely diseased, damaged or dying will be replaced with a tree of similar sized and species. The Planning Service is satisfied with the landscaping plan proposed.

Access

- 6.16 The proposed development has two principal points of access, one from the north via Newlands Road and from the south, with the roads linking through the site. In terms of parking, the applicant proposes 134 parking spaces to serve the proposed development, including 11 designated accessible parking bays. Each house would have two car parking spaces, while the one bedroom apartments would have a carpark providing one space per house. In addition, it is proposed to provided 18 visitor parking spaces.
- 6.17 In support of the application, a Street Engineering Review and safety audit, as well as Design Access Audit and cycle Audit was submitted. The Roads Development team has assessed this application with regard to the internal layout and in accordance with Policy RD1. The Roads Development team do not object to this application, subject to conditions regarding car parking provision, access, and the provision of visibility splays. The internal road layout will be the subject to Roads Construction Consent, which will include a street lighting design. The Planning Service is satisfied that this application, subject to conditions, complies with Policy RD1.

Foul and Surface Water Drainage

- 6.18 In line with the “Water and waste water” section of Policy RD1 providing suitable services, the proposed development is to connect to the public infrastructure in terms of foul drainage and water supply. The site would be served by the Mintlaw Waste Water treatment works, which has sufficient capacity to service this development. It is noted that Scottish Water has no objection.
- 6.19 The application propose a Sustainable Urban Drainage System for the disposal of surface water. Surface water would be treated by the existing extended detention basin located within the area of open space. The existing detention basin was constructed as part of the previous “Castlehill Housing Association” development to the north of the site. At the time of the previous development, the drainage design allowed for this application site as it was seen as a future phase. This application is accompanied by a Drainage Assessment by Fairhurst that demonstrates that the proposed surface water drainage arrangements are appropriate for the development. The Flood Risk and Coastal Protection team initially indicated concerns regarding the capacity of the proposed surface water drainage system in a high water period; the potential risk of flooding to the proposed properties in a 1 in 200 year event plus climate change; and the capacity and maintenance of existing watercourses and field drains. The applicant’s engineers provided Aberdeenshire Council with the required information, which is reflected in an updated Drainage Assessment (Issue 3) and associated drawings. The Flood Risk and Coastal Protection team has confirmed that the revised information is acceptable. The Planning Service is satisfied that the proposed development complies with Policy RD1.

Representations

- 6.20 The Planning Service received a total of 4 letters of objection to this application. As the principle of a residential development of 73 houses has been established, only matters listed in condition 1 of APP/2016/3352 are being considered under this application. The number of houses and impact on services was considered previously under the planning permission in principle application, this application details the size of the properties, but it is noted that in terms of services that neither Education or Developer Obligations team raise any concerns. In respect of road safety, it is noted that the Roads Development team has raised no objections or concerns. In respect of the impact arising from the proposed flats and the impact they may have on the character and amenity of the area, these matters have been addressed earlier in the report, however the proposed flats meets an identified local housing need. The Planning Service deems the proposed three storey flats are suitably located on the west side of the application site, with the existing trees providing a suitable setting. The Planning Service judges that the development will not give raise to significant loss of

amenity to the houses to the south due to the separation distance of 22 metres between the rear fences of the existing houses and the proposed block of flats.

Conclusion

- 6.21 The policies contained in the Local Development Plan 2017 remain compliant with the principles of sustainable development as guided by the SPP and therefore provide an appropriate basis for the determination of this application.
- 6.22 The proposed development complies with the relevant policies within the Aberdeenshire Local Development Plan 2017, subject to conditions. The proposed development would deliver a high quality development in terms of its contemporary design, good mix of house types and layout, whilst delivering affordable housing that meets local housing need. As such, the Planning Service recommends this application for approval.
- 6.23 In assessing the proposed development against the wider policies of SPP and the LDP 2017 and any other material considerations, there were no adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal.

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 integrated impact assessment is not required because the granting or refusing of the application will not have a differential impact on the protected characteristics of the applicant or any third parties.
- 8.2 There are staffing and financial implications as the applicant is Aberdeenshire Council for an affordable housing development.
- 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.
- 8.4 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.

