

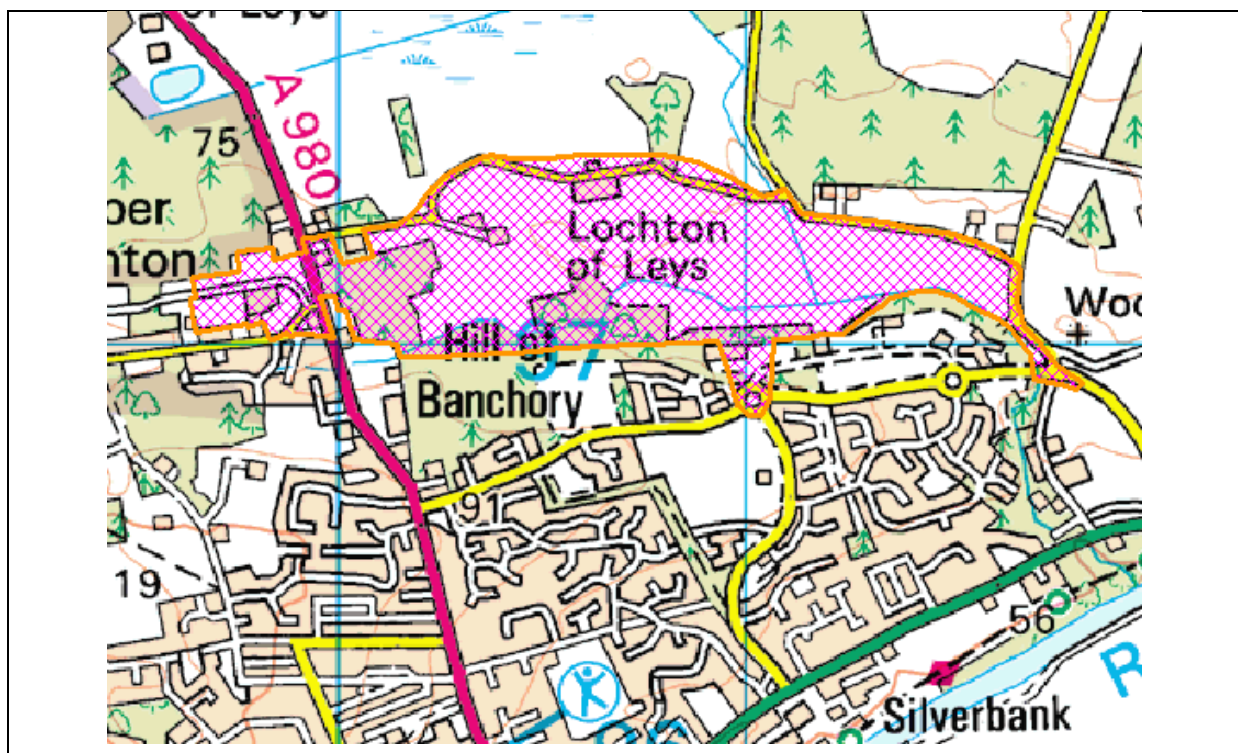
Marr Area Committee Report 5 May 2015

Reference No: APP/2014/1973

Planning Permission in Principle for Mixed Use Development (Comprising of 390 Dwellinghouses and Commercial and Business Development) at Land to North of Hill of Banchory, Upper Lochton, Banchory

Applicant: North Banchory Company, Per Agent
Agent: Archial Norr, 3 Bon Accord Crescent, Aberdeen, AB11 6XH

Grid Ref: E:371129 N:797204
Ward No. and Name: W16 - Banchory and Mid-Deeside
Application Type: Planning Permission in Principle - Major
Representations: 7
Consultations: 15
Relevant Proposals: Aberdeenshire Local Development Plan
Map
Designations: Banchory Settlement, H2 and M2
Complies with: No
Development Plans:
Main Recommendation: Delegated Grant



NOT TO SCALE

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1. Reason for Report

- 1.1 The application is being referred to Marr Area Committee because the application is for a Major Development to which there have been valid objects from more than five separate households, and is a departure from a policy within the Local Development Plan.

2. Background and Proposal

- 2.1 This application seeks planning permission in principle for a mixed use development comprising of 390 dwellinghouses and commercial and business development at land to the north of Hill of Banchory, Upper Lochton, Banchory.
- 2.2 Located immediately to the north of Banchory, in the Upper Lochton Estate, the site covers an area of 78.4ha stretching from Raemoir Road (west) to the Hirn Road (east). The site also includes an area of land to the west of Raemoir Road. The majority of the site is relatively flat, sloping only ever so slightly southwards in places, notably within the eastern part of the site.
- 2.3 Within the middle of the site lies part of the Loch of Leys Local Nature Conservation Site (LNCS) which is protected for its plant succession and its interesting marsh and swamp vegetation. Two dwellinghouses (Crannog Cottage and Lochton of Leys) sit immediately outside this area. Mature woodland occupies the western part of the site, continuing eastwards from Raemoir Road before significantly reducing in size and following a course along the site's southern boundary. In addition, two watercourses, including the Burn of Bennie, and two culverted watercourses flow through the eastern part of the site, making this part of the site lie within the SEPA indicative 1 in 200 year flood risk area. Both watercourses flow from north to south before joining an eastern course which runs along the southern edge of the site.
- 2.4 The site is allocated within the Aberdeenshire Local Development Plan (LDP) (2012) under two separate sites M2 and H2. Site M2 is for a mixed use proposal of up to 345 houses in two phases, with 135 houses in the first phase, and 2ha of business land. Site M2 is split over two separate sites, one on either side of the Loch of Leys Nature Conservation Site. Site H2 is allocated for 50 houses in the second phase of the plan. Site H2 is located to the west of Raemoir Road, adjacent to the existing Upper Lochton housing.
- 2.5 In terms of infrastructure, the LDP identifies that the development will need to contribute to the upgrading of water and waste water infrastructure, a new medical centre, sports centre and education provision. Regarding the road network, a new distributor road between the A980 (Raemoir Road) and the A93 will require to be formed.
- 2.6 Permission in principle is sought for the erection of 390 dwellinghouses and commercial and business development. A considerable amount of detail supports the application. The submitted information shows the full extent of the allocated site being developed, including the required road infrastructure. The application site takes in the sites allocated within the LDP. Development will be split into two phases. Indicative layouts show Phase 1 to occupy the eastern part of the site, whilst phase 2 will occupy the western part of the site,

including the area of land on the other side of Raemoir Road, adjacent to existing Upper Lochton housing. Business land will be located to the eastern part of the site (Phase 1c), beyond the houses and to the north of existing commercial buildings.

