

Marr Area Committee Report 5 May 2015

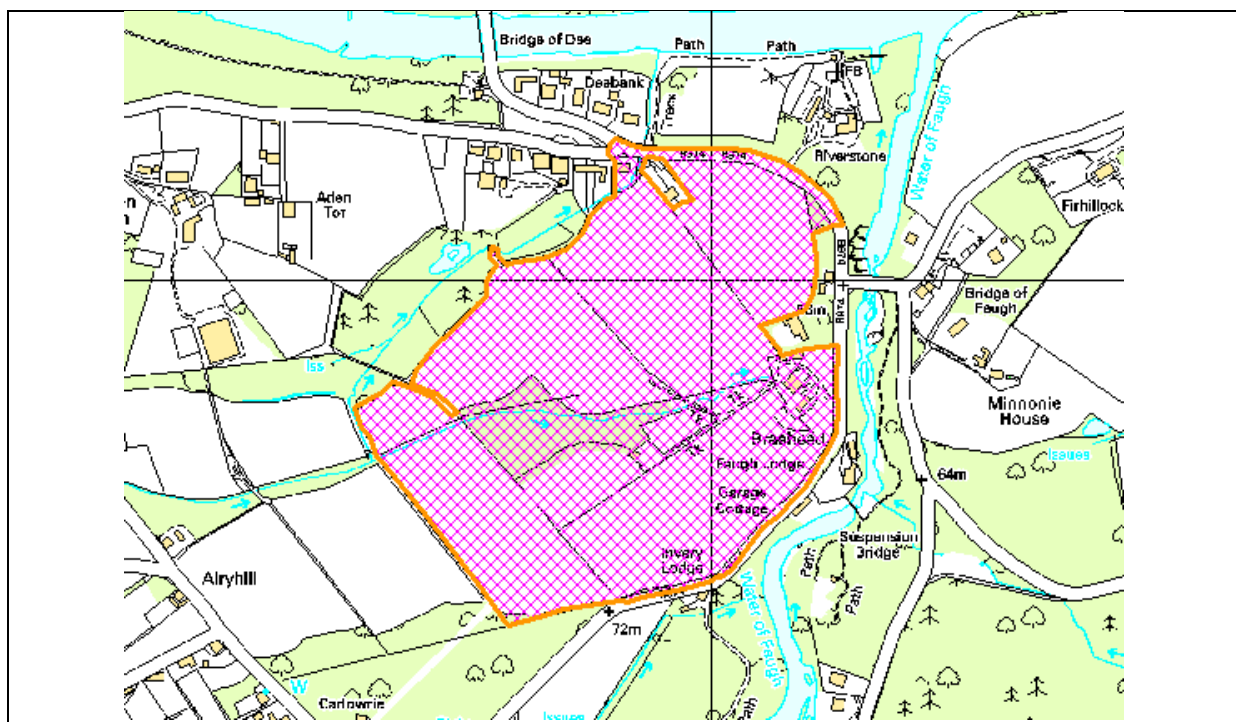
Reference No: APP/2015/0225

Planning Permission in Principle for Residential Development of 400 No. Dwellinghouses (Including 300 Private Rented, 75 Affordable and 25 Assisted Living Units), Health Centre, Employment Uses, Formation of Deeside Way Hub, Extension to Deeside Way, Realignment and Improvement to the B974, Cycle Paths, Landscaping, Open Space and Ancillary Works at Land at Braehead, Auchattie, Banchory

Applicant: Sandlaw Farming Co. Ltd, Muirden Farm, Turriff, AB53 4NH

Agent: Ryden LLP, 25 Albyn Place, Aberdeen, AB10 1YL

Grid Ref: E:369887 N:794876
Ward No. and Name: W16 - Banchory and Mid-Deeside
Application Type: Planning Permission in Principle - Major
Representations: 458
Consultations: 20
Relevant Proposals Map: Aberdeenshire Local Development Plan
Designations: Countryside, Aberdeen Housing Market Area
Complies with: No
Development Plans:
Main Recommendation: Refuse



NOT TO SCALE

Reproduced from Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright and database rights. Ordnance Survey Licence Number 0100020767.