9. Departures, Notifications and Referrals

9.1 Strategic Development Plan Departures

None

9.2 Local Development Plan Departures

None

9.3 The application is not a Departure from the Local Development Plan and no departure procedures apply.

9.4 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.

9.5 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.

10. Recommendation

10.1 **GRANT Matters Specified in Conditions subject to the following conditions:-**

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

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

02. No dwellinghouse hereby approved shall be occupied unless the proposed surface water drainage system has been provided in accordance with the approved plans and the Drainage Assessment (18528-FAI-V1-XX-RP-93-01) Issue 3 dated June 2022 by Fairhurst . The surface water drainage system shall be permanently retained thereafter in accordance with the approved maintenance scheme.

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

03. No development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility of 25 metres in both directions along the channel line of the public road has been provided from a point 2.4 metres measured at right angles from the existing edge of the carriageway surface along the centre line of each approved new access in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

Reason: To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road safety.

04. No dwellinghouse hereby approved shall be occupied unless the driveway, car parking for that dwellinghouse have been provided in full. The maximum gradient of each access over the first 5 metres measured back from the footpath shall not exceed 1:20 gradient; the first 5 metres of the access shall be fully paved; and a drop kerb footway crossing must be formed at each new driveway. A total of 134 car parking spaces and 18 visitors car parking spaces shall be provided on site prior to the occupation of the final house. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the driveway to an adequate standard to prevent the carriage of loose driveway material on to the public road in the interests of road safety.

10.2 Reason for Decision

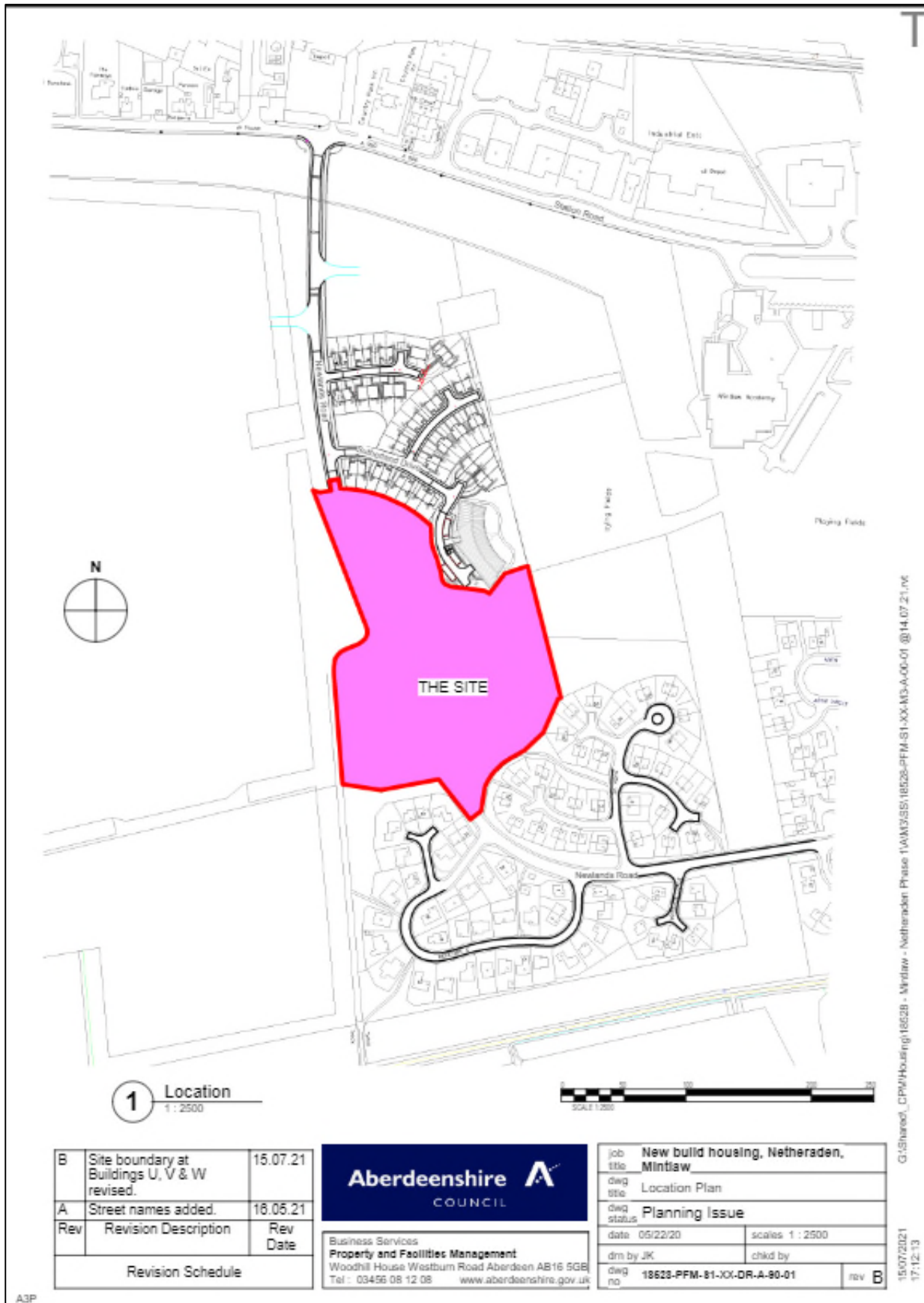
The presumption in favour of sustainable development is a significant material consideration, this must be balanced against any adverse impacts of the proposed development which would significantly and demonstrably outweigh the benefits.