- 2.7 A new distributor road will be formed to the north of the site, taking access off of Raemoir Road via a purpose built roundabout. The distributor road will develop the existing local road (U49K) between Raemoir Road and the Hirn Road (U43K), straightening out bends where appropriate. Appropriate accesses into the site will be taken off of this distributor road as well as an access into the site taken from the existing Burn of Bennie Road. The Transport Assessment and approved masterplan identify the envisaged phasing of works for the distributor road, and other road improvements with relatively minor works taking place for the early stages of development.
- 2.8 In terms of infrastructure, the development intends to connect to the public mains for both water supply and foul water. Throughout the site there will be numerous sustainable urban drainage systems to deal with surface water runoff. Indicative layouts show one to be located in each phase, apart from in Phase 2c.
- 2.9 All houses will be connected to the existing Biomass District Heating System located to the south of the site, within the Hill of Banchory Business Centre.
- 2.10 Prior to the submission of this application, significant public consultation took place on 22nd and 23 November 2012 in Banchory. The event was attended by approximately 100 people. Following the exhibition, the outcomes were presented to the Banchory Community Council on 10th December 2012. On 7th February 2013, North Banchory Company attended a masterplan meeting with Aberdeenshire Council, where feedback from the statutory consultees and the Planning Service was taken on board. The input from these events informed the detail that was submitted to the Planning Service.
- 2.11 The following supporting documents were included in the initial submission:
- Transport Assessment
 - Flood Risk Assessment
 - Drainage Report
 - Pre-application Consultation Report
 - Ecological Appraisal
- 2.12 Following consultation and full inspection of the initial submission, further information was required from a range of consultees. Amendments, updates and new information was submitted following discussion with the Planning Service and consultees. The following documents were subsequently submitted:
- Revised Flood Risk Assessment
 - Revised Drainage Report
 - Red Squirrel Survey
 - Core Path and Non-motorised Access Delivery Plan
 - Design and Access Statement

- Raemoir Road Time Analysis

2.13 A full planning application (APP/2014/3708) is also currently being determined by the Planning Service for Phase 1A for the erection of 56 No. dwellinghouses, associated infrastructure, landscaping and sustainable urban drainage systems. A masterplan has been agreed for the delivery of the allocated sites, largely prepared in tandem with the consideration of this application, therefore the content of this proposal mimics that of the masterplan.

3. Representations

3.1 A total of 7 valid representations (0 support/7 objection) have been received as defined in the Scheme of Delegation. This does not include multiple representations from the same household which equate to 7 letters in total. All issues raised have been considered. The letters raise the following material issues:

- Impact on Local Nature Conservation Site
- Impact on local health care
- Type of business units proposed
- Tree loss
- Flooding
- Road Safety Concerns, particularly at Upper Lochton road junction
- Biodiversity impacts
- Impact on red squirrels
- Impact on pedestrian safety on North Hill of Banchory West
- Noise impacts from new distributor road
- Road congestion
- Properties to be in keeping with existing houses at Hill of Banchory
- Concern regarding safe routes to school

4. Consultations

Internal

4.1 **Corporate Services (Developer Obligations)** request contributions towards affordable housing, education, community facilities and healthcare. A detailed assessment report has been forwarded to the applicant/agent for consideration with the applicant subsequently agreeing heads of terms.

4.2 **Education, Learning and Leisure (Education)** – state that the schools within the area are running to capacity and some rezoning work will need to be carried out on the primary schools in order to accommodate new development. Banchory Academy is already over capacity and so in order to relieve some of the pressure developer contributions will be sought for the number of children that the Loch of Leys development is projected to add to the academy school roll.

4.3 **Housing and Social Work (Housing)** look to secure 25% affordable housing on site, equating to 97 units and a commuted sum. The affordable housing should consist of 35x1 bedroom units, 26x2 bedroom units, 32x3 bedroom units and 4x4 bedroom units in the form of flats and houses. The delivery

should be a mix of social rent properties to be delivered by Aberdeenshire Council or an RSL, and properties for Low Cost Home Ownership (LCHO) and mid-market rent.

- 4.4 **Infrastructure Services (Contaminated Land)** have no objections, stating that risks associated with potential contamination are considered to be low and no additional works are required unless contamination is discovered during development works. A formal note will be added to the decision notice advising the applicant of what to do should contamination be found during development works.
- 4.5 **Infrastructure Services (Environmental Health)** have no adverse comments.
- 4.6 **Infrastructure Services (Environment Team)** initially objected due to lack of a woodland survey and the potential impact on red squirrels due to tree loss. Further information was required regarding the protection of the Local Nature Conservation Site and how the proposed footpath network will be provided. In light of further information being submitted, the objection was withdrawn, subject to conditions relating to the request for a woodland survey, pre-construction checks for protected species, details of the long term management of the Local Nature Conservation Site and phasing and details of proposed footpath network.
- 4.7 **Infrastructure Services (Flood Prevention Unit)** initially objected and requested further information in relation to SUDS, drainage systems and the design of culverts. Once the relevant information was submitted the objection was removed subject to conditions relating to drainage network calculations and detailed design and capacity calculations of all diverted/altered watercourses, proposed bridges and culverts.
- 4.8 **Infrastructure Services (Policy)** have yet to respond so it is assumed that they have no objections.
- 4.9 **Infrastructure Services (Roads Development)** have no objections subject to conditions relating to the submission of a Street Engineering Review, Stage 2 Quality Audit and Roads SUDS details as part of future MSC applications for each phase. In addition, conditions relating to phasing of the distributor road, ensuring that all phases are provided with a suitable level of access, parking and turning prior to occupation of the first house, and that all phases are completed to an adoptable standard within 6 months of the construction of the penultimate house are required.
- 4.10 **Infrastructure Services (Transportation)** – initially objected due to lack of an approved Masterplan. This objection was subsequently withdrawn once the Masterplan was approved and more information was submitted on the phasing of the distributor road and safe routes to schools. Overall, no objections subject to conditions relating to phasing of distributor road and associated roundabout, formation of appropriate pedestrian crossings within surrounding area, and submission of travel plans for housing and employment land.

- 4.11 **Infrastructure Services (Waste Management)** have yet to respond so it is assumed that they have no objections.

External

- 4.12 **Forestry Commission** – have no objections provided that further details are submitted through condition with regards to the proposed compensatory planting. Details should include the preparation and implementation of a planting plan.
- 4.13 **Scottish Natural Heritage** – have no objections provided that works should be progressed with appropriate mitigation, in accordance with a construction method statement. An appropriate assessment is not required if the development is undertaken strictly in accordance with a construction method statement. This should be conditioned.
- 4.14 **Scottish Water** has yet to respond so it is assumed that they have no objections.
- 4.15 **SEPA** initially objected to the application and requested further information in relation to flood risk and SUDS. Once this information was submitted the objection was withdrawn subject to conditions relating to finished floor levels, capacity of culverts and proposed bridges, groundwater abstractions and surface water drainage.

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 2012

Banchory Settlement Statement:

The site of the proposed works is allocated within the Banchory settlement statement under allocations M2 and H2 which allocate the site for a mixed use development comprising of 395 dwellinghouses, and 2ha of business land.