1. Reason for Report

- 1.1 The application was discussed at a Pre-determination Hearing on 20th April 2015 and a copy of the Minute from the hearing has been attached at Appendix 1 for Member's information.
- 1.2 The purpose of this report to the Area Committee is to seek their preliminary views before the proposal is reported to Full Council for determination. The proposal is for a Major Development which is significantly contrary to the development plan and, under the Council's Scheme of Delegation, requires to be determined by Full Council.

2. Background and Proposal

Background

- 2.1 Banchory is located approximately 19 miles west of Aberdeen, on a south facing slope of the Dee valley with a population of around 7,270. The town benefits from good connectivity to the surrounding area through regular bus services, the A93 North Deeside Road and the South Deeside Road, along with pedestrian and cycle links via the Deeside Way. The town centre includes a variety of shops, museum, library, churches, doctor's surgery and dentists. Banchory Academy lies to the west of the A980 and includes a swimming pool and sports centre. Banchory Primary school is located on the same site. The settlement boundary extends to the River Dee which forms its south boundary. The River Dee is designated as a Special Area of Conservation (SAC) of international importance for its populations of freshwater pearl mussels, salmon and otter. The Water of Feugh to the east is part of the SAC and is a tourist attraction due to the salmon leap, B listed Bridge of Feugh and the B listed Toll House.
- 2.2 Previous development in Banchory has concentrated new housing to the north and east, along with a supermarket, business units and a second primary school, built in 2006.
- 2.3 Auchattie lies to the south and west beyond the settlement boundary and is characterised by low density housing of a variety of ages and styles mainly fronting onto the original roads with scattered low density housing beyond. Deebank is a grouping of houses around the road junction with a mix of ages and style of houses.
- 2.4 The key planning objectives for Banchory, as highlighted in the 2012 Aberdeenshire Local Development Plan, are;
- Meet the local demand for housing
 - Sustain existing services and provide opportunities for new services
 - Provide local opportunity for employment
- 2.5 The settlement statement for Banchory states:
- All development in the settlement will require to contribute to the provision of a new medical centre and education provision;

- Open space provision should include a full size pitch, woodland park, landscape and recreational network of at least 10ha, allotments and additional play areas. Land for a sports centre, swimming pool and all weather pitch is required;
- A new distributor road between the A980 (Raemoir Road) and the A93 with full connectivity is required. The impact of development on junctions along the A93 should be assessed with possible upgrades at the A93 Station Road and the B974 Dee St junction. A park and ride is required;
- Scottish Water have identified that local mains reinforcement may be required and that the Lairds Cast pumping station may need to be upgraded. Scottish Water have also noted that new waste water network infrastructure will be required and upgrades to existing sewers downstream may be necessary;
- There is a need for 40% of development in Banchory to be affordable (however this has been superseded by Scottish Planning Policy which requires all development to provide 25% affordable housing).

2.6 Allocated sites in the 2012 Aberdeenshire Local Development Plan are:

- H1 Adjacent to the A980 to the north of the town: allocated for 15 houses – no development proposals to date;
- H2 Upper Lochton - Allocated for 50 houses – included in Masterplan and application APP/2014/1973 currently under consideration for 390 dwellings, commercial and business development;
- M1 Woodend Barn Allocated for mixed use including 30 houses as a demonstration eco village – no applications to date;
- M2 Adjacent to the A980 to the north of the town and to the north of existing development at Hill of Banchory - allocated for a mix of uses including 345 houses – Masterplan and application APP/2014/1973 currently under consideration for 390 dwellings, commercial and business development. In addition an application for 56 dwellinghouses in Phase 1a (APP/2014/3708) is being considered;
- R1 Adjacent to the Hill of Banchory Primary school – reserved for community uses;
- R3 Adjacent to the H1 and M2 sites - allocated for potential educational facilities.