The proposed development accords with the Scottish Planning Policy principles of sustainable development. This carries significant material weight lending itself to an approval.

In assessing the proposed development there were no adverse impacts which would significantly and demonstrably outweigh the benefits of the proposal.

The planning authority considers that the application is for a development that is in accordance with the Aberdeenshire Local Development Plan 2017. The development complies with Policies H1 Housing land, Policy H2 Affordable housing, P1 Layout siting, P2 Open space and access in new development and design and RD1 Providing suitable services contained in the Aberdeenshire Local Development Plan 2017 in that the development is on land which is allocated in the current local development plan for housing and the houses would not have a negative impact on the character, privacy or amenity of the site or wider area.

Alan Wood
Director of Environment and Infrastructure Services
Author of Report: Laura Dingwall
Report Date: 16 June 2022



1 Location
1 : 2500



B	Site boundary at Buildings U, V & W revised.	15.07.21
A	Street names added.	16.05.21
Rev	Revision Description	Rev Date
Revision Schedule		

Aberdeenshire

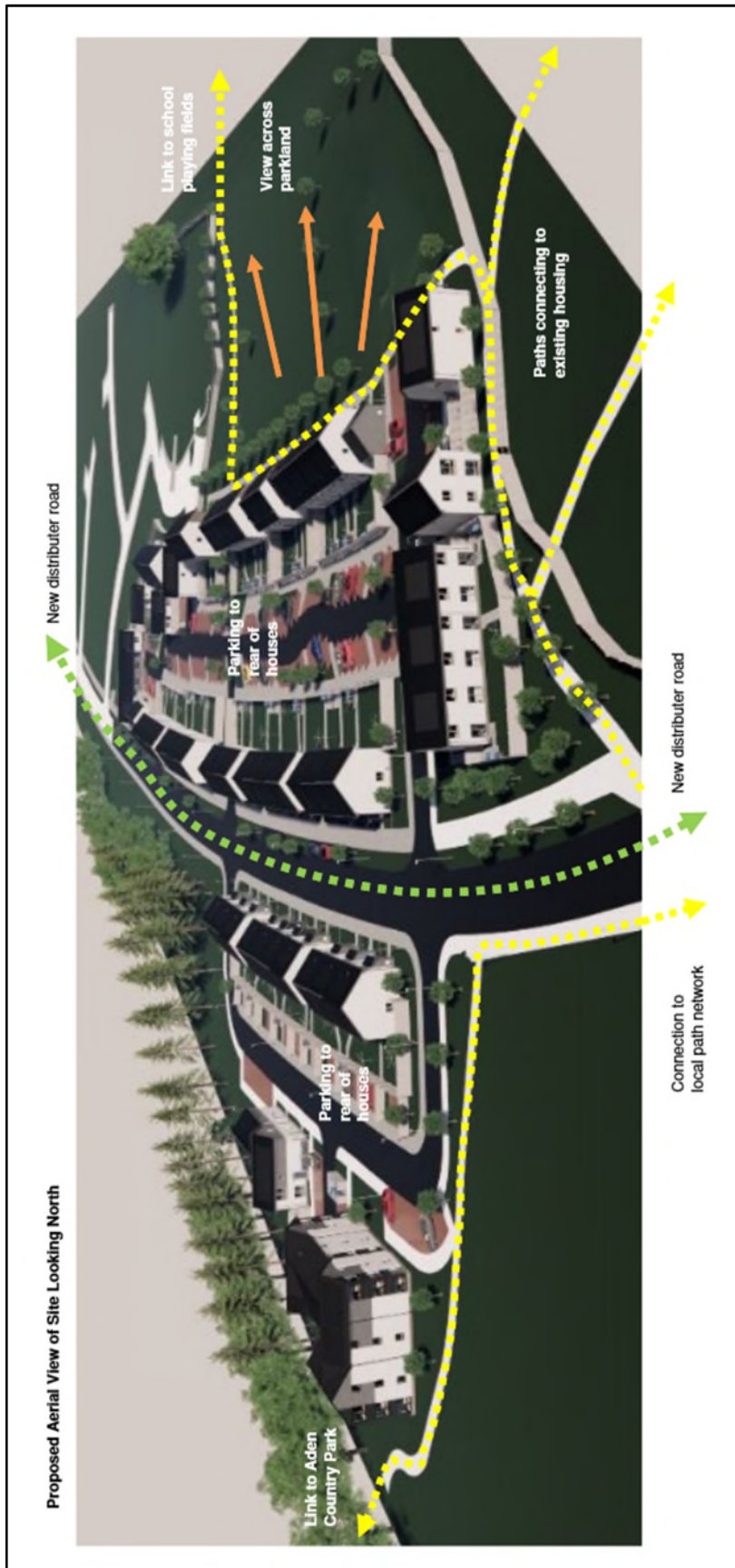
COUNCIL

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job title New build housing, Netheraden, Mintlaw	
dwg title Location Plan	
dwg status Planning Issue	
date 05/22/20	scales 1 : 2500
dm by JK	chkd by
dwg no 18623-PFM-81-XX-DR-A-90-01	rev B

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Proposed Aerial View of Site Looking North West



Proposed view of 3 storey flats from new distributor road