Policy 1: Business Development
SG Bus 1: Development of Business Land

Policy 2: Town Centres and Retailing
SG Retail 1: Town Centres and Retailing

Policy 5: Housing Land Supply
SG Housing 1: Housing Land Allocations 2007 to 2016
SG Housing 2: Housing Land Allocations 2017 to 2023 and Early Draw Down

Policy 6: Affordable Housing
SG Affordable Housing 1: Affordable Housing

Policy 8: Layout, siting and design of new development
SG LSD1: Masterplanning
SG LSD2: Layout, siting and design of new development
SG LSD5: Public Open Space
SG LSD6: Public Access
SG LSD7: Community Facilities
SG LSD8: Flooding and Erosion
SG LSD10: Contaminated Land
SG LSD11: Carbon Neutrality in New Development

Policy 9: Developer Contributions
SG Developer Contributions 1: Developer Contributions
SG Developer Contributions 2: Access to New Development
SG Developer Contributions 3: Water and Waste Water Drainage Infrastructure
SG Developer Contributions 4: Waste Management Requirements for New Development

Policy 11: Natural Heritage
SG Natural Environment 1: Protection of Nature Conservation Sites
SG Natural Environment 2: Protection of the Wider Biodiversity and Geodiversity

Policy 12: Landscape Conservation
SG Landscape 1: Landscape Character

Policy 14: Safeguarding of Resources and Areas of Search
SG Safeguarding 1: Protection and Conservation of the Water Environment
SG Safeguarding 3: Protection and Conservation of Trees and Woodland
SG Safeguarding 4: Safeguarding Transportation Facilities

5.4 Other Material Considerations

5.4.1 Hill of Banchory Masterplan was approved by the Marr Area Committee on 10th March 2015. The Masterplan identifies the whole site, and provides an indicative layout, including phasing of the site. Supporting information to the masterplan includes a flood risk assessment, transport assessment, landscape capacity study, drainage assessment and ecological survey.

5.4.2 Aberdeenshire Council Planning Advice Notes

7/2012 Masterplanning
11/2012 Nature Conservation Sites
2/2015 The River Dee Special Area of Conservation
3/2015 Development affecting Natura Sites
4/2015 Biodiversity and Development
6/2015 Baseline Ecological Survey
9/2015 Buffer Strips
11/2015 Trees and Development

6. Discussion

6.1 This application seeks planning permission in principle for the erection of 390 dwellinghouses and commercial and business development on land to the north of Hill of Banchory, Banchory.

6.2 Planning legislation requires that planning decisions are made in accordance with the Development Plan unless material considerations indicate otherwise. In this case the main planning issues to be considered are the principle of the development and the environmental impact the development would have on the site and the surrounding area.

6.3 The relevant planning policies this proposal is appraised against are listed in section 5 above. Local Development Plan (LDP) policy 8 sets out key criteria for developments to ensure they are well sited and designed with any impacts on community/local amenities mitigated. Policies 11, 12 and 14 seek to ensure there is no adverse impact on the landscape and the natural environment. Policy 9 seeks to ensure that new access routes are designed accordingly with minimum impact on the environment and ensures that the development can be satisfactorily serviced in terms of water and waste water, as well as mitigating against any impacts through an appropriate developer contribution. In terms of land use allocations, the site is allocated for a total of 395 dwellinghouses and 2ha of employment land over two sites; M2 and H2.

Principle of Development

- 6.4 The aim of national policy is to facilitate new housing developments in areas where there is continuing pressure for growth whilst safeguarding the environment and existing communities. At a strategic level it is the aim of Aberdeen and Aberdeenshire to grow its urban areas and diversify the economy in a sustainable way.
- 6.5 The Local Development Plan takes on board these national and strategic aspirations by allocating land for future housing and employment development within Banchory. This site has been allocated for a total of 395 houses and 2ha of employment land (sites M2 and H2) to be developed over two phases. As such, the principle of developing this site for housing and employment use has been established and policies 1 and 5 have been complied with.
- 6.6 In order to ensure that development is carried out in accordance with the phasing detailed within the local plan, a condition requesting a phasing plan will be attached to the decision notice.
- 6.7 Although the application is acceptable in principle, compliance with all policies within the LDP, and indeed the criteria set out in the settlement statement, is required. The key considerations, beyond the principle of development, relate to the impact on the road network; layout, siting and design; education requirement; public amenities such as health care; public transport; open space; flood risk and drainage provision; the development of retail/commercial facilities and the impact on the natural environment and protected species.

Retail/Commercial Development

- 6.8 Indicative layouts show the location of a small supermarket within Phase 2b. The proposed supermarket is not of a significant size, therefore is accepted by the Planning Service to serve the local need, thus not impacting upon existing facilities in Banchory, including Tesco, Morrisons and the High Street Cooperative. As the retail unit is considered to serve the local need a sequential approach to the site selection is not required, as detailed within SG Retail 1: town centres and retailing. The final detailed design of the unit would come forward at a later stage, and any further assessment would be carried out then.
- 6.9 Two hectares of employment land are proposed, as specified in the allocation, shown to be located within the far eastern part of the site (Phase 2c). The location of the employment land here away from the houses is favoured, given that desired uses can potentially be noisy and conflict with residential use. It is not known at this stage what types of businesses will accommodate the employment land. This will be market and demand driven.
- 6.10 The actual size and layout of the retail unit and commercial units within the employment land is unknown at this stage. Full details of these, including the types of businesses envisaged to accommodate the commercial units will be submitted under future Matters Specified in Conditions (MSC) planning applications. From the information submitted, however, the Planning Service is satisfied that the proposal complies with Policy 1 and Policy 2 and the associated supplementary guidance.

- 6.11 Whilst the development site plan is indicative, the Planning Service commends the approach taken to retail and commercial uses, and feels this is an appropriate way to deliver a mixed use development.

Layout, Siting and Design

- 6.12 The details in this planning permission in principle application are indicative, however they have been worked on to a considerable level to provide a clear indication of the intention of development. Furthermore, the agreed Masterplan for this site includes detailed site plans, which allow for the consideration of general layout, siting and design principles.
- 6.13 The full site plan shows the network of open space and green corridors throughout the site, as well as where houses and commercial buildings shall be located. The agreed Masterplan sets out the infrastructure requirements of the development, as well as the broad indication of the phasing for these.
- 6.14 Connectivity throughout the site and through to the wider area is well demonstrated with main transport routes running through each neighbourhood, coupled with green corridors and footpath networks providing a sustainable alternative to the car. Although the layout is only indicative at this stage it is clear that the principles of Designing Streets have been adopted, with the use of civic squares acting as traffic calming barriers as well as on-street parking bays and laybys.
- 6.15 Each phase of the development will have pedestrian access to the wider Hill of Banchory area through existing core paths, namely to the south of the site which run between the A93 and the A980, linking the Deeside Way to paths in the north-west of the town and beyond. Most of these paths are in good condition, but where sections are less accessible or where new sections are required, these will be developed to a suitable standard, allowing for safe routes to schools. The retention and improvement of existing core paths allows the proposal to comply with LSD6: public access and Safeguarding 4: safeguarding transportation facilities.
- 6.16 The proposed works to the core path network will take place periodically through the development of each phase, as detailed in the Core Paths and Non-Motorised Access Delivery Plan. Crossings over the watercourses in Phases 1a and 1b will be created, linking the developments appropriately into the core path network. In order to allow for safe access to schools, pedestrian crossings will be put in place on Raemoir Road and on Hill of Banchory East and West, thus satisfying concerns raised through objections. Infrastructure Services (Transportation) and Infrastructure Services (Environment) are satisfied with the proposals subject to conditions regarding the phasing of the path network works and the formation of the proposed pedestrian crossings. Full details of the works to the path network, including siting and design will require to be submitted with each relevant phase of the development.
- 6.17 As this application is for permission in principle no design for housing, retail units or business units have been submitted. The detail of these will come through each MSC application. It is worth noting however that there is commitment within the Masterplan, through a design code, and in the design and access statement, for high quality design, that respects the character of

