

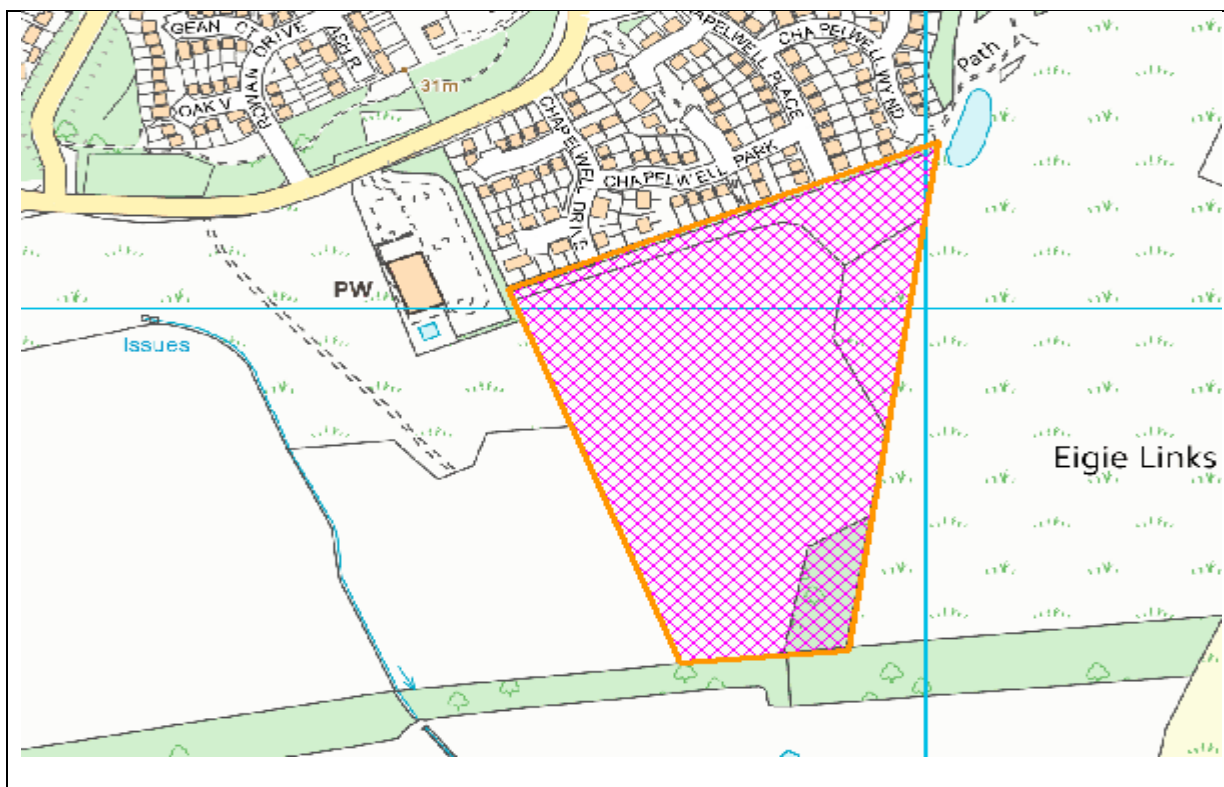
## Formartine Area Committee Report - 4 September 2018

Reference No: APP/2017/1045

### Planning Permission in Principle for Residential Development of 220 Units with Open Space and Associated Infrastructure at OP2 Site, Land South of Chapelwell, Balmedie South, Balmedie, Aberdeen