Proposed view of 3 storey flats, looking South



Proposed view of rear lane parking, looking North



Proposed view of rear parking lane, looking South

Proposed view looking South down new distributor road



Proposed view, looking North down new distributor road



Proposed view looking North, along new distributor road

Comments for Planning Application APP/2021/1594

Application Summary

Application Number: APP/2021/1594

Address: Netheraden Mintlaw

Proposal: Condition 1 (Siting, Layout, Design, Landscaping, Drainage, Access, Parking and Boundary Enclosures) of Planning Permission in Principle Reference APP/2016/3352 for Erection of 73 Dwellinghouses and Associated Infrastructure

Case Officer: Laura Dingwall

Customer Details

Name: Ms Anne-Marie Duff

Address: 21 Park View Mintlaw Aberdeenshire AB42 5TA

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:

I would like to object to more houses being built in Mintlaw area. Mintlaw is growing at such a rate the roads in and around the area can't deal with the volume of traffic we have at the moment & ever more houses will make the situation worse. Pitfour Primary School is an accident waiting to happen at drop off time & also the main roundabout you take you life in your hands if you park there in rush hour times also the way it stands at the moment Mintlaw can not deal with anymore school children at lunch time at this time I try and avoid going out as every shop in the village is full of school children, i would think as a council you would put the safety of the people first before profit of a building company, may I suggest you look at how to improve to road network in and around the area, Mintlaw in the main route to Fraserburgh.

