



Infrastructure Services Committee – 20 June 2013

Reference Number: KM/APP/2013/0196

Full Planning Permission for Erection of No. 35 Dwellinghouses and Associated Infrastructure at Land to North of, Sunnyside Farm, Sunnyside Drive, Drumoak, Banchory

Applicant: Stewart Milne Homes, Osprey House, Mosscroft Avenue, Westhill Business Park, Westhill, Aberdeen

Agent: Stewart Milne Homes, Osprey House, Mosscroft Avenue, Westhill Business Park, Westhill, Aberdeen

Grid Ref:	NO/NJ 379139.8 799368.5
Ward No. and Name:	EW18 Stonehaven and Lower Deeside
Application Type:	Full Planning Permission
Representations:	1
Consultations:	13
Relevant Proposals Map	Local Plan
Designations:	Allocated H1 site, Drumoak Settlement
Complies with Development Plan:	Yes
Main Recommendation:	Delegated Grant

1. Reason for Report

1.1 The above proposal is referred to the Infrastructure Services Committee in accordance with the standing orders of the Council for consideration of an application which the Kincardine and Mearns Area Committee is minded to approve as a departure from the Structure Plan and Local Development Plan.

2. Principal Planning Issues (Summary)

2.1 The principle of the site being developed for housing has been established in that the site is allocated within the Aberdeenshire Local Development Plan 2012 for housing. The overarching planning issues to be considered in the determination of the proposal relate to land supply, affordable housing, developer contributions and the layout, siting and design of the development.

2.2 The site is detailed within the Aberdeenshire Local Development Plan 2012 as being phased for the provision of 35 houses. The first phase is allocated for 15 houses and the second phase for 20 houses. The applicant submitted a request and supporting statement to call for the site to be considered for early draw down to allow them to develop all 35 houses in one phase. A full discussion of the planning issues is contained in the Area Committee Report at Appendix 2.

- 2.3 It is considered that the request to allow the development to take place in one phase should the developer wish is acceptable and that a condition requiring phasing is not required.

3. Representations (Summary)

- 3.1 One representation has been received.
- 3.2 A copy of the letter is available for inspection in the Members Support Unit.

4. Area Committee Decision (Summary)

- 4.1 At their meeting on 30 April 2013 the Kincardine and Mearns Area Committee agreed that the application be referred to Infrastructure Services Committee on the basis that Members were minded to support the application without phasing of the site, a phased approach to development would impact negatively on the safety of school children and the amenity, in the new school development, regarding traffic movements and noise pollution. Additionally the affordable housing requirement would be in the second phase and may happen sooner if the phasing is reviewed.

The following documents are attached as appendices to this report:

- **Appendix 1a:** Location Plan
- **Appendix 1b** Site Plan
- **Appendix 2:** Copy of the Kincardine and Mearns Area Committee report of 30 April 2013
- **Appendix 3** Extract of Minute of the Kincardine and Mearns Area Committee meeting of 30 April 2013

5. Officers' Recommendation

- 5.1 **Should the Infrastructure Services Committee endorse the decision of the Kincardine and Mearns Area Committee authority to GRANT Full Planning Permission should be delegated to the Head of Planning and Building Standards subject to:**
- a) **The applicant addressing the issues of the provision of the appropriate mix and size of affordable housing and/or contributions and thereafter any changes to the layout of the site this may result in;**
 - b) **The applicant entering into a Section 75 Legal Agreement, or alternative agreement, with the Council as Planning Authority regarding the provision of affordable housing and planning obligations;**
 - c) **The conclusion of the roads and access issues in relation to Plots 21-25 raised by Infrastructure Services (Roads Development) to their satisfaction and the inclusion of appropriate planning conditions;**
 - d) **The submission of confirmation of landowner agreement and maintenance responsibilities for the preferred drainage option of soakaway of the drainage to the cut slopes in infiltration trenches at the base of the slope; and**
 - e) **The following conditions:**
1. That no development in connection with the permission hereby approved shall take place unless details of all the materials to be used in the external finish

for the proposed development have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: In the interests of the appearance of the development and the visual amenities of the area.