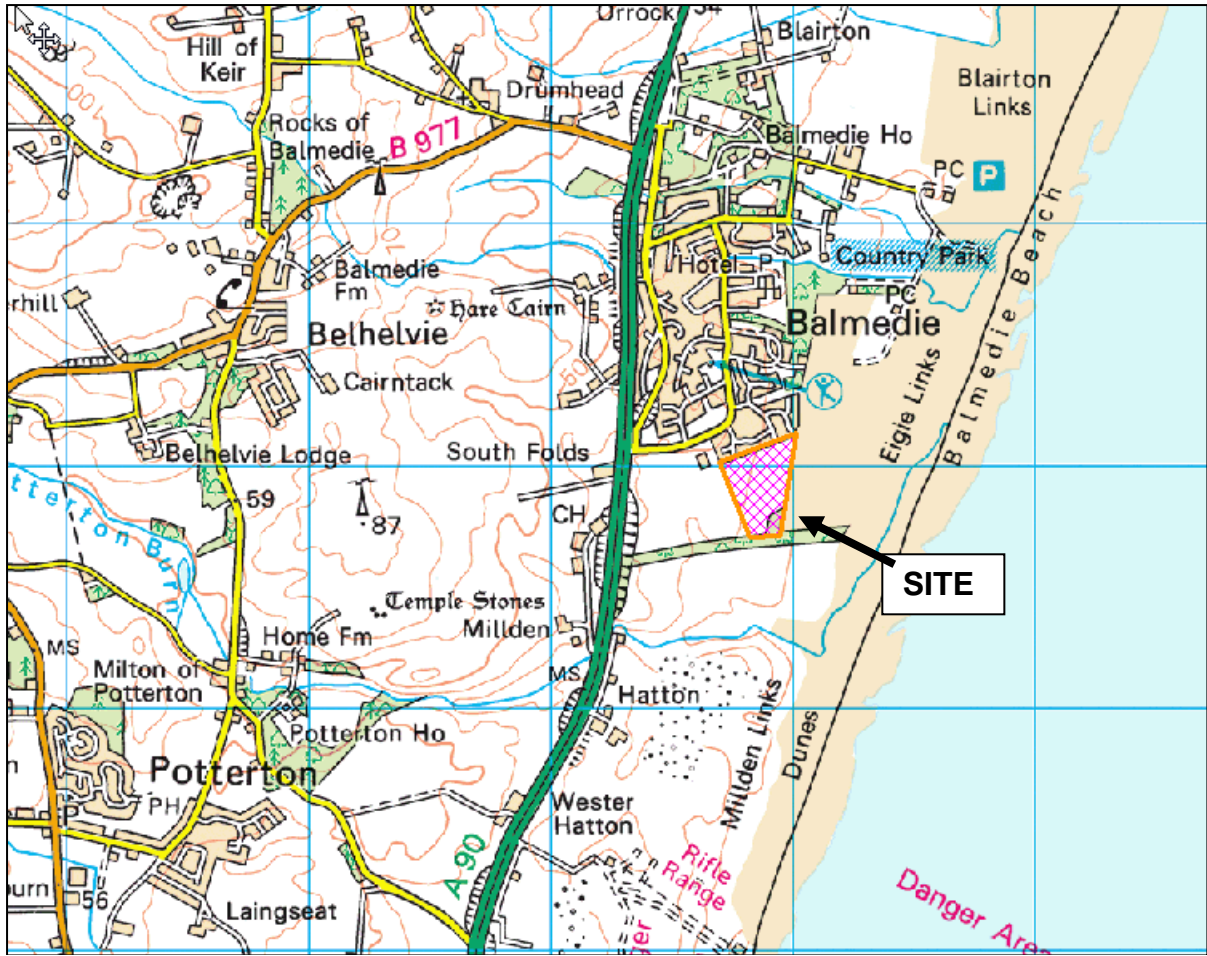
**Applicant:** Castlehill Housing Association and  
Aberdeenshire Council  
**Agent:** NORR Consultants Limited

Grid Ref: E:396853 N:816923  
Ward No. and Name: Mid-Formartine  
Application Type: Planning Permission in Principle  
Representations: 1  
Consultations: 20  
Relevant Proposals Map: Aberdeenshire Local Development Plan  
Designations: AHMA  
Complies with Development Plans: No  
Main Recommendation: Refer to ISC with a recommendation of Delegated Grant



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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.9.1 of Part 2A List of Committee Powers and Section C.2.1 of Part 2C Planning Delegations of the Scheme of Governance as the application is for major development and a departure from the adopted Local Development Plan (LDP) 2017.
- 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 Planning Permission in Principle for the development of 220 houses and associated infrastructure on the OP2 allocation to the south of Balmedie. The site is allocated in the Local Development Plan 2017 (LDP) for 150 homes. See Appendix 1 for a Location Plan.
- 2.2 The “Shaping Formartine” section of the LDP identifies Balmedie as being situated within the ‘Aberdeen to Peterhead Strategic Growth’ Area and ‘Energetica’ area, centred on the A90 north from Aberdeen City towards Ellon and Peterhead. The Strategic Growth Area (SGA) has significant demand for housing land with a number of large allocations to justify large scale investment into facilities such as schools and healthcare, whereas the Energetica area focusses on building characteristics to encourage energy business development.
- 2.3 This site, which measures 8.2ha lies directly south of the built up area of Balmedie, with the existing Chapelwell Drive/Chapelwell Place development to its north and other local amenities including primary school, convenience shop and leisure centre beyond this. The sand dunes which help form the Balmedie to Newburgh Local Nature Conservation Site (LNCS) are to the east of the development site and a field drain is located on the southern boundary. The land to the west is allocated in the LDP as OP1 for the development of 50 homes, 5ha employment land and also includes a 7ha strategic reserve, although a section of this land is currently used for the Balmedie site office for the ongoing AWPR works.
- 2.4 This application is for permission in principle only, as such there are no details of the style, or layout of the properties. Castlehill Housing Association as the developer are promoting the site as providing a 50% affordable housing contribution which is detailed within the supporting Planning Statement and discussed further in this report. See Appendix 2 for an indicative layout, submitted with this application.
- 2.5 Access to this proposed development would be taken via Chapelwell Drive and Chapelwell Place to the north. Footway links to the sand dunes and beach and adjacent OP1 site are also proposed. Drainage is proposed to be via a detention basin to either a dry swale or herringbone soakaway.

2.6 Whilst there have been no previous planning applications on this site, the land has been earmarked for development since 2006. The publication of the Aberdeenshire Local Plan in 2006 reserved the land under 2 separate allocations for future housing. Site fh1 in the north-west of what is now OP2 noted capacity for 25 homes, whereas fh2, which would cover the remainder of the current allocation, was afforded no numerical value, albeit it was notably larger than fh1. The Local Development Plan 2012 merged the fh1 and fh2 sites together to become site H1, allocated for 150 houses, which has been renamed and carried through to this extant 2017 LDP as OP1.