2.7 The 2016 Local Development Plan does not propose any additional major new development allocations and states that the importance to the community of the area to the south side of the River Dee must be recognized. Housing allocations have been brought forward from the 2012 LDP for 440 houses on four sites to the north and east of the town. A site adjacent to the A93 has been identified for a potential health centre, with contributions to be sought from all residential development towards a new health centre, indoor sports facilities and education. It notes limited capacity at the Waste Water Treatment works, a growth project may be required to meet the needs of new development and a network upgrade may be required to the mains water supply.

2.8 The application site was a bid for allocation into the current Aberdeenshire Local Development Plan (2012), but was not allocated. It was then part of a larger site made as a bid for 230 residential units and associated community uses (Ma016) for the 2016 Local Development Plan. It was not a preferred

site in the Main Issues Report as *'the scale of the proposal is significant and lies south of the River Dee, separating it from the main town. It does not relate to the existing town and could lead to car dependency through lack of services. There are currently major infrastructure issues in relation to drainage capacity as well as access and roads which would be required to be addressed'*.

2.9 Proposal

- 2.9.1 This application is for residential-led development consisting of 300 homes for private rent, 75 affordable homes, 25 assisted living units, health centre, employment uses (Incubator units), formation of a Deeside Way hub, extension to the Deeside Way, re-alignment and improvement to the B974, cycle paths, landscaping, open space and ancillary works. The site covers 8.93ha of land currently in agricultural use with woodland areas.
- 2.9.2 The proposal is for planning permission in principle, however an indicative layout has been provided. There is a central area of woodland which would be retained and improved with a play area indicated, and a new park to the north-west. Housing is indicated in 7 blocks separated by woodland/landscaping. A new road to access Strachan is proposed through the site, with provision for a bus route, and an extension to the Deeside Way. An assisted living home is shown in the north-west adjacent to a 'Deeside Hub' which would include incubator units for small start-up business. It would include a café facility and potential for a small local convenience retail unit. A health centre and associated parking are shown to the north east. Two SUDs ponds are indicated for drainage. Braehead farmhouse and an undeveloped steading are within the site boundary but the B listed Toll House and an adjacent house, along with a pair of houses to the north are outwith the boundary.
- 2.9.3 The main stem of the River Dee SAC is around 100m north of the site with the Water of Feugh (also part of the SAC) less than 50m to the east. A pumping station would be required on the south side of the Dee for foul water drainage. The exact site has not been determined, but from there effluent would be pumped across the Dee Bridge and onwards towards the sewer system. A pumping station could be located adjacent to the road, occupying an area of about 100m² and has to be 15m from any adjacent building.
- 2.9.4 A district heating system is shown on the plans but limited detail is available at this stage, the agent has advised it would be adjacent to the Deeside Way Hub and fuelled by biomass or gas.
- 2.10 The agent advises that the medical centre is intended as a replacement for the existing centre at the Bellfield, which was meant to be temporary and is no longer fit for purpose. They have had active discussions with NHS Grampian. It is the intention to have a bus stop close to the centre which could accommodate an associated community pharmacy and suitable car parking.
- 2.11 The developer is keen to progress the scheme as a significant addition to the private rental market in the area with 300 of the properties available for private rent and managed by a private company. The remaining 100 units

would be affordable housing. At the pre-determination hearing the applicant advised that a 2 bed private rental property would be £850 per month, which is comparable to properties available for rent in Banchory as detailed on the ASPC website. When asked at the Hearing, the applicant did not confirm who would be responsible for management and running of the private rented units, but did state companies like Legal & General have expressed a general interest in providing such a service. A legal agreement could be put in place to control the tenure of the properties, i.e. restrict them to being rental properties and not sold on the open market. Following the Hearing the applicant has provided confirmation of the rental values, being £850 per month for a 2 bed unit and £1100 per month for a 3 bed for the 300 private rented homes. They also confirmed their intention to rent the affordable, or “intermediate affordable homes” as they refer to them as, for £700 per month for a 2 bed and £770 per month for a 3 bed. For the avoidance of doubt, the 300 private rented homes are not affordable in nature, they are at the market rental value for comparable properties in Banchory, however the applicant’s intention is to reserve these units for people employed locally in education, healthcare etc.