2. Prior to the development of the phase commencing which includes plots 7-13 (those nearest the proposed school) a Noise Assessment for plant noise potentially affecting the residential houses shall be submitted for the further written approval of the Planning Authority in consultation with Infrastructure Services (Environmental Health) in accordance with Planning Advice Note 1/2011: Planning and Noise (PAN1/2011). Any necessary noise attenuation measures shall be carried out in full accordance with the Noise Assessment and undertaken prior to the occupation of the dwellings.

Reason: In the interest of the amenity of the residents of the housing located closest to the proposed Drumoak Primary School.

3. Prior to the occupation of any dwellinghouse a Residential Travel Plan (RTP) shall be submitted for the further written approval of the Planning Authority in consultation with Infrastructure Services (Transportation).

Reason: In the interests of the amenity of future residents of the residential development.

4. That no development in connection with the permission hereby approved shall take place unless a finalised Energy Statement has been submitted to and approved in writing by the Planning Authority, including the following items:
 - (i) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development.
 - (ii) 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 the Council's Supplementary Guidance on Carbon Neutrality in New Developments. (In this case the development will achieve at least a Bronze Active rating under section 7 of the Building Standards Technical Handbook).

The development shall not be occupied unless it has been carried out in 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 the Council's Supplementary Planning Guidance - Carbon Neutrality in New Developments.

5. That the proposed foul and surface water drainage systems shall be carried out in accordance with the approved plans and no dwellinghouse shall be occupied unless its approved drainage system has been completed. Following provision of the drainage system it shall thereafter be maintained in accordance with the approved maintenance scheme.

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

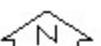
6. All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development or such other date as may be agreed in writing with the Planning Authority. Any planting which, 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.

Reason: To ensure the implementation 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.

Stephen Archer
Director of Infrastructure Services
Author of Report: Frances McFarlane FM2/
08/05/2013



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Kincardine & Mearns Area Committee Report – 30 April 2013