2.7 The following information has been submitted in support of the application:

- *Detention Basins Discharge Options.*
- *Planning Statement, April 2017*
- *Pre-Application Consultation Report*
- *Transport Assessment*

### 3. Representations

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 raises the following material issues:

- *Impact of new properties on existing local amenities*

### 4. Consultations

4.1 **Business Services (Developer Obligations)** confirms the heads of terms have been agreed.

4.2 **Education, Learning and Leisure (Education)** does not object to the application. Education provision will be discussed further in section 6 of this report.

4.3 **Housing and Social Work (Affordable Housing)** makes no objection to the application as it is proposed a minimum of 50% of the development would be affordable housing. Affordable housing will be discussed further within section 6 of this report.

4.4 **Infrastructure Services (Archaeology)** makes no objection to the application subject to a condition requiring a *written scheme of investigation*, along with other informatives, being attached to the grant of planning permission

4.5 **Infrastructure Services (Environmental Health)** initially requested a noise assessment be carried out, however this request has since been withdrawn. This will be discussed further within Section 6 of this report.

- 4.6 **Infrastructure Services (Flood Risk and Coastal Protection)** makes no objection to the application. Drainage provision will be discussed further within section 6 of this report.
- 4.7 **Infrastructure Services (Landscape Services)** has made no comment on the proposal. This is taken as no objection. Landscaping is also covered by the environment team.
- 4.8 **Infrastructure Services (Environment – Natural Heritage)** makes no objection to the application. Advice on access, landscaping and ecology is given and conditions are suggested to be added to any grant of Planning Permission.
- 4.9 **Infrastructure Services (Planning Policy)** objects to the application as there is not an agreed masterplan covering both this OP2 allocation and the neighbouring OP1 site. This is discussed further within section 6 of this report.
- 4.10 **Infrastructure Services (Roads Development)** makes no objection and suggests conditions and informatives be added to the grant of Planning Permission.
- 4.11 **Infrastructure Services (Transportation)** makes no objection to the application but does suggest attaching a condition relating to connections to the existing public path network.
- 4.12 **Infrastructure Services (Waste Management)** initially objected to the application as there is insufficient detail included within the application. This has since been resolved following explanation that further details are to follow.
- 4.13 **Aberdeen City Council** has made no comment on the proposal.
- 4.14 **AWPR** has made no comment on the proposal.
- 4.15 **Belhelvie Community Council** has made no comment on the proposal.
- 4.16 **Energetica** has made no comment on the proposal.
- 4.17 **NHS** makes no objection. Developer contributions are expected towards healthcare facilities.
- 4.18 **Scottish Environment Protection Agency (SEPA)** makes no objection to the proposed application, but do suggest a condition requiring the submission of a Construction Environment Management Plan be added to the grant of Planning Permission.
- 4.19 **Scottish Water** has made no comment on the application.
- 4.20 **Transport Scotland** does not object 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.

### 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 P4: Hazardous and potentially polluting developments and contaminated land

Policy E1: Natural Heritage

Policy C1: Using resources in buildings

Policy RD1: Providing suitable services

Policy RD2: Developers' obligations

#### 5.4 Other Material Considerations

None.

### **6. Discussion**

- 6.1 The main planning considerations with this application relate to establishing the principle of development and whether or not the site can be adequately accessed and serviced.
- 6.2 With regards to establishing the principle of development the allocation in the settlement statement and the requirements therein must be considered.
- 6.3 The settlement statement allocates this site for the development of 150 homes and specifies that one masterplan will be required to incorporate sites OP1 and OP2. The masterplan would identify where the houses and employment land would be located and demonstrate how the site shall be integrated with the existing town and the nearby countryside and beach. Policy P1 specifies the requirement of a masterplan in terms of policy.
- 6.4 Policy H1 confirms support of housing development on sites allocated for that purpose within the LDP and as shown in the settlement statement. The principle of developing housing on this site can therefore be established immediately. Despite the principle of development being established, consideration must still be given to the fact that the proposal of development includes an additional 70 units over and above the 150 allocated within the settlement statement. Policy H1 states that the capacities of sites as shown within settlement statements are indicative and that higher densities would be considered where any associated negative impacts on infrastructure, open space and residential amenity can be addressed and justified through either an approved masterplan or design statement which has been subject to appropriate consultation. Neither a masterplan nor a design statement have been submitted in support of the application. The omission of the masterplan and density of the site are discussed below.
- 6.5 Masterplans are generally submitted, assessed and adopted prior to the submission of a formal planning application, as required in the LDP. Efforts to develop a masterplan in previous years have unfortunately proven ineffectual owing to conflicts arising from the three separate landowners, and as such, development across both sites has stalled.
- 6.6 Masterplans are commonly used for larger sites or a combination of sites, like this, where it is likely they will be developed over a longer period of time and/or by a number of developers, in order to co-ordinate the development and ensure it is coherent and structured. In this case, the purpose of a masterplan would focus on demonstrating how the OP1 and OP2 sites would be connected to each other and the wider settlement, albeit it would likely include a broad, indicative design and layout. A masterplan here would give an overview of land uses but would not be used as a land zoning exercise in ways which larger, single allocation mixed use sites could be. Since this OP2

site has been allocated for housing since 2006 it can be accepted that it will be developed as such, with the commercial land on the OP1 site. Allowing housing on this OP2 site would not prejudice the development of the commercial land on OP1. As such, the main onus for this part of the masterplanned site moves away from land use towards the broader connections and coordination of development.