3. Representations

3.1 A total of 458 valid representations have been received as defined in the Scheme of Delegation. This does not include multiple representations from the same household which equate to 534 (6 support/528 objection) letters in total. The letters raise the following material issues:

3.2 Object

3.2.1 General

- 400 houses would completely change the character of one of Banchory’s best loved areas
- Development would be the equivalent size to a village such as Braemar
- High density housing designed for suburban situations. Not suitable for an area with a strong rural identity
- Proposed building would impact on the Scolty area and the peace and pleasure it brings to many. Would impact on the approach to the hill and views from it
- New developments at Hill of Banchory have removed woodland, creating identikit environment with little positive impact on community spirit
- Banchory is losing areas of natural and historic value
- Banchory should stay on the north side of the river, precedent for future development along south of the River Dee in all settlements. Historic reasons for not allowing building south of the river are still valid
- Extensions will be made to the 400 house site. Approval would pave the way for the full area shown in the masterplan for 700 houses
- It is separated by the River Dee and has no natural connection with the town
- It is one of the only undeveloped areas of Banchory left and shouldn’t be spoilt

- Development will irrevocably alter the landscape of one of the prettiest parts of Aberdeenshire, turning Banchory into another bland commuter town
- The Falls of Feugh and surrounding area are one of Scotland's most precious spots and should be preserved
- Overshadowing and impact on amenity of neighbouring property
- Housing should be along AWPR and close to railway stations

3.2.2 Visual impact

- Beautiful area would be spoilt for both locals and tourists
- Not a sustainable development, would have significant impact on the rural landscape in the catchment of the River Dee.
- Will negatively impact on Banchory's "sense of place" by removing large areas of nature visible from most areas of the town
- Huge development between Scolty Hill and Bridge of Feugh would be detrimental to the area of natural beauty
- Development will be directly visible from the Scolty Hill recreation area
- No other settlement along the River Dee has been developed south of the river. The absence of major housing development south of the Dee all along the Dee valley has been crucial to maintaining the rural nature of this part of Aberdeenshire
- Development would affect the landscape setting of the town and its character and amenity
- Impact on valued view from Sunset Seat
- Alterations to ground levels would impact on the Toll House
- Listed Toll House would be marooned between 3 sets of traffic lights, visual impact of lights on setting of the listed bridge

3.2.3 Facilities

- The town facilities cannot support this development
- No indication of how community facilities would be financed. Local people are still working to fundraise for facilities on an earmarked site to the east of Banchory
- Overloading of existing services (e.g. Schools, healthcare, public transport etc.)
- No funding for extra doctors surgery even if the site is donated
- This site is not the Banchory medical practices preferred site for any new build medical centre
- Low cost housing and doctor's surgery should be in area already zoned. Should be on a bus route. A more accessible site for a medical centre has been allocated in the Local Plan
- Doctors would be further from hospital and care home
- The doctor's surgery would require large amounts of parking, although only 1/2km from the town centre, pensioners and mothers with young children may not walk, and it would need staff parking
- Primary schools and secondary schools are over populated. Proposals are for 400 homes and no provision for another school. Aberdeenshire School Roll Forecasts (2013-2019) show both primary schools over 100% capacity in 4 years
- Lack of sports facilities
- Not a good location for a Deeside Way Hub

- No financial contribution for the Deeside Way Centre and re-routing the Deeside Way. No detail of Deeside Way spur or Deeside Way Hub as community facilities, or information on timing for their provision
- Land has already been identified for new housing, sports facilities, industrial use and start up business premises to the north and east of the town
- Lack of nursery provision
- Hill of Banchory and Lochside of Leys have been planned to provide local services and facilities within the 400 and 800m walking distances
- Pupils would have to cross A93, zoned land is considerably closer to schools, with safe walking/cycling routes available
- New primary school should be provided on site