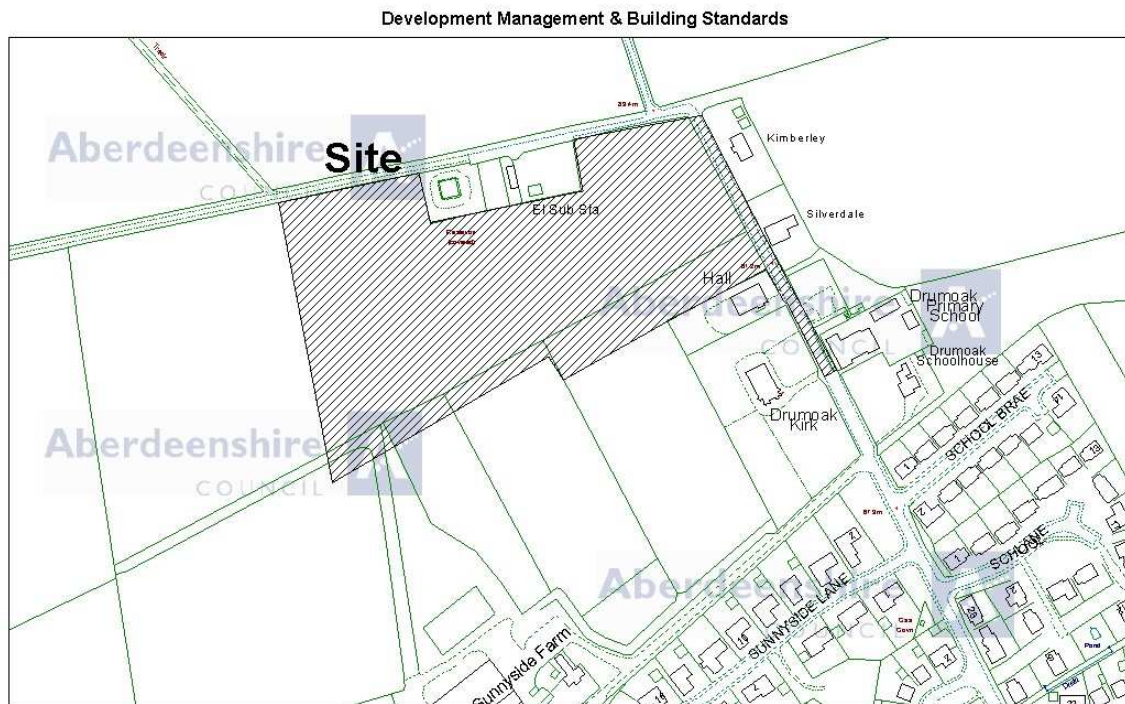
Reference No: APP/2013/0196

Full Planning Permission for Erection of 35 No. Dwellinghouses and Associated Infrastructure at Land to North of Sunnyside Farm, Sunnyside Drive, Drumoak, Banchory

Applicant: Stewart Milne Homes, Osprey House, Mosscroft Avenue, Westhill Business Park, Westhill, Aberdeen

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Complies with Development Plans:	Yes
Main Recommendation:	Delegated Grant



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12 April 2013
APP/2013/0196

Aberdeenshire Council

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1. Reason for Report

- 1.1 This report relates to a planning application for Major Development and therefore requires to be determined by the Area Committee.

2. Background and Proposal

- 2.1 Full planning permission is sought for the erection of 35 houses at the allocated site H1 within the settlement of Drumoak. The site is allocated in the Aberdeenshire Local Development Plan 2012 for the erection of 35 houses over two phases, with 15 houses in the first phase and 20 houses in the second. The principle of developing the site for residential use is therefore established.
- 2.2 The site is located to the north of the village within the settlement boundary and extends to some 2.6ha. It is bounded to the south by the site R1 allocated for the provision of a replacement primary school, to the north by an electricity sub station and covered reservoir and to the west by open agricultural fields. The site slopes north to south and is agricultural but is not currently in use as such.
- 2.3 The access road and SUDS scheme to serve the application site and the adjacent primary school site has been submitted in a separate application APP/2013/0197 which is currently being considered by the Planning Authority. A separate application APP/2013/0165 has been lodged for the erection of a new primary school on the adjacent allocated site referred to as R1 in the Drumoak settlement statement and map. This application is also on this Committee Agenda.
- 2.4 A site plan has been submitted to illustrate the proposed phasing of the site. This shows the first 15 houses to be developed to the east of the site, incorporating 8 terraced properties and seven detached properties. The second phase of the site is shown as located further into the site and directly to the north of the proposed primary school, with a further 20 detached properties.
- 2.5 The following documentation has been submitted in support of the application:
- Pre Application Consultation(PAC) Report , January 2013,
 - Drainage Impact Assessment , February 2013, Fairhurst,
 - Design and Access Statement, January 2013,
 - Transport Statement, January 2013, Fairhurst
 - Report on Substation and School Playground Noise
 - Roads Users Safety Audit stages 1 and 2, February 2013, Fairhurst
 - Street Engineering and Quality Audit, Fairhurst
 - Phase 1 and Protected Mammal Survey report, November 2012, Alba Ecology

3. Representations

- 3.1 A total of 1 valid representation (1 objection) has been received as defined in the Scheme of Delegation. This does not include multiple representations from the same household which equate to 2 letters in total. All issues raised have been considered. The letter raises the following material issues:

- A pair of breeding Red Tail Kites are located within the vicinity to the north and west of the site.
- Evidence of badgers has been seen in the fields directly behind the site and towards Barrowsgate settlement.
- Concerns that private water supply will be impacted
- Concerns that electrical supplies will be impacted
- An increase in houses could exacerbate on street car parking and private road access.