the surrounding area, using quality construction materials. The design code specifies the use of dark tiles or slate for the roof, granite masonry or high quality synthetic stonework, traditional wet render or granite chip roughcast, white windows and doors (although no material has been specified). There is also a detailed application pending for phase 1A, which details the finishing materials for those houses as being at the lower spectrum of what has been offered through the Masterplan, but negotiation is ongoing to seek improvements. All that can be asked for at PPP stage, and indeed in the Masterplan, is a commitment to deliver the best possible design. Only at the final design stage can full control be exerted, either through negotiation or conditions. For the purposes of this application, the general layout, design and detail of the application is acceptable.

- 6.18 On the whole the Planning Service acknowledge the level of detail that is shown for the planning in principle application, and are satisfied that this application complies with Policy 8 and LSD1 and LSD2.

Carbon Neutrality

- 6.19 All dwellinghouses and business units within the development will be connected to the existing Biomass District Heating System located at Hill of Banchory, allowing properties to gain hot water in a sustainable way. In addition, houses will be orientated southwards giving owners the opportunity to install solar panels on roofs if they so desire. Although the connection to the district heating system is welcomed a condition will nonetheless be attached to the decision notice to obtain information relating to the energy efficiency of the proposed dwellings and commercial units to ensure that the development is compliant with SG LSD11: carbon neutrality in new development. There is a level of what is reasonable to ask for from a development, and in this instance by meeting the current building standards requirements and providing a connection to the District Heating System they would achieve the standard required by current policy. Solar panels on south facing elevations would have some benefits, but would also detract from the visual appeal of the street scene at the same time. Due to the existence of the District Heating System, the site is already ahead of most new developments from a sustainable point of view, and it is easier for the developer to meet targets.

Landscape Impacts

- 6.20 Whilst the site is allocated in the LDP, consideration must still be had to the relevant Landscape Character Area and the impacts on this through layout and design. The site lies within the Deeside Landscape Character Area, a diverse character type where rivers have the most crucial influence on the landscape character. The River Dee bisects the lower half of the character area which is associated with a rich vein of estates, woodlands and attractive small towns. The landscape in Mid Deeside assumes a more highland character with steep wooded sides rising to moorland. Deeside is a landscape of rich colours and shadows, where contained views are drawn to details of woodland, water and architecture and occasional distant glimpses of moorland ridges.

6.21 Being an allocated site in the LDP, there is an acceptance of the landscape impact that developing to this scale will have on the existing features of the area. Key features in the landscape area that can be incorporated into a development of this scale are plantations of native species, the use of appropriate materials and ensuring that boundary treatments are traditional and appropriate to the area. The Planning Service is satisfied that whilst the development will clearly have an impact on the landscape, the allocation of the site within the LDP shows an acceptance of this impact. Apart from the minor diversion of watercourses (discussed later in the report) the site does not propose any significant change in landform, and there is no major cutting or infilling of existing site levels. The proposed development is very much designed around existing features of the landscape; therefore it is respectful of the existing character and natural, undulating features of the area. Furthermore, the introduction of native species, appropriate boundary treatments and appropriate finishes to all buildings, will help to integrate the development into the landscape, and form a highly attractive physical environment. The Planning Service is satisfied that the allocation of the site in the LDP accepts that there will be a landscape impact, and that through a high quality layout and design, the proposal will have minimal impact on the landscape character, and therefore complies with Policy 12 and SG Landscape 1: Landscape character.

Open Space

6.22 Throughout the indicative layout there are green corridors and areas of open space shown. Whilst this detail is indicative at this stage, conditions shall be in place to ensure full details of all open spaces and routes are provided. Formal open spaces are present in each phase, in the form of civic squares, with larger green spaces included in Phases 1a, 1b and 2c. The Planning Service is satisfied with the indicative details at this stage and is confident that through the submission of final details at MSC stage, the full development will comply with Policy 8 and LSD5: public open space.

Trees

6.23 Site M2, bordering Raemoir Road, is occupied by a substantial area of woodland. The ecological appraisal details that the wood comprises a central block of densely planted Norway Spruce with a surrounding fringe of Scots Pine. It also notes that the east of the wood is host to a few older pines. Other than this broad description, it is not known where exactly in the wood each of these tree species are found.

6.24 Concern has been expressed from the Planning Service, Infrastructure Services (Environment) and from the public through representations regarding the total loss of trees within this area. Being an allocated site in the LDP, there is an acceptance of tree loss within this area, however there is still a requirement under Policy 13 and SG Safeguarding 3: Protection and Conservation of Trees and Woodland to protect and retain as many trees as possible.

6.25 In order to ensure compliance with these policies, Infrastructure Services (Environment) have requested that a condition be attached requesting a full woodland survey is carried out and submitted with the MSC application for

Phase 2b, highlighting which trees are of importance and can be retained. The Council's Environment Team are particularly concerned about the loss of ancient Pines within this area, and the submission of a detailed woodland survey will not only help the proposal to comply with council policy, but will help to inform the final layout of Phase 2b. It is envisaged that from the survey, more trees will be retained, benefiting biodiversity, red squirrel habitats and allowing the development to integrate with its largely countryside surroundings. The survey will fall in line with the phasing strategy for the site, and may result in changes to the indicative layout for phase 2b depending on its results. There is little benefit in surveying the site just now, particularly in regard to potential protected species, therefore it is wholly appropriate to delay the full detailed site/woodland investigation until such time as development is to come forward on that part of the site.

Biodiversity (LNCS and protected species)

- 6.26 An ecological appraisal (May 2013) and red squirrel survey (November 2014) support the application. The squirrel survey identifies the location of 7 potential drey locations within the western part of the site, in area prescribed as phase 2b. As layouts and the extent of tree loss are indicative at this stage, the full impact on red squirrels cannot be known. Full consideration will however be given to the impact of the development on the red squirrel population under the MSC application for Phase 2b. A condition will be attached to ensure that a complete red squirrel survey is undertaken and submitted with any future application concerning Phase 2b.
- 6.27 The ecological report concludes that no protected species were found to be living on the site, however bats were found to be feeding in the surrounding area. No water voles or otters were found along the burns and similarly no badgers were identified. Although no protected species were found within the site, there is still jurisdiction to ensure that these species are protected during development. When development commences, significant time will have passed since the ecological appraisal was undertaken, therefore it is vital that further detailed survey work is carried out before development commences in each phase to ensure that no protected species have taken up residence within the site during this time. A condition will be attached to cover this requirement.
- 6.28 The site borders the Loch of Leys Local Nature Conservation Area (LNCS) which is protected for its plant succession and its interesting marsh and swamp vegetation. It is vital that this area of natural importance is protected. There is commitment in the Masterplan to protect this area through the steady discharge of surface water into it to retain its wetland attributes and through the formation of a management plan. In order to ensure the protection of this area, a condition will be attached requesting a management plan prior to the commencement of development.
- 6.29 The Masterplan also details that appropriate boundary treatments will be formed along the common boundary of the site and LNCS to ensure that residents respect this area and do not dump rubbish over into it. Within property title deeds, a clause will exist, ensuring that the boundary treatments bordering the LNCS are not removed/altered in any way without approval from the applicant. Future applications will ensure that proposed boundary

treatments along the LNCS are acceptable both in terms of scale and design to protect the LNCS and respect the character of the area. In order to ensure that boundary treatments here continue to be acceptable in planning terms, permitted development rights relating to fencing and boundary treatments will be removed.