- 6.7 Despite an agreed masterplan being omitted from the submission, the Planning Service does still have a duty to consider each application on its own merits. Given the historical acceptance of housing on this site, this application simply seeks this fact to be reaffirmed, and so a masterplan would not be used to agree the principle of housing on this site and as such, the Planning Service can accept the principle of development here. Whilst the absence of an agreed masterplan forms the basis of the objection from Planning Policy, it is considered the aims and objectives of a masterplan here could be addressed with a subsequent MSC application should this PPP application be approved. This would be a somewhat back-to-front approach, however a grant of this PPP application would be subject to further details being submitted pertaining to, amongst other things, design and layout of the development. As the Planning Service would undertake a full assessment of the internal layout at that point, there is still an element of control to ensure there is no adverse impacts arising from the increase in unit numbers and that the OP1 and OP2 sites would be well connected. Indicatively, however, it is considered that a reasonable housing layout would be achieved, particularly considering the smaller units and mixed tenures commonly used in affordable housing developments.
- 6.8 Furthermore, it must be recognised that the development of housing on this site offers an organic extension to the settlement, something which has been anticipated for 12 years since its initial allocation within the 2006 ALDP, and which has been preserved within the 2012 LDP and this extant 2017 LDP. Delays in bringing development forward can, at least in part, be attributed to a breakdown in communication between the three separate landowners of the OP1 and OP2 sites. The Planning Service understands that the application was submitted not only to progress the development of the site but also in order to capitalise on the availability of funding towards the delivery of affordable housing. On this, cognisance should be given to the indication that this application is proposing over and above the 25% affordable housing provision required by policy. Justification for the increase in unit numbers makes reference to the provision of additional affordable housing units. Whilst the site will not consist of 100% affordable units, it is anticipated that these will account for no less than 50% of the overall site. Phase 1 is expected to include between 55 and 63 units – all to be affordable – with subsequent phases likely to incorporate properties for sale on the open market. As a comparison, should the site have been developed as 150 units, 37 of these would be required to be affordable units, where this proposal would see at least 110 units as affordable properties. As such, although there is an increase of 70 units on site, all 70 would be affordable units incorporating a range of housing tenures to meet the housing needs for the area.



- 6.9 In terms of planning policy requirements, Policy H2 of the Local Development Plan 2017 requires new housing developments, of 4 or more dwellings, to contain 25% affordable housing. That said, PAN 2/2010 states that if a development plan includes a policy for affordable housing, it “should not preclude a developer offering a higher percentage on a specific site”. Whilst Policy H2 references the 2011 Housing Needs and Demand Survey and its finding that around 38% of new homes need to be affordable – a number which cannot be achieved through the allocations in the LDP alone – there is no local or national policy justification for more than a 25% affordable housing requirement. Therefore, although the applicant is expressing the intention of delivering at least 50% affordable housing, the Council can only fairly require 25% of the site to be delivered as affordable housing and has no lawful mechanism for obliging the applicant to deliver in excess of this. Nonetheless, with the applicant being a housing association who’s business objective is to provide low cost housing, it would be fair to consider that additional affordable housing units would be provided either by providing units as per those identified on local housing need, or by developing open market properties that would be ‘affordable by design’. As per paragraph 6.7 above, affordable properties tend to be smaller in size and could include terraced or flatted properties, which would aid the ability to provide the additional units alongside the infrastructure and public open space requirements.
- 6.10 One public representation objecting to the proposal was received and made reference to concerns regarding the layout of the development. The Planning Service stresses that as this application seeks approval of the principle of development only, no house designs have been submitted with only an indicative site layout being provided. As there are a range of tenures proposed to be included throughout the site, the development of 220 properties and 40% public open space on this site could be achievable by careful and appropriate design. To demonstrate the sites ability to achieve the 220 units on site, the council generally requires 1ha to develop 10-12 properties. Therefore, this site could potentially accommodate a maximum of 240 units, based on the site area measuring 8.2ha, or 20.2 acres, and the above council requirement. It is reminded that the site layout, design and public open space provision (as per policies P1 and P2) would be assessed at a later stage through an MSC application(s) if the Committee are minded to approve the application.
- 6.11 Taking the above into account, the Planning Service considers that the principle of development can be established and accepted. There are noted issues with regard to the absence of an approved masterplan, but it is considered that, for the reasons discussed above, flexibility can be offered in this instance owing to the interests of delivering not only a stalled site, but also affordable housing in line with the requirements of Policy H2. A technical departure from the Balmedie settlement statement and the masterplan aspect of Policies H1 and P1 can be accommodated.
- 6.12 As the principle of development can be accepted, assessment turns now to the suitability of the servicing of the site. In terms of access, full details of the internal road layout are not provided, however it is known that access would

be taken via Chapelwell Drive and Chapelwell Place. Eigie Road to the north of the existing housing development would provide access both north and southbound onto the A90 following the completion of the ongoing roadworks. Neither Roads Development, Transportation nor Transport Scotland make any objection to the access arrangements. In terms of connectivity to the surrounding area, it is expected that provision would be made within the detailed design to connect to the neighbouring development site to the west and the existing footpaths to the north.