4. Consultations

- 4.1 **Corporate Services (Planning Gain)** have advised that contributions will be sought for affordable housing, education, community facilities and healthcare.
- 4.2 **Education Learning and Leisure (Education)** have advised that the anticipated number of children from the development could be accommodated at the existing and thereafter new Drumoak Primary School and Banchory Academy.
- 4.3 **Housing and Social Work (Housing)** have advised that they would seek to secure 4x2 bed houses and 4x3 bed houses for low cost ownership within the site. These would be required to be secured through a Section 75 Legal Agreement.
- 4.4 **Infrastructure Services (Contaminated Land Unit)** requested further information regarding the past use of the site. This has now been received to their satisfaction and they have no objection to the proposal.
- 4.5 **Infrastructure Services (Environment)** have no objection to the proposal subject to a suitable planting scheme being provided within the site.
- 4.6 **Infrastructure Services (Environmental Health)** have no objection to the proposal and have advised that if the residential development is to be phased and the development of Plots 7-13 (those nearest the proposed school) is to be undertaken after the school is built then it is recommended that the submission of a noise assessment for plant noise potentially affecting the residential houses is subject to a planning condition. The condition would require an assessment to be submitted and agreed in accordance with Planning Advice Note 1/2011: Planning and Noise (PAN1/2011) prior to the development of the phase commencing and that any necessary noise attenuation measures are undertaken prior to the occupation of the dwellings.
- 4.7 **Infrastructure Services (Flood Prevention Unit)** requested further information in relation to the drainage proposals within the site. It has now been agreed that the preferred option is to soakaway the drainage to the cut slopes in infiltration trenches at the base of the slope.

The submission of confirmation details of the landowner agreement and maintenance responsibilities for the preferred drainage option of the soaking away of the drainage to the cut slopes in infiltration trenches at the base of the slope is to be submitted and dealt with as a delegated matter.

- 4.8 **Infrastructure Services (Planning Policy)** have provided detailed comments pertaining to the site allocation, affordable housing (8.75 units equivalent), the

layout, siting and design of the proposal, open space, developer contributions and carbon neutrality within the development.

They have concluded that the proposal is on an allocated site in the Aberdeenshire Local Development Plan 2012. SG Housing 1 and 2 require that phasing is adhered to. Policy is not supportive of the phase 2 allocation being brought forward before 2017. Justification for the extension of the site to the south into R2 is also required. This has now been provided and discussions are under way with Corporate Services (Planning Gain) and Housing and Social Work (Housing) with regard to the remaining affordable housing to be delivered (commuted sum).

- 4.9 **Infrastructure Services (Roads Development)** have requested the submission of further information, in relation to the proposed layout and access within the site in particular in relation to Plots 21-25. They have advised that they are satisfied that the submission of this information can be dealt with as a delegated matter.
- 4.10 **Infrastructure Services (Transportation)** requested further information in relation to parking and access. This has now been submitted to their satisfaction and they have no objection to the proposal.
- 4.11 **Infrastructure Services (Waste)** have advised of the requirements for refuse collections, recycling collections and access.
- 4.12 **Scottish Water** does not object to the proposal subject to the usual caveats. However, it should be noted that there is currently limited capacity at the Drumoak WWTW. The developer is requested to discuss this directly with Scottish Water.
- 4.13 **Crathes, Drumoak and Durriss Community Council** have not provided a response to their consultation.