- 6.30 The two open watercourses and two culverted watercourses located in the eastern part of the site are tributaries of the River Dee which is a Special Area of Conservation (SAC) protected for its otters, salmon and freshwater pearl mussels. SNH are content that the application will not have an adverse impact on this SAC, provided that construction works are undertaken in line with an appropriate construction method statement, the submission of which will be controlled by a condition.
- 6.31 The Planning Service is satisfied the proposal will comply with policy 11 and its associated supplementary guidance through compliance with the aforementioned conditions.

Roads/Access

- 6.32 The Transport Assessment has been assessed by the Council's Transportation Team and Roads Development Team. An additional document titled "Raemoir Road Time Analysis" was required to allow the traffic impacts to be assessed in full. The transport assessment details that the existing road network, in conjunction with proposed infrastructure improvements of a distributor road and purpose built roundabout, can satisfactorily accommodate the associated increase in traffic without undue congestion or adverse impacts on road safety. Although this is the case, a key element to reducing the impact on the road network is to avoid reliance on the private car, and promote public transport provision. Public transport provision shall be discussed below.
- 6.33 A distributor road will be formed to the north of the site, in compliance with the settlement statement requirements. This link road will run from Raemoir Road to the Hirn Road (U43K), developing the existing road (U49K) to the north of the site, straightening it out where appropriate. A roundabout will also be formed on Raemoir Road providing access onto the distributor road and the Upper Lochton Road. Access along the U49K to the Cow Shed, will continue until the MSC submission for Phase 2a when the future of this road will be discussed in detail.
- 6.34 Numerous accesses will allow entrance into the development, the phasing of which is detailed in the approved Masterplan. Phase 1a will initially be serviced by the Burn of Bennie Road until the eastern part of distributor road is formed as part of Phase 1b and 1c. Phase 2c will be serviced by an upgraded Upper Lochton Road, Phase 2a by the existing U49K in the short term until the distributor road is formed and 2b by the new distributor road. A condition will be attached ensuring that this prescribed phasing is adhered to. The Planning Service and the Council's Transportation team have come to the agreement that the distributor road shall be formed in full and be operational before the occupation of either the 46th house of Phase 2a and 2b or the occupation of the 65th house of the overall Phase 2 development. A condition will be attached to ensure this.

- 6.35 In light of the above, and the submitted Transport Assessment, Infrastructure Services (Roads Development) and Infrastructure Services (Transportation) have no objections to the application subject to certain conditions relating to the phasing of the distributor road, submission of travel plans for both residential and commercial developments and the submission of a Quality Audit, Street Engineering Review and Roads SUDS as part of each phase of the development. As such, the Planning Service is satisfied that the proposal complies with Policy 9 and SG Developer Contributions 2: Access to New Development.

Public Transport

- 6.36 The development will be serviced by a bus service along the distributor road. Until such time as this road is completed, reliance will be on existing bus routes along Hill of Banchory East/West which Infrastructure Services (Transportation) have no objections to. Specific details of the public transport strategy have not yet been agreed, therefore a condition will be put in place to ensure full details, including phasing, are submitted for further written acceptance. Through compliance with this condition, the proposal will comply with Policy 8 and SGLSD6.

Flood Risk and Drainage Provision

- 6.37 The eastern part of the M2 site is host to two open watercourses (Burn of Bennie and East 1) and 2 culverted watercourses (East 2 and East 3) and is located within SEPA's indicative 1 in 200 year flood event. In order to accommodate the development East 1 will be re-routed to the east, to run between the housing and the employment land. The new designed watercourse identified as East 2 will take in the existing East 2 culverted watercourse which will be opened up. In order to allow this re-routing, the northern part of East 1 will also require re-routing. As these works to the north will take place out with the red line site a separate planning application will be required.
- 6.38 Moreover, works to East 3 will involve its re-alignment and its opening up into a day-lighted watercourse. Only two culverts will now exist, in East 2 and East 3 where the watercourse runs underneath the public road. In addition, the south part of the Burn of Bennie, will be modified into a 2 stage channel. The Flood Risk Assessment (FRA) shows the aforementioned remodelling work.
- 6.39 Both SEPA and the Council's Flood Prevention Unit initially objected to the proposals on flood risk grounds, requesting further information. SEPA also objected on Sustainable Urban Drainage Systems (SUDS). Following the submission of a revised FRA the objections were withdrawn with regards to flood risk subject to conditions relating to the design of diverted/alterd watercourses, culverts and bridges and details of the maintenance of all diverted/alterd watercourses, buffer strips and groundwater abstractions. Furthermore, a phase 1 survey and a construction environmental management plan will also be required prior to the commencement of development. In light of the above, the proposal is considered to comply with

LSD8: flooding and erosion and SG Safeguarding 1: Protection and Conservation of the Water Environment.

- 6.40 The whole development will be serviced by the public mains for both water supply and foul drainage. Although Scottish Water have yet to respond, attention is drawn to the Masterplan which states that Scottish Water note that there may be a necessity for local mains reinforcement. As they have not responded to this application it is assumed that they have no objections to the development, however direct consent from Scottish Water is required by the developer to connect to their infrastructure.
- 6.41 Numerous SUDS will be formed throughout the development, tackling surface water on site. SEPA and the Council's Flood Prevention Unit are satisfied with the drainage proposals and therefore the application is considered to comply with Policy 9 and SG Developer Contributions 3.

Contaminated Land

- 6.42 Infrastructure Services (Contaminated Land) are satisfied with the development stating that risks associated with potential contamination are considered to be low and no additional works are required unless contamination is discovered during development works. In order to alert the developer of the processes to follow should contamination be found during development works an information will be added to the decision notice. Based on the above the application is considered to comply with LSD10: contaminated land.

Education

- 6.43 Pupils from this development are currently zoned to Hill of Banchory Primary School for site M2 and Banchory Primary School for site H2. Whilst Banchory Primary School will be able to accommodate this development, Hill of Banchory will not. In order to successfully accommodate the development a re-zoning exercise is planned to accommodate pupils between the two primary schools, however, this will be required to go through the statutory consultation process which is currently underway. Should the rezoning be implemented, this would equate to capacity being made available between the two schools resulting in no contributions being required. If however the proposed rezoning is not implemented, contributions for education will be sought from the developer, the details of which will be included in the S75 agreement.
- 6.44 Notably, the Planning Service is satisfied that safe routes to school can be provided either way i.e. if the re-zoning is or is not implemented, and pupils will be able to walk to either primary school and the academy.
- 6.45 Banchory Academy is currently over capacity, with this development taking it further over capacity. In order to successfully accommodate the development, the applicant will be required to contribute to an extension for the school. The contribution of which will be included in the S75 legal agreement. The site is allocated within the LDP, Education had the opportunity to comment on the capacity issues during the plan process, and the allocated site is accounted for in school roll forecasts.