3.2.4 Servicing

- Impact of increased water extraction from the River Dee
- Large scale drainage configuration would be needed to cope with the number of houses, as there is no link for this to go across the river
- Suds system will not adequately compensate as drainage is a major issue in this area. Existing drainage is problematic
- Developer notes that upgrades would be necessary to the waste and water network. They would have to install a sewage plant or pump effluent to Banchory sewage plant which is already running near capacity. Sewage would have to go over the Dee Bridge and then a 2-3km pipe through the town
- No gas facilities
- Existing water supply issues
- No details on the location of the pumping station, how it would connect to the existing system or what works would be required off site
- Would exacerbate existing flooding issues at Deebank

3.2.5 Roads

- The bridge over the Feugh is single lane and this development would add hundreds of cars, heading for Aberdeen
- Development south of the Dee will route construction, residential and service traffic through the town centre would add significant strain to the road network and existing bridges
- Increased wear and tear on Bridge of Feugh – structure dates from 1790
- Traffic lights at the High Street are already a nightmare at peak times, tourist season exacerbates problem
- Major infrastructure development in facilities and roads needed before any development is even considered
- Pollution, danger to pedestrians and congestion from additional vehicles, both construction and other vehicles, especially around the Feugh Bridge and along South Deeside Road
- Road safety impacts on South Deeside Road for cyclists, pedestrians and motorists. South Deeside Road is not an appropriate grade of road for additional traffic
- Road network to Aberdeen is not adequate, 74% of traffic would commute to Aberdeen (p17 TA)
- Limited public transport availability to Banchory and around

- Traffic queues at Dee Street/High Street result in traffic cutting through King George V park, this could increase
- Road safety impacts to tourists crossing Bridge of Feugh and on Banchory town centre
- Traffic survey carried out on a single day is inadequate
- New road would have more junctions, bends, bus stop hazards, and heavy vehicles such as timber lorries, using the existing B974 road would be diverted through a residential area. Would be affected by on-street parking in residential area
- Proposed junction at north end would be very close to the existing junction No detailed road layouts for the new junctions
- No proposal to improve pedestrian or cycle movements to the proposed health centre from Banchory. Cycle routes provide good connectivity within the site but do not reflect best practice of short routes, separated from the road network. Poor connections on the north side and no connections to west, east and south. No proper cycle lane provision
- There is no suitable access for construction traffic
- Roads around Auchattie are prone to flooding, development is likely to exacerbate that
- Development is on the wrong side of the river to access communication and employment areas in the north east
- Streetlights and pavements will be needed
- Impact on air quality in Banchory from traffic congestion
- Potential rat-run through Auchattie to avoid congestion/speed restrictions
- Traffic assessment does not take account of queuing between junctions or the additional traffic to and from the medical centre and schools
- More carbon emissions and pollution caused from traffic from this site than would occur from existing allocations to the east
- Few children cycle to school and increased traffic is unlikely to encourage more
- More children walking to school from south would increase delays at the pedestrian crossing on Raemoir Road
- Traffic modelling shows 88% saturation, very near the limit of 90% where operational performance difficulties can occur
- Existing lack of parking in town centre
- Cumulative impacts on junctions from traffic congestion
- Impact on existing properties from traffic queuing at traffic lights

3.2.6 Ecology

- Increased population will put pressure on local waters such as the Feugh and Dee. Risk to water environment of a Natura 2000 site
- Damage or destruction of ecological habitats in Auchattie
- Loss of wildlife corridors between Blackhall Forest and River Dee
- Potential impact on River Dee salmon fishing and the associated tourist business
- Detrimental impact on wildlife, tracks and landmarks, affecting wildlife and natural diversity
- Pollution from cars queuing to cross the River Feugh would be detrimental to the environment and adversely affect visitor experience of the Falls