- 6.13 Much discussion with the Transportation Service regarding access to the core path network to the east has taken place, mainly regarding whether a formalised path connecting the south-east of this development to the adopted core paths on the LNCS beach/dune area could be provided. Whilst this development could cause an increase in access to this part of the beach and dunes, and a formal path would of course be desirable, it is unlikely that any significant effects upon the LNCS would be caused by virtue of the development, in line with the aims of Policy E1. A formalised path is therefore not essential to the acceptability of this individual application. As such, a path could not be secured by either a condition requiring a separate application or as part of a Section 75 Legal agreement as both mechanisms have specific requirements to be necessary, reasonable and relatable to the development (Circular 4/1998: The Use of Conditions in Planning Permissions and Circular 3/2012: Planning Obligations and Good Neighbour Agreements) which would not be met and therefore, would not be enforceable. That said, a condition would be added to any proposed grant of planning permission requiring details of connectivity of the site to the existing path network which would link into the core path network in turn, which would then be assessed under an MSC application.
- 6.14 At the time of the submission of the application, two options were submitted with regard to the disposal of surface water drainage. The first proposed a SUDS detention basin with an outfall to the existing ditch to the south of the site. The second option again proposed a detention basin, this time proposing an outfall to a dry swale or a herringbone soakaway to the east of the site. The Council's Flood Prevention Unit (FPU) made no objection to either of these options, however did suggest that option 1 must be exhaustively pursued before agreement to option 2 is given. The agent has since confirmed the intention to pursue option 2 due to being unable to secure access to the burn for option 1. Full details of the drainage design and details of maintenance would be conditioned under a grant of Planning Permission in Principle, as per the request from FPU colleagues, but are acceptable at this stage. SEPA have no objections to the proposal, but do request the addition of a condition requiring the submission of a Construction Environment Management Plan to address potential environmental pollution.
- 6.15 With regard to water supply and foul water drainage, Scottish Water have made no comment on the proposal to connect to the public infrastructure. It is however shown within the Balmedie section of the council's 'Action Programme July 2018' that although there is sufficient capacity at the Invercannie/Mannofield/Turriff water treatment works, there is insufficient

capacity at the Balmedie Waste Water Treatment Works to treat all sites allocated within Balmedie, Belhelvie, Newburgh and Potterton. The Action Programme goes on to state that should demand exceed capacity, Scottish Water would initiate a growth project. At this Planning Permission in Principle stage, this is acceptable, however the applicant is advised to discuss the proposal with Scottish Water as soon as possible as this may impact upon the phasing of the development.

- 6.16 Initially, Waste Management colleagues raised concerns at the lack of detail shown within the proposal, however the Planning Service explained that an application for Planning Permission in Principle is void of design details, and that these would be submitted at a later date should the principle for development be approved. Colleagues then agreed that a condition requiring details of the bin uplift area would be suitable at this time. It is considered overall that the development can provide adequate access, waste management and water/waste water facilities to service this development, in line with Policy RD1.
- 6.17 As outlined within Section 4 above, colleagues in Environmental Health initially requested a Noise Assessment be carried out for this application. The Planning Service discussed this with Environmental Health and it was concluded that this is something that could be covered competently by use of a condition requiring the assessment be submitted before any development takes place on site to ensure pollution by virtue of the development would not occur, in line with Policy P4. The information is likely to be considered part of any later MSC application when the site layout and details are known and more impacts can be accurately assessed. Environmental Health colleagues are supportive of this approach.
- 6.18 Following the initial Developer Obligations response, the developer raised issues of development viability. A viability assessment was produced by the developer and independently verified. An amended developer obligations package has been offered and subsequently agreed by the developer. The contributions will help towards alleviating pressures on the local amenities and infrastructure including healthcare and education facilities which were raised in the pre-application consultation meeting and the representation made by a member of the public. The Planning Service is satisfied that this proposal meets the requirements of Policy RD2.
- 6.19 A condition is suggested to be added to the grant of any Planning Permission in Principle to ensure an energy statement is submitted in order to deliver the aims of Policy C1.
- 6.20 The developer has formally requested a Direction under Section 59 of the Town and Country Planning (Scotland) Act 1997 to extend the period for the permission from 3 years to 5 years to allow sufficient time for MSC applications for the individual phases of the development to be submitted and assessed in accordance with the overarching permission. Paying due regard to the scale of the proposed development, the Planning Service is minded to agree this request.

- 6.21 Overall, notwithstanding the requirement of a joint masterplan concerning the two development sites to the south of Balmedie to be prepared, the Planning Service are in this instance content with the approach taken to submit an application without an agreed masterplan. As this site has been allocated separately to its neighbour OP1, and has been since the 2006 ALDP, it is accepted that this site is to be developed for housing – the approval of this PPP application would simply re-affirm this allocation. In addition, an MSC application could be used to address the aims and objectives of the masterplan to establish connections to the wider area at a subsequent stage should this application be granted. Furthermore, this application proposes development of a site which has been dormant for a number of years now, following a breakdown in communication between the landowners. The importance of delivering such a large allocation, particularly one which is in line with the vision for the Formartine area – to provide housing and investment into the Aberdeen to Peterhead Strategic Growth Area is a key consideration.
- 6.22 It would be unreasonable to delay development further in the hope that civil matters can be resolved. It is therefore recommended that the Formartine Area Committee support the approach taken by the Planning Service to recommend this application for approval as a departure to the Local Development Plan 2017, specifically policies H1, P1 and the Settlement Statement for Balmedie OP2.