- 6.46 Based on the above, the Planning Service is satisfied that the contributions/re-zoning will help to deliver an appropriate level of schooling for the development.

Community Facilities

- 6.47 The LDP settlement statement requires contributions to be made to community facilities, including a medical centre and sports centre. Representations have expressed concerns relating to the impact on existing health care facilities in the surrounding area. In order to deal with this associated impact, contributions will be sought from the developer through the S75 legal agreement for the formation of a new medical centre within the town, and a site has been identified in the emerging 2016 LDP for a medical centre in Banchory. In terms of the sports centre, a requirement to set aside land for one year within the Hill of Banchory for the development of the sports centre will be written into the S75 agreement. The Planning Service is satisfied that the contributions sought are appropriate for this size of development and that the proposal complies with LSD7: community facilities.

Affordable Housing

- 6.48 In terms of affordable housing, this shall be written into the S75 legal agreement to ensure the appropriate mix and type of affordable housing is provided. The Council's Housing Service initially set out their required mix and type of houses in line with council policy which seeks a 40% contribution for Banchory. However the level of affordable housing was subsequently re-calculated on the basis of 25% in line with Scottish Planning Policy (2014). Based on the above, the Housing Service seek to secure 97 units and a commuted sum for the balance. The affordable housing should consist of 35x1 bedroom units, 26x2 bedroom units, 32x3 bedroom units and 4x4 bedroom units in the form of flats and houses. The delivery should be a mix of social rent properties to be delivered by Aberdeenshire Council or an RSL, and properties for Low Cost Home Ownership and mid-market rent. The Planning Service is satisfied that the level of affordable housing meets the requirements of SPP, which does differ to those specified in policy 6 and its supplementary guidance. However, SPP has superseded the stated amounts in the LDP, and this provides the reason to support the 25% affordable housing level as a departure from the LDP.

Developer Contributions

- 6.49 The LDP settlement statement outlines several contributions required by this development, ranging from education and community facilities, to affordable housing provision, which have been discussed above. The applicant accepts these contributions and heads of terms have been agreed. The Planning Service is satisfied that the agreed package on developer contributions shall offset any impacts of the development on existing facilities within Banchory, and ensure that the area benefits fully from the required facilities, thus complying with Policy 9 and SG Developer Contributions 1.

Representations

- 6.50 In relation to letters of objection, most of the concerns have already been addressed in the above report, however for those which have not, they will now be addressed. Concern was made to the potential noise impacts associated with the formation of the distributor road. In order to control noise impacts during construction a condition will be attached limiting construction works to between 07:00 to 19:00 hours Monday to Friday; 07:00 to 12:00 hours on Saturday, with no working on Sundays. Although this will in no way prevent noise from occurring it will control construction times to within appropriate hours, especially at the weekend. It is envisaged that once constructed, this road will be used to link the A93 with the A980, providing access to Torphins without having to go through the centre of Banchory. Based on this, the road once complete and operational is likely to cause increased noise levels compared to the existing U49K does at present due to high traffic flow, but the minor additional impact on this road would be offset by a reduction in traffic through the town, which will have a net benefit there in terms of noise and air quality.

Conclusion

- 6.51 The proposal has been subject to very detailed analysis and discussion involving the Planning Service and key consultees. The level of detail provided is considerable, and the Planning Service is now in a position to support this application in line with the agreed Masterplan and relevant policies of the LDP. Apart from Policy 6: Affordable Housing, the proposal is considered to comply with all other relevant policies within the LDP and meets the requirements of the settlement statement. Although the proposal does not comply with Policy 6 it does comply with Scottish Planning Policy 2014, which provides a reason to support the level of affordable housing as a departure from the LDP.

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 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 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 Strategic Development Plan Departures

None

10.2 Local Development Plan Departures

Policy 6: Affordable Housing
SG Affordable Housing 1: Affordable Housing

10.3 The application is a Departure from the Local Plan and has been advertised. Any representations received have been circulated as part of the agenda and taken into account in recommending a decision. The period for receiving representations has expired.

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

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

11. Recommendation

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

- **Formation of S75 agreement; and**
- **The following 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 Authority, an application for approval of all Matters Specified in Conditions (MSC) for any part of the development shall be made to the Planning Authority within 6 years of the date of this planning permission. Thereafter, further MSC applications shall be submitted in accordance with the phasing plan agreed under Condition 6, and each subsequent MSC application shall be submitted within 2 years of the date of the preceding MSC approval.

Reason: Pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997 to allow for a reasonable period of time to implement the permission.

02. That the development hereby granted shall be begun before the expiration of two years from the final approval of the matters specified in conditions or, in the case of approval on different dates, the final approval of the last such matters to be approved.

Reason: Pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997.

03. No development in connection with each respective phase of the planning permission hereby approved shall take place until full details of the siting,

design, external appearance and landscaping within the relevant phase of the development and the means of access serving the relevant phase of development have been submitted to and approved in writing by the Planning Authority. The development shall then be implemented in complete accordance with the approved details. Depending on the phase, the MSC/FPP shall include:

- (a) A detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed datum point within the relevant phase of development;
- (b) A detailed Drainage Plan for the relevant phase of development, including full details of the proposed means of disposal of surface water from the relevant phase of development, including how surface water run-off shall be addressed during construction, as well as incorporating the principles of pollution prevention and mitigation measures. The final location of SUDs, including ponds, should be appropriately positioned in accordance with the agreed flood risk assessment and drainage proposals Rev B;
- (c) Full details of the connection to the existing Scottish Water foul water drainage network for the relevant phase of development;
- (d) Full details of existing groundwater abstractions for private drinking water supplies within or within 100m of the site;
- (e) A detailed water features survey identifying any impacts and proposed mitigation measures to groundwater within the relevant phase of development;
- (f) Details of all cut and fill operations in the relevant phase of the development;
- (g) Full details of all roads, footpaths and cycleways throughout the relevant phase of the development including a Street Engineering Review (SER), Stage 2 quality audit and Roads SUDS;
- (h) Details of any screen walls/fencing to be provided within the relevant phase of the development;
- (i) Details of all landscaping, planting and screening associated with the relevant phase of the development;
- (j) Full details of the layout, siting, design and finish of all residential properties throughout the relevant phase of development;
- (k) Full details of the layout, siting, design and finish of all non-residential properties throughout the relevant phase of development. This shall include retail facilities and commercial premises;
- (l) Full details of all waste/recycling collection points, for residential and non-residential properties.

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.