- Loss of drystone dykes, impact on wildlife. No survey of amphibians/reptiles despite noting they are likely to be present
- The woodlands are frequented by wildlife, including red squirrel, bats, swallows, buzzards, heron and deer. Should be encouraging wildlife and biodiversity not destroying habitats
- The River Dee and its tributaries make up the Special Area of Conservation which is part of a network of internationally important sites for nature conservation
- The proposed development has the potential to affect a diverse range of wildlife, including red squirrel, otter, pine martin, bats and a range of bird species
- Burn through the site would act as a conduit for increased pollution into the River Dee
- Impact of lighting on Daubenton's bats, which are sensitive to artificial lighting

3.2.7 Policy

- Application is contrary to Local and Regional guidance as it is outwith the settlement
- Allocated land for housing and business in Banchory remains under developed and has the infrastructure in place
- Through every consultation the people of Banchory have accepted development north of the river, not south
- The Strategic Development Plan identifies the area for local needs only and it is not in the strategic growth area
- Development would signify a major break in the statutory process of long term planning in Aberdeenshire, if approved it would undermine the Scottish planning system
- The developer is using long term growth figures that have been strongly challenged by Aberdeenshire Council and the Scottish Government. Their figures are based on population not households
- The proposed development south of the river is a significant departure from the philosophy of developing to the north and east and is not needed
- Banchory should grow in a controlled and structured manner in accordance with the Local Development Plan which has been subject to due process and public consultation. The 2016 LDP states that 'no additional major new development allocations are proposed' and 'the importance to the community of the area south of the Dee ...must be recognised'
- The development has been rejected by Aberdeenshire planning department in respect of the next plan, this would not be a preferred site
- The development would not be the "positive change" quoted in SPP
- The Strategic Development Plan is the most recently published, arguably the most up-to-date and relevant in Scotland

3.2.8 Housing

- Not clear if there is demand for 300 rental houses, or how they would be kept affordable. Current rents in Banchory are unaffordable
- There is a need for low cost housing for young people not big developments
- Lack of demand for housing

- Housing for rental is unlikely to be enforceable in the long term. Developer said at public meetings that people could buy the houses they were renting
- All sites are required to provide 25% affordable housing, therefore no reason to prefer this site over others
- Tenants are likely to be a transitory population, not a balanced demographic mix with all rented houses in one place
- Assisted living units are remote from the town centre facilities
- Even individual houses have been rejected in this countryside area
- 40 homes per hectare is urban density
- Already sites for 450 houses identified in the LDP

3.2.9 Other

- Adverse effect on tourism as the area around the Bridge of Feugh would be negatively affected. Tourism will support local area after oil industry has gone
- Impact on tourism from congestion/lack of parking with an effect on local businesses in town
- Loss of productive farm land and forestry
- Green open space widely used by public and community groups of Aberdeenshire and beyond for walking, running, mountain biking etc. should be kept
- Potential for waste and pollution impacts close to river and hills
- Developer advised it would take 10 years: lengthy construction disturbance and noise to neighbours, the town and wildlife
- Lack of jobs to support such growth
- Potential demand for supermarket on the other side of the river
- Reduction in demand due to oil price falls
- South Dee river corridor is very undeveloped and there are limited street lights installed, the impact of a large development on the night sky would be significant. Light pollution from a north facing site, would not be screened by tree planting
- Impact on Scolty Hill footpath from 'improved access'
- Impact on the character of Auchattie, 400 high density houses in an area of low density housing would destroy the character and nature of the area
- No details of proposed district heating system
- PAC report does not include all the responses from the public on the public consultation exercise

3.3 Support

- Banchory should be allowed to grow
- Private rental, assisted living and affordable housing may fill a social need in the area, along with a nursery, social amenities, space for start-up business, a visitor centre on the Deeside Way and community woodland
- Close to town and could increase footfall in local shops
- Includes community heating (which can be carbon neutral)
- Aging residents have no possibility of downsizing at an affordable price
- Rented housing welcomed, especially 2/3 bed

- No availability of pensioner housing in Banchory
- Plans have taken account of the natural beauty of the area and allow plenty of open space
- People working in the town want affordable housing and to educate their children locally
- Affordable housing is much needed