## **7. Area Implications**

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 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.
- 8.2 There are no staffing and financial implications.
- 8.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the Planning Authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.

## **9. Sustainability Implications**

- 9.1 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

## 10. Departures, Notifications and Referrals

### 10.1 Strategic Development Plan Departures

None

### 10.2 Local Development Plan Departures

Policy H1: Housing land  
Policy P1: Layout, siting and design  
Balmedie Settlement Statement

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 proposed development is in the opinion of the Head of Planning and Building Standards in conflict with Policy P1 of the Local Development Plan 2017 and if the Committee is minded to approve then the application will have to be referred to Infrastructure Services Committee.

## 11. Recommendation

11.1 **That Members agree that the application be referred to the Infrastructure Services Committee for determination and confirm their support for the application by agreeing that Authority to GRANT be delegated to the Head of Planning and Building Standards subject to:**

1. **Signing of a S75 agreement; and**
2. **Appropriate conditions**

01. Notwithstanding the provisions of Section 59 of the Town and Country Planning (Scotland) Act 1997, and unless otherwise agreed in writing by the Planning Service, details of the specified matters listed below shall be submitted for consideration by the Planning Authority, before the expiration of 5 years from the date of this grant of permission [this 5 year period substitutes the 3 year period referred to in Subsections (2)(a)(i) and (3) of Section 59 of the Town and Country Planning (Scotland) Act 1997]. 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) A phasing scheme setting out the details of the phasing of the development that must include:
  - i) Affordable housing provision;
  - ii) Landscaping;
  - iii) Road and path construction;
  - iv) Connectivity to the infrastructure serving the site.
- b) A plan outlining the road hierarchy for the development, demonstrating how each development phase, as set out in the phasing scheme required by condition 1a, shall be accessed and integrated. This plan must also demonstrate pedestrian pathways and cycle paths. This plan shall inform the detailed layout, siting and design of each development phase.
- c) A strategic landscaping scheme and open space plan which must include:
  - i) details of the existing landscape features and vegetation to be retained;
  - ii) the locations of new trees, shrubs, hedges and grassed areas and water features; and
  - iii) the extent and distribution of public open space within the development along with a programme for the completion and subsequent maintenance of the proposed landscaping.
- d) A design guide for the complete development to ensure continuity across phases.

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).

02. Notwithstanding the provisions of Section 59 of the Town and Country Planning (Scotland) Act 1997, and unless otherwise agreed in writing by the Planning Authority, details of the specified matters listed below for each individual phase of the development (as detailed in the phasing scheme submitted and approved in relation to Condition 1 of this permission) shall be submitted for consideration by the Planning Authority before the expiration of 5 years from the date of the grant of the permission [this 5 year period substitutes the 3 year period referred to in Subsections (2)(a)(i) and (3) of Section 59 of the Town and Country Planning (Scotland) Act 1997]. No individual phase of the development shall begin until all of the details listed in this condition for that phase of the development have been submitted and

approved by the Planning Authority. Thereafter, the phase of the development shall be carried out fully in accordance with the approved details:

Specified Matters:

- a) Full details of Layout, Siting and Design of that phase of development.  
This must include:
  - i) A plan clearly marking the location of all dwellinghouses and other structures;
  - ii) Elevations, Floor Plans and Cross Sections of any dwellinghouses / buildings;
  - iii) Site sections, including the finished floor level of all dwellinghouses / buildings to a fixed datum point;
  - iv) A schedule of house types and finishes for each plot;
  - v) Details of public open space, including details of any play equipment and any means of enclosure;
  - vi) A detailed levels survey of the phase and cross sections showing proposed finished ground and floor levels relative to the existing ground levels and a fixed datum point;
  - vii) Full details of cycle parking provision within the phase of development. Cycle parking provision must be conveniently located, sheltered and secure;
  - viii) A Construction Traffic Management Plan (CTMP).
  
- b) Full details of the road layout, parking and access arrangements to include:
  - i) Driveways and turning areas in accordance with Aberdeenshire Councils Car Parking Standards;
  - ii) Street Engineering Review (SER);
  - iii) Stage 2 Quality Audit;
  - iv) Full details of the Roads SUDS & SUDS selection method, demonstrating integration with site drainage impact assessment;
  - v) Any access point which forms a junction with the public road, which shall be completed to an adoptable standard.
  
- c) Full details of Pedestrian and Cycle Access, to include:
  - i) The location of any footpath and cycle ways;
  - ii) A Safe Routes to school Audit providing safe and lit routes between each residential area and each of the schools;
  - iii) The audit should address surface condition, suitability for a range of different user groups, year round maintenance, pedestrian desire lines, potential vehicle conflicts, street lighting and parking for each route.

- d) Full details of Landscaping to include:
  - i) A tree survey in accordance with BS 5837: 2012 or any such standard as is in use at the time of submission;
  - ii) Existing Landscaping features and vegetation to be retained;
  - iii) Protection measures for the landscape features to be retained;
  - iv) Existing and proposed finished levels;
  - v) The location of new trees, shrubs, hedges, grassed areas and water features;
  - vi) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
  - vii) The location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment;
  - viii) An indication of existing trees, shrubs and hedges to be removed;
  - ix) A programme for the implementation, completion and subsequent management of the proposed landscaping.
  