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 Structure Plan

The purpose of this Structure Plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. All parts of the Structure 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 2012

Policy 5 Housing land supply

SG Housing1: Housing land allocations 2007-2016

SG Housing2: Housing land allocations 2017 to 2023 and early draw down

Policy 6 Affordable housing

SG Affordable Housing1: Affordable housing

Policy 8: Layout, siting and design of new development

SG LSD2: Layout, siting and design of new development

SG LSD5: Public open space

SG LSD11: Carbon neutrality in new development

Policy 9 Developer contributions

SG Developer Contributions1: Developer Contributions

SG Developer Contributions2: Access to new development

SG Developer Contributions3: Water and waste water drainage infrastructure

SG Developer Contributions4: Waste management requirements for new development

5.4 Other Material Considerations

None

6. **Discussion**

6.1 The application proposes the erection of 35 houses to be phased over 2 stages with 15 houses in the first stage and 20 in the second. The access road into the site and the SUDS scheme has been submitted as a separate application and is currently under consideration.

6.2 The principle of the site being developed for housing has been established in that the site is allocated within the Aberdeenshire Local Development Plan 2012 for housing. The overarching planning issues to be considered in the determination of the proposal relate to land supply, affordable housing, developer contributions and the layout, siting and design of the development.

- 6.3 Prior to the application being submitted a public consultation was held on 17 May 2012 at Drumoak Church Hall where members of the public, stakeholders and community groups were invited to offer feedback on the project. This feedback has been responded to and where possible has informed the submitted proposals.
- 6.4 As previously stated, the site is detailed within the Aberdeenshire Local Development Plan 2012 as being phased for the provision of 35 houses. The first phase is allocated for 15 houses and the second phase for 20 houses. The applicant submitted a request and supporting statement to call for the site to be considered for early draw down to allow them to develop all 35 houses in one development. Infrastructure Services (Planning Policy) were re-consulted in respect of this request. They have advised that in this case the site cannot be supported for early draw down. Phase 2 sites for early draw down are selected by the Strategic Development Plan Authority and Aberdeenshire Council and not the development industry. On 9th November 2012 settlements where early drawn down were considered by the Strategic Development Planning Authority. Drumoak was not on the list provided in Appendix 1 of the relevant report and is not within the strategic growth corridor, therefore small scale local growth is suitable to support local needs. Although the new Drumoak primary school will have sufficient capacity for the whole development of 35 houses, this is not considered to justify bringing the phase 2 allocation forward early. It is considered that this would constitute a rate and scale of growth disproportionate to the existing settlement of Drumoak. In addition it would compromise the aims of the structure plan which calls for 75% of development to be undertaken within the strategic growth corridors. The applicant has since submitted a site plan indicating phase 1 development of 15 houses as being to the east of the site and incorporating 8 terraced properties and seven detached properties. The second phase of the site is shown as located further west into the site and directly to the north of the proposed primary school, with a further 20 detached properties. In addition to this conditions requiring further detail of the phasing of the site will be attached to any planning approval.
- 6.5 In terms of layout within the site, the access road is located to run centrally through the site with the houses located either side. Adequate provision has been made for open space within the site. There are designated open grassed areas, pedestrian links, seating areas with boundary screening/planting included in the overall open space provided within the submitted layout. In addition to this as the access to the application site and the R1 primary school site is shared, the site layout provides a waiting area for parents to collect their children from the school and communal amenity spaces for residents. A detailed landscaping scheme has been submitted and the carrying out of this scheme will be conditioned as part of any planning approval.
- 6.6 The layout of the road has been designed to encourage lower vehicle speeds and has been designed following the Scottish Governments "Designing Streets" guidance. The site will be accessed via a shared road from the east above the existing Church Hall directly from Sunnyside Drive. The shared access forms part of a separate application currently under consideration by the Planning Authority. The road will serve the housing development and the proposed primary school development to the south, with the main access into the site taken from the north. The vehicular access, pedestrian access and parking arrangements for the site have been subject to consultation internally with Infrastructure Services (Roads Development) and Infrastructure Services

(Transportation). Roads Development has requested the submission of further information, in relation to the proposed layout and access within the site. It is proposed that the submission of this information is dealt with as a delegated matter. Infrastructure Services (Transportation) have no objection to the proposal.