04. The landscaping details to be submitted pursuant to Condition 3 above shall include:

- (a) Existing and proposed finished ground levels relative to a fixed datum point;
- (b) Existing landscape features and vegetation to be retained;
- (c) Existing and proposed services including cables and pipelines;

- (d) The location of new trees, shrubs, hedges, grassed areas and water features;
- (e) A schedule of plants to comprise species, plant sizes and proposed numbers and density;
- (f) The location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment;
- (g) An indication of existing trees, shrubs and hedges to be removed;
- (h) A Biodiversity Action Plan;
- (i) Full details of proposed watercourse and wetland buffer strips;
- (j) A Management Plan detailing appropriate management measures for all watercourse buffer strips;
- (k) A programme for the completion and subsequent maintenance of the proposed landscaping, including details of ground preparation. 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 each respective phase 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 each phase 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;
- (l) Full details of path provision including micro- routing, specifications and phasing of implementation.

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.

05. The details to be submitted pursuant to Condition 3 for each respective phase of the development shall show the proposed means of disposal of foul and surface water from the relevant phase of the development within the form of a Sustainable Urban Drainage System and include a development impact assessment and detailed design and methodology statement. Unless otherwise agreed in writing by the Planning Authority, in consultation with SEPA, the development shall connect to the public sewer and the relevant phase of the development shall not be occupied unless the agreed drainage system has been provided in its entirety and maintained thereafter throughout the lifetime of the consent in accordance with the approved maintenance scheme. The details required shall also include details of the future long term maintenance of the system covering matters such as:

- (a) Inspection regime relating to matters such as offlets/inlets;
- (b) Frequency and method of cleaning of filter trenches, removal of silt etc.;
- (c) Grass cutting (and weeding) regime for SUDS basins and trenches;
- (d) Means of access for future maintenance;
- (e) How to ensure that planting will not be undertaken over perforated pipes;
- (f) Details of the contact parties for future factoring/maintenance of the scheme;

More information is available within the publication Drainage Impact Assessment at
<http://www.aberdeenshire.gov.uk/flooding/report/sepadia.pdf>

Reason: To ensure the provision of an acceptable drainage system in the interests of the amenity of the area.

06. The phasing of development shall be delivered in accordance with the phasing identified within the approved Hill of Banchory Masterplan April 2015 unless otherwise agreed in writing by the Planning Authority

Reason: To ensure the timeous provision of and to retain control over the development.

07. New paths and improved links shall be delivered in accordance with the phasing identified within the approved Hill of Banchory Masterplan April 2015 unless otherwise agreed by the Planning Authority.

Reason: In the interests of sustainability and to encourage a reduction in the level of private car trips generated by the development.

08. The development shall be carried out in accordance with the infrastructure phasing detailed within the approved Hill of Banchory Masterplan April 2015.

Reason: In order to ensure that the development is served by an appropriate standard of access and associated servicing in the interests of road safety.

09. A woodland survey shall be submitted for approval as part of any MSC/FPP application for phase 2b, identifying woodland corridors and individual trees which are suitable for retention within the proposed development. The survey shall identify appropriate mitigation measures for tree loss.

Reason: To ensure the retention of important landscape features and retain the existing amenities of the site.

10. Further supplementary ecological surveys for protected species shall be undertaken and submitted to the Planning Authority for approval with each relevant phase of the development. The supplementary surveys shall be of an appropriate type for the above habitats and/or species and survey methods shall follow national good practice guidelines.

Reason: In order to protect and enhance biodiversity on the site in accordance with the aim of local planning policy.

11. Prior to the commencement of any phase of development, for each respective phase a phase 1 survey shall be submitted to and approved by the Planning Authority in consultation with SEPA. The survey shall identify those areas which require to be protected from development, including any groundwater dependent terrestrial ecosystems. Protected areas shall be incorporated into appropriate undeveloped and/or landscaped areas on site.

Reason: In the interests of ensuring adequate protection of groundwater systems.

12. Notwithstanding the Flood Risk Assessment dated October 2014 and its supplementary guidance "Hill of Banchory" dated 16th January 2015, detailed designs and capacity calculations for all diverted and altered water courses, proposed bridges and culverts, as indicated on Ramsay and Chalmers

drawing B6765-138, including buffer strips, together with adjacent development levels shall be submitted to and approved by the Planning Authority in consultation with the Council's Flood Prevention Unit prior to commencement of development.

Reason: To ensure that watercourses, bridges and culverts are designed to an appropriate standard, in the interests of protecting the natural and water environment.

13. Prior to the commencement of development full details of the maintenance and monitoring regime for all diverted and altered water courses shall be submitted to and approved by the Planning Authority in consultation with the Council's Flood Prevention Unit.

Reason: To ensure that all watercourses are maintained to an appropriate standard, in the interests of amenity of the area.

14. Prior to the commencement of development in each phase full drainage network calculations for the 1 in 10, 1 in 30 and 1 in 200 plus climate change events shall be submitted to and approved by the Planning Authority in consultation with the Council's Flood Prevention Unit. The design should give consideration to the capacity of any existing watercourse and the effects on any downstream properties. Overland flow routes for the 1 in 200 year event should be clearly demonstrated. Greenfield run off rates for Phase 2b should be calculated excluding the large landscape area within the site.

Reason: To ensure an adequate drainage provision

15. Prior to the commencement of development in Phase 1A, a management plan for the Loch of Leys Local Nature Conservation Site (LNCS) shall be submitted to and approved by the Planning Authority. The plan should detail how the LNCS will be managed in the long term.

Reason: In order to ensure adequate future protection of the Loch of Leys Local Nature Conservation Site.

16. Prior to the commencement of any phase of development, for each respective phase full details of the proposed street design for each block, which shall contain, but not be limited to, a parking strategy, road junctions and visibility splays, gradients, level details, finishing/surfacing materials and crossing points, shall be provided for the further written approval of the Planning Authority in consultation with Roads Development. Prior to the submission of these details, discussions should be held with Roads Development to ensure the details provided meet with the current Aberdeenshire Council standards. Once approved the development shall then be implemented in full accordance with the approved details.

Reason: To demonstrate compliance with Designing Streets, in the interests of road safety.

17. Prior to the commencement of development of each phase, a full site specific construction environmental management plan (CEMP) must be submitted for the written approval of the Planning Authority, in consultation with SEPA and

any other relevant agency, and all work shall be carried out in accordance with the approved plan. The CEMP (Biodiversity) 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.
The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local Planning Authority.
- i) a timetabled schedule of development incorporating each phase of development, updated as development progresses.

Reason: In order to protect and enhance biodiversity on the site in accordance with the aim of local planning policy.

18. Prior to the commencement of any works in each phase a detailed site-specific construction method statement and related site plan shall be submitted to and approved in writing by the Planning Authority. The construction method statement shall include site specific measures necessary to minimise the risk of sediment entering adjacent watercourses during construction, and minimise the risk of impact on Loch of Leys Local Nature Conservation Site. The construction method statement shall also include details of the proposed routing of construction traffic. Once agreed, all construction works on the site shall be carried out in accordance with the approved construction method statement unless otherwise agreed by the Planning Authority.