- e) A Written Scheme of Investigation (WSI) and a programme of archaeological works. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the Planning Authority. The PERD shall be carried out in complete accordance with the approved details;
  
- f) Full details of means of foul and surface water drainage to include:
  - i) Construction details of the SUDS features.
  
- g) A site waste management plan;
  
- h) A Noise Impact Assessment;
  
- i) A design statement demonstrating how the phase accords with the principles of design set out within the design guide submitted and approved in relation to condition 1d;
  
- j) Full details of the water supply serving the phase of development.

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) and to allow a for a reasonable period of time to plan and implement the development.

03. The development hereby approved shall be connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply without the separate express grant of planning permission.

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

04. All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme submitted and approved in relation to condition 2d of this permission. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

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

05. No individual dwellinghouse or unit shall be occupied or otherwise brought into use unless sufficient parking spaces have been provided for that dwellinghouse or unit.

All areas of public or visitor parking shall be in place by the completion of the penultimate dwellinghouse or unit of each phase of the development.

Parking provision shall be in accordance with details approved under Condition 2b for each phase of the development.

Reason: In order to ensure that adequate parking both in terms of quantity and quality is incorporated into the development and in order to ensure the flow of traffic is not impeded by parked vehicles.

06. No works in connection with the development hereby approved (including demolition, ground works and vegetation clearance) shall commence unless a construction environmental management plan (CEMP) has been submitted to and approved in writing by the Planning Authority. The CEMP shall include the following:

- (a) Risk assessment of potentially damaging construction activities;
- (b) Identification of biodiversity protection zones;

- (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- (d) The location and timing of sensitive works to avoid harm to biodiversity features;
- (e) The times during construction when specialist ecologists need to be present on site to oversee works;
- (f) Responsible persons and lines of communication;
- (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- (h) Use of protective fences, exclusion barriers and warning signs.

All works carried out during the construction period shall be undertaken strictly in accordance with the approved CEMP.

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

07. Within 6 months of the occupation of the penultimate residential unit in each phase of this development or upon the expiry of a period of three years from the date of the first residential unit to be occupied in each phase, whichever is the sooner, all roads, footpaths, parking and turning areas within and serving that phase of the development, as shown on the plans submitted and approved in relation to conditions 2b of this permission, 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 thereafter be permanently retained as such.

Reason: To ensure the provision of a means of access and turning space to an adequate standard in the interests of road safety.

08. No individual dwellinghouse or building shall be erected onsite unless an Energy Statement applicable to that dwellinghouse or building has been submitted to and approved in writing by the Planning Authority. The Energy Statement shall include the following items:
- a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development;
  - b) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy C1 of the Aberdeenshire Local Development Plan 2017.

The development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and Policy C1 of the Aberdeenshire Local Development Plan 2017.

**11.2 That the Committee agree the reason for departing from the Local Development Plan 2017.**

The proposal is considered to conform to the overall vision of the Local Development Plan 2017 and is therefore deemed to be acceptable.

**For noting:-**

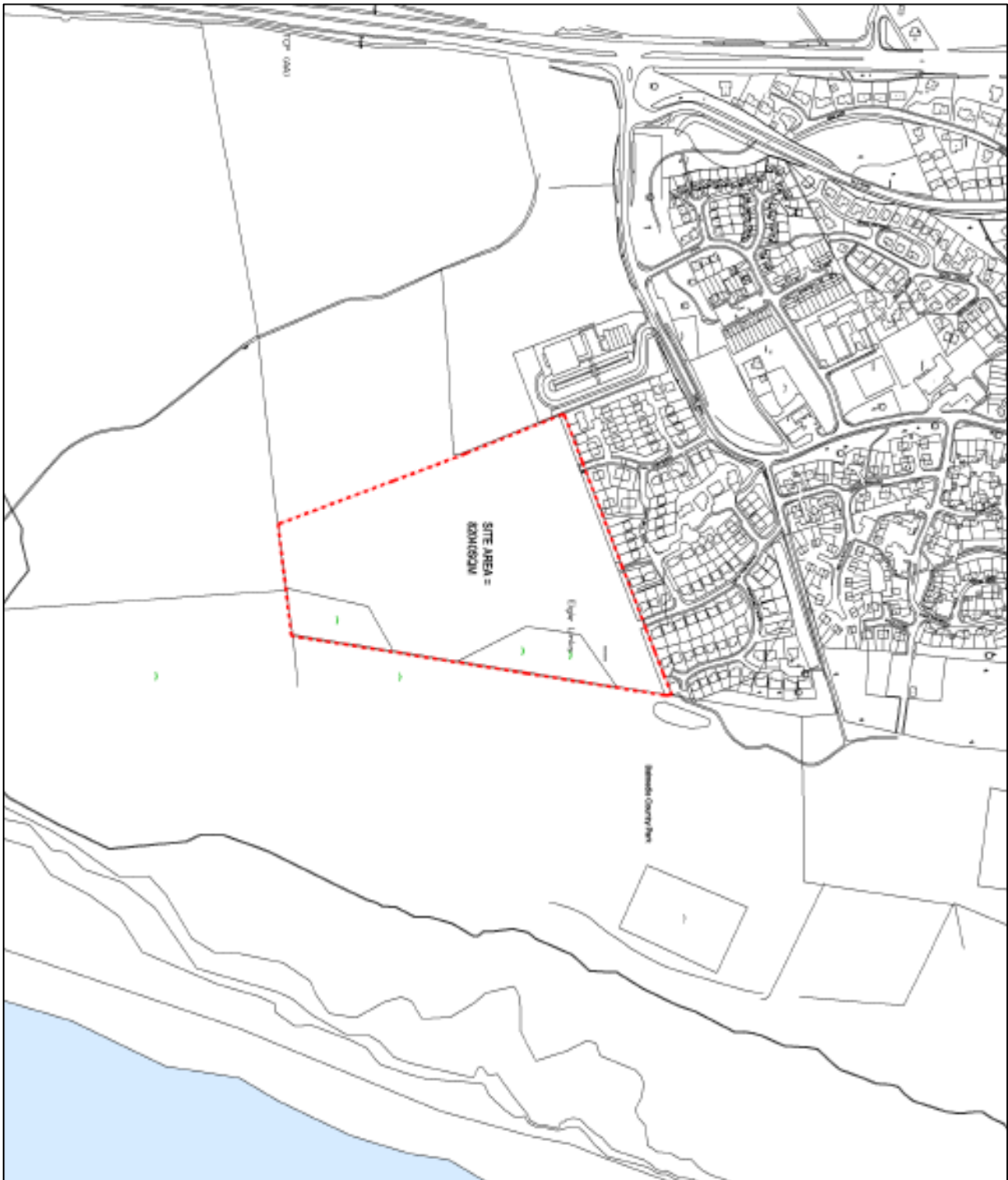
Part 2C (Planning Delegations) states at Section C.2.2 for Major Development, that following consultation with the Chair and Vice-Chair of the determining Committee for applications initially dealt with by the Area Committee, the Head of Planning and Building Standards can refuse planning applications for which Section 75 Agreements are not completed or Developer Obligations are not paid within six months from the date of the Committee at which the application is determined. Local Ward Members shall be notified of any such refusal.