From: [REDACTED]
To: [Planning Online](#)
Subject: APP/2021/1594
Date: 14 August 2021 12:50:25

I would like to raise my concerns regarding the building of the houses at the back of Sutherland Drive Mintlaw. In this large piece of land there is most mornings 3/4 deer walking over the land this has obviously been their home for well over 10 years. We also have a large white owl which seems to be living the trees right beside this proposed site, as well as a large collection of bats. It seems such as shame to lose this wonderful collection of animals which has obviously built up over the last few years in order to build houses. Also the house that are here at the moment really enjoy the fact that we have this right outside our back gardens and don't really want it to become overlooked by houses. We enjoy this piece and quiet that we have become accustomed to. It was also one of the pain reasons for picking to live in this street when we all picked the houses we are now in. I for one will not be happy if this lovely piece of nature is demolished just to build yet more houses. And I know that a lot of other neighbours in the street are also not wanting to walk out of their back doors and see more houses. We like what we have.

Yours.

Heather Kewley
8 Sutherland Drive
Mintlaw
AB42 5GU
[REDACTED]

[Sent from Yahoo Mail for iPhone](#)

Comments for Planning Application APP/2021/1594

Application Summary

Application Number: APP/2021/1594

Address: Netheraden Mintlaw

Proposal: Condition 1 (Siting, Layout, Design, Landscaping, Drainage, Access, Parking and Boundary Enclosures) of Planning Permission in Principle Reference APP/2016/3352 for Erection of 73 Dwellinghouses and Associated Infrastructure

Case Officer: Laura Dingwall

Customer Details

Name: Mr James Legge

Address: 41 Woodside Crescent MINTLAW By Peterhead AB42 5TE

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:- The Health Centre already struggles to cope with the increased size of Mintlaw. There are far fewer doctors than there were prior to the building of houses by Bancon Homes, Colaren and the houses at Sutherland Drive area as well as the introduction of Abbey Court sheltered housing. The building of another 72 homes in Mintlaw would further stretch these already limited resources. Many of these houses already built and planned for Mintlaw are substantial family homes with the potential to have families of up to 4 people. This again creates problems due to the lack of staffing at the Health Centre.

- Both primary schools create dangers for drivers due to the lack of parking for parents dropping off children. Pitfour Primary on Newlands Road is already an accident waiting to happen as parents park beyond the school on a corner as far up as the entrance to Burnside Road and even beyond, this makes it difficult for car drivers to see if cars are coming up past the school and the road is not wide enough to allow safe passing. Added to that the chance that a car door is opened and a child jumps out.

- Until the housing is complete there would be no through road, so assuming these houses are zoned for Pitfour Primary there would be further cars in the area of Pitfour Primary at the start and end of the school day and the line of traffic would extend even further beyond the school. Also the building of new houses in this area would result in extra traffic near the school with children being dropped off and collected both for the school and the nursery, already it is not unusual to be met by a car attempting a three point turn right outside the school. Failing that there would be greater traffic through Burnside Road.

- Further traffic from these houses would also create difficulties around the Health Centre area as the construction of a Nursery at the MACBI has resulted in the Health Centre staff having to park on Newlands Road. Again the road is narrowed and pupils from the Academy are crossing between parked cars.

- Also getting out from Newlands Road onto Station road at certain times of the day can be challenging. This does not include the fact that there is no available designated crossing for Academy pupils on Newlands Road and pupils often have to take chances crossing both Newlands Road and for that matter Station Road.

- Additional housing would create more traffic at Mintlaw roundabout which is already very congested throughout the day. This added to the service buses using the roundabout for pick up and drop up makes the roundabout quite dangerous as well as the fact that cars park on a busy roundabout.

- The original plans for the site was for far less houses than this plan. It even includes 3 storey flats and it is debatable if this is in keeping with a village location. Existing houses will be overlooked by flats and even with the inclusion of trees as screening it will take many years until they have grown sufficiently to be of benefit.

- Is there sufficient accommodation in the local schools to cope with the influx of children to both the primary and secondary schools, the existing houses being built will surely increase the roll for all 3. Pupils at the Academy at the moment have to use the local facilities at lunchtimes. Are these facilities sufficient if there is an increase in Academy pupils?

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Case Officer: Laura Dingwall

Customer Details

Name: Mrs Kathleen Munro

Address: 15 Abbey Court Sutherland Drive Mintlaw AB42 5GZ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to strongly object to the building of houses opposite my home in Abbey Court. The highlight of my day is watching the wildlife especially the deer who have been here for a long time raising families every year. At my time of life its nice to look out onto green space rather than having houses looking on to us.

The Mintlaw surgery is over stretched as it is without the addition of more potential patients.