Reason: In the interests of protecting the qualifying interests of the River Dee SAC and Loch of Leys Local Nature Conservation Site, and protecting the environmental sensitivity of the site and its surroundings and to control the pollution of air, land and water.

19. Prior to the commencement of any works in any phase of development, a site waste management plan shall be submitted for the written approval of the Planning Authority and all work shall be carried out in accordance with the approved plan.

Reason: To ensure waste on the site is managed in a sustainable manner.

20. Prior to the development of the employment land a comprehensive Travel Plan framework shall be submitted to and approved in writing by the Planning Authority in consultation with the Council's Transportation team. Subsequent travel plans shall be submitted for approval prior to the occupation of

individual employment units. Each Travel Plan shall set out proposals for reducing dependency on the private car, identifying measures to be implemented, the system of management, monitoring, review and reporting, as well as the duration of the plan.

Reason: To encourage a mode shift away from private car use to active and sustainable travel alternatives.

21. Notwithstanding the pedestrian and cycle links within the approved masterplan, and crossing points on Raemoir Road, Hill of Banchory West and Hill of Banchory East full details of these shall be submitted to and agreed with the Planning Authority in consultation with the Council's Transportation team prior to commencement of development of each phase.

Reason: To ensure active travel infrastructure is provided to support a mode shift from the private car and to ensure that any road safety concerns are adequately addressed.

22. Prior to any development taking place mitigation, as detailed within the Transport Assessment, to upgrade the Raemoir Road (A980)/Station Road (A93) traffic signals and the Dee Street (B974)/High Street (A93) traffic signals shall be submitted to and approved by Planning Authority in consultation with the Council's Transportation team.

Reason: To ensure the traffic signals at the High Street (A93)/ Dee Street and Station Road (A93)/Raemoir Road (A980) continue to operate effectively.

23. Prior to the construction of any buildings within a defined phase of the development hereby approved, a finalised Energy Statement shall be submitted to and approved in writing by the Planning Authority, including the following items:

- (a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the phase of 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 the Council's Supplementary Planning Guidance, unless otherwise agreed in writing. (In this case a reduction in the predicted carbon dioxide emissions by 30% beyond the 2007 Building Regulations Carbon Dioxide Emissions Standard). The respective phase of 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.

24. Prior to the occupation of the first dwellinghouse a residential travel plan, including proposals for the provision of either new or extended bus services

linking the development with the existing public transport network, and details of the phased implementation of the strategy shall be submitted. No dwellinghouse shall then be occupied until the details submitted have been approved by the Planning Authority, in consultation with Transportation.

Reason: To encourage a mode shift towards more sustainable forms of travel and inform residents on the benefits of active and sustainable travel.

25. Prior to the occupation of either the 46th house of Phase 2a and 2b or occupation of the 65th house of the overall Phase 2, as detailed in the approved Hill of Banchory masterplan, a northern distributor road is required to be constructed and opened between Hill of Banchory East and the A980 Raemoir Road. This distributor road should be as shown within the approved Hill of Banchory masterplan with design detail to be agreed with the Planning Authority in consultation with the Roads Development Service.

Reason: To mitigate the adverse impact of the development on the safe and efficient operation of the existing road network in Banchory.

26. Roundabout on Raemoir Road, as detailed within the approved masterplan to be provided prior to the development of Phase 2b or Phase 2c and the design to be agreed with the Planning Authority in consultation with the Council's Roads Development Team prior to construction.

Reason: As detailed in the approved masterplan this junction is required to provide a suitable access to the Phase 2b and Phase 2c developments.

27. Prior to the occupation of any commercial/business units, details of any plant and equipment to be installed shall be submitted and approved in writing by the Planning Authority, in consultation with Environmental Health. Details are to include an assessment of noise impact on the nearest residential property. Where required by the Planning Authority details shall also be provided of mitigation measures proposed to reduce the potential for noise disturbance to adjoining residential properties arising from the operation of non-residential units. Units are to be operated in accordance with these measures.

Reason: To ensure that noise from the development does not result in undue loss of amenity for surrounding properties.

28. That no residential unit in any phase of this development shall be occupied unless all roads, footpaths, parking and turning areas within and serving that phase of the development have been completed to the level of bottoming and bitmac base course, to the current Aberdeenshire Council road construction standards. 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.

29. That within 6 months of the occupation of the penultimate residential unit in this development, all roads, footpaths, parking and turning areas within and serving the development shall be completed to their final specification to the

adoptable standards of Aberdeenshire Council. 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.

30. For the avoidance of doubt the proposed replacement footbridge should be designed to be able to convey the 1 in 200 year plus climate change flow, including an appropriate freeboard, without increasing flood risk elsewhere.
Reason: To ensure that that all footbridges are designed to an appropriate standard, to ensure safe access for pedestrians

31. No development should take place on land between Upper Lochton and Area 3 which is within the predicted flood extent as shown in Figure 4.2 of the FRA by EnviroCentre (October 2014)

Reason: In order to mitigate against the risk of potential flooding at the application site.

32. No watercourse (or ditch) on site shall be created or modified without the agreement of the Planning Authority in consultation with SEPA and that further details are required to be submitted, agreed and implemented in full for all proposed watercourses.

Reason: To ensure that all watercourses are designed to an appropriate standard, in the interests of the amenity of the area

33. For the avoidance of doubt all proposed new culverts should be designed to be able to convey the relevant 1 in 200 year plus climate change flows and maintained as such.

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

34. Notwithstanding the provisions of Schedule 1, Parts 1 and 1ZA, Classes 1, 2, 3, 4, 6, 6A, 7, 8 and 9 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order amending, revoking or re-enacting that Order, the proposed dwellinghouses within the development shall not be altered in any way nor any building and/or means of enclosure erected within the curtilage of each dwellinghouse without an express grant of planning permission from the Planning Authority.

Reason: In the interests of maintaining the character and appearance of the development.

35. Finished floor levels should be set to incorporate a minimum 0.6m freeboard above the relevant 1 in 200 year plus climate change water level, as based on the appropriate model cross section.

Reason: In order to mitigate against the risk of potential flooding at the application site.

36. For the avoidance of doubt connecting woodland strips shall be a minimum of 15m to allow the movement of red squirrel between woodland areas.

Reason: To ensure the adequate landscape features are created, in the interest of safeguarding the habitat of protected species.

37. Unless otherwise agreed in writing with the Planning Authority, during the construction of any phase of the development, the normal hours of operation for all activity audible at the boundary of the nearest noise sensitive premises shall be between 07:00 to 19:00 hours Monday to Friday; 07:00 to 12:00 hours on Saturday, with no working on Sundays.

Reason: In the interests of the residential amenities of the occupiers of the surrounding properties.

Reason for Decision

01. The application meets all the relevant policies within the Aberdeenshire Local Development Plan 2012. The site is allocated within the Aberdeenshire Local Development Plan for a mixed use development of 395 houses and 2ha of employment land. The proposal is considered to be acceptable in terms of flooding and is considered to be able to be appropriate in landscape terms. The proposal will result in a satisfactory mixed use development in Aberdeenshire.

Stephen Archer
Director of Infrastructure Services
Author of Report: Ruth Cuthbert
Report Date: 20 April 2015