Please note that this power may be exercised in respect of the application which is the subject of this report if the application is approved by the Committee.”

Stephen Archer  
Director of Infrastructure Services  
Author of Report: Elizabeth Tully  
Report Date: 22 August 2018

APP/2017/1045

Appendix 1: Location Plan









**OP2: Land south of Chapelwell** **Allocation: 150 homes**

This site was previously allocated as site H1 in the 2012 LDP. One masterplan will be required to incorporate sites OP1 and OP2 which, in addition to setting out where the employment land and houses will be located on the site, should also demonstrate how the site shall be integrated with the existing town and the surrounding countryside and beach. Access to the site will be achieved via the A90 and Eigie Road. An access solution onto the A90 should be sought through the masterplan via site R1. Pedestrian and active travel links should also be sought through the masterplan, incorporating public transport and active travel routes along Eigie Road. Ensuring that there is effective active travel connectivity between the employment land on OP1 and the homes on OP2 will be important to widen access to employment opportunities. The design of the houses should be sympathetic to the neighbouring housing styles, encompassing a range of detached, semi-detached and flatted development, as appropriate. It is expected that 37 affordable homes should be provided integrated within the site in a selection of housing types. Open space on the site should seek to incorporate existing waterways through the site and these may potentially be incorporated into SUDS provision on the sites. The tree belt on the southern periphery of the site forms a natural boundary which can be reinforced. It is encouraged to use the existing features to provide green pedestrian linkages to the wider Balmedie green network and Balmedie Country Park.

# Comments for Planning Application APP/2017/1045

## Application Summary

Application Number: APP/2017/1045

Address: OP2 Site Land South Of Chapelwell Balmedie South Balmedie Aberdeen

Proposal: Residential Development of 220 Units with Open Space and Associated Infrastructure

Case Officer: Elizabeth Tully

## Customer Details

Name: Mr Campbell Barr

Address: 20 Chapelwell Park Balmedie Aberdeen

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear Elizabeth,

I would like you make you aware of my objections/comments on the proposed development directly adjacent to my home.

Me and my partner purchased our house a little over a year ago and currently we love our location and village. We did know there was a possibility of houses being built however we hoped that the layout would have been more favourable to the existing houses as most were likely unaware when they moved here. All I think is needed is a greater distance between the two developments, I think if a footpath was to be put in-between the two running alongside the current tree belt/wildlife corridor this would be perfect. This would also offer more opportunity for landscaping, better access to the beach for many houses, decrease foot traffic on other paths and thus help keep the development peaceful and most of all keep the privacy of the current households alongside the edge of the existing development.

I would also like to suggest with Balmedie being an extremely popular dog walking village that the better more practical dog bins (black ones that accept both normal waste and dog litter) are located appropriately and not the red ones as they are an eye sore.

Lastly, I would like to know of the plans in place to cope with the amount of new people being added to the already increasingly busy village. I refer to the primary school, play parks/grass areas, shops and travel services.

I bring this up as I'd like Balmedie to keep it's high quality standard of living that it's residents are accustomed to. I'm also concerned current house values may be affected negatively, especially

with the recent and ongoing problems from the dropping oil and gas industry.

Many thanks for taking the time to read this.