- 6.7 The proposed design of the properties is modern but has been informed by the existing residential development in Drumoak. Drumoak as a settlement has many different types and styles of properties as can be seen in the growth pattern of the area. This ranges from old traditional single and 1 ½ storey cottages in the heart of the settlement to 60's and 70's style double and single storey bungalows. Examples of more modern housing developments can be seen in School Brae and Reidford Gardens. As with the variance in style of the properties the finishing materials of the properties also vary from stone and slate to timber, render and concrete roof tiles. The design of the properties are a mix of double storey terrace and detached houses and 1 ½ storey properties with dormer windows. All of the detached properties have integrated garages with front and rear garden areas and off street car parking for all properties. The finishing materials proposed are less traditional but are nonetheless in-keeping with the properties in Sunnyside Drive. These are reconstituted stone, dry dash render, concrete roof tiles and timber windows and doors. The final detail of these materials will be included as a condition of any planning approval. Due to the location of the properties to the north of the settlement there are no issues of overlooking or infringement on the amenity of neighbouring properties.
- 6.8 Additional information submitted includes a full Drainage Impact Assessment. Infrastructure Services (Flood Prevention Unit) have been consulted on the drainage proposals and further to additional information being submitted showing additional drainage details for the cut slopes to the north of the site, they are satisfied with the proposals. They have requested that the submission of confirmation of the landowner agreement and maintenance responsibilities for the preferred drainage option of soakaway of the drainage to the cut slopes in infiltration trenches at the base of the slope is submitted as a delegated matter.
- 6.9 Points were raised in the letter of representation pertaining to the Ecological Phase 1 and Protected Mammal Survey report submitted with the application. Alba Ecology who compiled the report has provided clarification in response to the points raised. They have advised that the amount of open arable/grassy field in the vicinity of the site render this as potentially suitable foraging habitat for red kites. Unless the Red Kite nesting site is very close to the development then disturbance of the nesting birds is not considered to be an issue. Away from the immediate nesting site, red kites are very tolerant of human activity and often associate with land management activities. The field mentioned in relation to badgers is located to the north of the site and is separated by a road. There is no evidence of badgers within or immediately adjacent to the site. Infrastructure Services (Environment) requested the submission of further details relating to the area which was covered in the Phase 1 and Protected Mammal Survey report. A drawing was submitted to illustrate the report area. Infrastructure Services (Environment) are satisfied with the information submitted and have no objection to the proposal.
- 6.10 Building on this allocated site would inevitably change the appearance of this area within the settlement boundary. As the site occupies an elevated position

it will extend the village north into the countryside albeit within the settlement boundary. Coupled with the proposed new primary school site to the south and the existing residential development in Sunnyside Drive, the degree of any adverse landscape or visual impact would be regarded as minimal.

- 6.11 The points raised in the letter of representation have been largely addressed above. A further point was made relating to the location of a private water supply and electricity supply of a nearby resident within the site. This is a civil matter and is not considered to be a material planning consideration. However it is noted that there are ongoing discussions between the resident and the developers in the hope that a suitable and amicable solution can be reached.
- 6.12 In conclusion the proposal is considered to comply with the terms of the Aberdeenshire Local Development Plan 2012. The proposal is acceptable in terms of layout, siting and design. The development will fit successfully within the site and respects the character of the surrounding area. The layout and density of the housing conforms to the existing residential development in Drumoak. The scale, massing, height and density of the housing is appropriate and reflects the character of the surrounding area and the design and scale of the properties within the village. The external materials proposed are in-keeping with the surrounding area and of a good quality. The development will integrate satisfactorily into the area and will not significantly reduce the amenity of neighbouring residents. The nature of the development does not erode the character or amenity of the area in terms of over or under development as is clearly demonstrated in the submitted design statement. The Planning Authority is satisfied that the proposal complies with Policy 8 Layout, siting and design of new development, SG LSD2: Layout, siting and design of new development and the other relevant policies of the Aberdeenshire Local Development Plan 2012.

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. Equalities and Financial Implications

- 8.1 Aberdeenshire Council is aware of its duties under the Equality Act 2010 and in particular the Public Sector Duty. An equality impact assessment is not required because the granting or refusing of the application will not have a detrimental impact on the protected characteristics of the applicant or any third parties.
- 8.2 There are no financial implications arising from this report.

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 Structure Plan Departures

None

10.2 Local Development Plan Departures

None

10.3 The application is not a Departure from the Local Plan or Structure Plan and no departure procedures apply.

10.4 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.

10.5 The application would not have to be referred to the Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

11. Recommendation

11.1 **That authority to GRANT Full Planning Permission be delegated to the Head of Planning and Building Standards subject to:-**

- a) **The applicant entering into a Section 75 Legal Agreement, or alternative agreement, with the Council as Planning Authority regarding the provision of affordable housing and planning obligations;**
- b) **The conclusion of the roads and access issues in relation to Plots 21-25 raised by Infrastructure Services (Roads Development) to their satisfaction and the inclusion of appropriate planning conditions;**
- c) **The submission of confirmation of landowner agreement and maintenance responsibilities for the preferred drainage option of soakaway of the drainage to the cut slopes in infiltration trenches at the base of the slope; and**
- d) **The following conditions:**

1. The development shall be phased in accordance with the approved drawing no. DK/101 Rev. 22 (Phased Site Layout Plan). For the avoidance of doubt, 15 dwellinghouses shall be built in the first phase (2007-2016) and 20 dwellinghouses shall be built in the second phase (2017-2023).

Reason: To ensure the timeous provision of different, inter-related parts of the development; to retain control over the development; and to comply with the New Housing Land allocations in the Aberdeenshire LDP 2012.

2. That no development in connection with the permission hereby approved shall take place unless details of all the materials to be used in the external finish for the proposed development have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: In the interests of the appearance of the development and the visual amenities of the area.

3. Prior to the development of the phase commencing which includes plots 7-13 (those nearest the proposed school) a Noise Assessment for plant noise potentially affecting the residential houses shall be submitted for the further written approval of the Planning Authority in consultation with Infrastructure Services (Environmental Health) in accordance with Planning Advice Note 1/2011: Planning and Noise (PAN1/2011). Any necessary noise attenuation measures shall be carried out in full accordance with the Noise Assessment and undertaken prior to the occupation of the dwellings.

Reason: In the interest of the amenity of the residents of the housing located closest to the proposed Drumoak Primary School.

4. Prior to the occupation of any dwellinghouse a Residential Travel Plan (RTP) shall be submitted for the further written approval of the Planning Authority in consultation with Infrastructure Services (Transportation).

Reason: In the interests of the amenity of future residents of the residential development.

5. That no development in connection with the permission hereby approved shall take place unless a finalised Energy Statement has been submitted to and approved in writing by the Planning Authority, including the following items:
 - (i) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development.
 - (ii) 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 the Council's Supplementary Guidance on Carbon Neutrality in New Developments. (In this case the development will achieve at least a Bronze Active rating under section 7 of the Building Standards Technical Handbook).

The development shall not be occupied unless it has been carried out in 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 the Council's Supplementary Planning Guidance - Carbon Neutrality in New Developments.

6. That the proposed foul and surface water drainage systems shall be carried out in accordance with the approved plans and no dwellinghouse shall be occupied unless its approved drainage system has been completed. Following provision of the drainage system it shall thereafter be maintained in accordance with the approved maintenance scheme.

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

7. All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season

immediately following the commencement of the development or such other date as may be agreed in writing with the Planning Authority. 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.

Reason: To ensure the implementation 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.

11.2 Reason for Decision

The proposal complies with the relevant policies of the Aberdeenshire Local Development Plan 2012, in particular Policy 8 Layout, siting and design of new development and the relevant supplementary guidance SG LSD2: Layout, siting and design of new development. The proposed development will integrate satisfactorily into the area and does not significantly reduce the amenity of nearby residential properties. The nature of the development does not erode the character or amenity of the area in terms of over or under development and the density of the proposed development is compatible with the existing settlement and the limitations of the site.

Stephen Archer
Director of Infrastructure Services
Author of Report: Frances McFarlane FM2/KM
12/04/2013

g) Reference No: KM/APP/2013/0196

Full Planning Permission for Erection of No. 35 Dwellinghouses and Associated Infrastructure at Land to North of Sunnyside Farm, Sunnyside Drive, Drumoak, Banchory

Applicant: Stewart Milne Homes, Osprey House, Mosscroft Avenue, Westhill Business Park, Westhill, Aberdeen

Agent: Stewart Milne Homes, Osprey House, Mosscroft Avenue, Westhill Business Park, Westhill, Aberdeen

The Area Planning Officer advised the Committee that this report related to a planning application for Major Development and therefore required to be determined by the Area Committee.

The Area Planning Officer advised the Committee that the application was for Full Planning Permission of 35 units on an allocated site in the Local Development Plan. The first phase, of the development was for 15 units up to 2016 and the second phase for 20 units up to 2023. Members were advised that an amended phasing plan had been submitted last week which essentially removed the affordable units until phase two.

Members were advised that the critical issue was phasing and that whilst the site was allocated in the Local Development Plan it was planned to be phased to provide growth in the Local Growth Areas and to be proportional to the existing settlement. Members were advised to note that the Strategic Development Plan Authority had agreed sites for early draw down but they were mainly larger sites in Strategic Growth Areas where infrastructure is required to deliver allocations. Drumoak is not one of these sites.

The applicants have challenged the phasing requirement but had also changed their proposed phasing plan which does not now include affordable housing element but includes the whole of the road in phase one. This road will also provide access to the school. There remain issues to be determined with regard to agreements on affordable housing in terms of timing and size of the units and this could affect the development layout.

Members were advised that in supporting the proposal today there would be a requirement under delegated matters to address the issue of affordable housing, layout and phasing and there would be a need to address this as an amendment to the delegated matters set out in the report. If Members wished to support the applicants proposal for no phasing then the application would need to be referred to ISC.

The Committee after discussion **agreed** to Refer the application for Full Planning Permission for the Erection of 35 Dwellinghouses, and Associated Infrastructure, at Land to North of Sunnyside Farm, Sunnyside Drive, Drumoak, Banchory to the Infrastructure Services Committee with a positive recommendation that authority to grant Full Planning Permission be delegated to the Head of Planning and Building Standards subject to:-

1. Amended delegated matters to include the need to address issues for the provision of appropriate mix and size of affordable housing and/or contributions, and thereafter any changes to layout that this may result in, in advance of instructing the s75,
2. The applicant entering into a Section 75 Legal Agreement, or alternative agreement, with the Council as Planning Authority regarding the provision of affordable housing and planning obligations;

3. The conclusion of the roads and access issues in relation to Plots 21-25 raised by Infrastructure Services (Roads Development) to their satisfaction and the inclusion of appropriate planning conditions;
4. The submission of confirmation of landowner agreement and maintenance responsibilities for the preferred drainage option of soakaway of the drainage to the cut slopes in infiltration trenches at the base of the slope; and
5. Appropriate planning conditions, with the exclusion of a condition relating to phasing for the development.

The reasons given for moving against officer recommendation, in relation to phasing, were as follows:

1. A phased approach to development would impact negatively on the safety of school children and the amenity, in the new school development, regarding traffic movements and noise pollution, and
2. Affordable housing requirement would be in the second phase and may happen sooner if the phasing is reviewed.