3.4 **Banchory Community Council** has made a total of 40 grounds of objection to the proposal. In summary these are:

- Proposals do not comply with Local Development Plan
- there is allocated housing, business and community land as yet undeveloped
- considerable growth in the area has pressured local resources and infrastructure
- Banchory is not identified as a substantial growth area
- scale of development proposed detracts from amenity of the town and from water quality, soil and air quality
- significant risk of contamination to the River Dee which has the highest level of environmental protection
- impact on Dee and Feugh bridges
- site is only part of a long term development proposal for around 700 homes
- traffic impacts
- would be car reliant given distances to schools and services, not within reasonable walking distance to schools
- not well connected to the planned Sports Village at Hill of Banchory
- health centre would be detached from most of the community
- preference for sites MA058 and MA063 if additional land is required
- large rented community south of river would be divisive and not well integrated
- significant loss to visual assets due to impact on key viewpoints
- area should be designated as a Special Landscape Area
- SDP examination has concluded that allowances are generous and scale of growth appropriate and sufficient
- SDP examination reporter has not accepted 2010 household projections
- 2012 household projections are lower than 2010 ones
- SDP both up-to-date and relevant; no clear evidence of demand for 300 rented homes
- affordable housing already catered for in LDP policy
- application is a significant departure from the development plan
- presumption in favour of sustainable development does not change statutory status of the development plan, nor intended to allow approval of development on unsuitable sites
- significant environmental concerns regarding protected species and the impact on the River Dee
- approval would have a detrimental impact on community involvement which aims to ensure communities are genuinely engaged in decisions which affect them

- There has been considerable community involvement in the development of the 2016 LDP and in comments on this application, to disregard community views would severely undermine confidence in the planning process and limit future engagement.

4. Consultations

- 4.1 **Infrastructure Services (Archaeology)** has commented that the proposal affects an area of cropmarks likely to be prehistoric in date, and which sits in a wider landscape of previously recorded prehistoric activity. They request a condition requiring a programme of archaeological works.
- 4.2 **Infrastructure Services (Contaminated Land)** confirmed formerly the site has been used as a farm; a use that may have caused contamination of the ground. A report has been submitted and its contents, conclusions and recommendations are satisfactory. A condition would be required for a site investigation of a former mill dam area.
- 4.3 **Infrastructure Services (Environmental Health)** has no objection. They advise that there would be no significant detrimental impacts on local air quality, subject to the mitigation scheme for site construction being implemented. They request further consultation should plant such as Combined Heat and Power or biomass be incorporated at detailed planning stage, and also where detailed plans for future commercial or community uses indicate potential air quality impacts.
- 4.3.1 The Environmental Statement includes a Noise Impact Assessment in relation to construction and operational phases of the proposed development and the Environmental health Officer is satisfied that there should be no significant detrimental impacts subject to the development and implementation of a Noise Management Plan.
- 4.4 **Infrastructure Services (Environment Team)** had initially advised that the proposal was not acceptable on a number of grounds. However they have received further information from the agent which has addressed concerns and further mitigation/information/control could be dealt with through conditions.
- 4.4.1 General: The proposal is on an unallocated site. If development were to be approved on this site, there are a number of other sensitivities (in addition to those identified in the EclA) which must be accommodated by appropriate layout and design. These include buffer strips to protect the 'small ephemeral burn' running through the centre of the site (west-east), protection of hedges and boundary trees, adequate buffers between woodland edge and development, and the retention of habitat networks including trees, hedges and stone dykes. The agent has advised that most trees, hedges and stone dykes would be retained and improved with habitats and linkages improved. The burn would be protected through retention of the woodland.
- 4.4.2 Biodiversity and nature conservation: The impact on existing trees and woodland and habitat networks does not comply with national and local policy. Connecting woodland strips should be a minimum of 15m to allow

movement of red squirrels between woodland areas. The agent has advised that no buildings suitable for bats would be affected. Woodland would be retained and crossing points for wildlife provided to maintain the integrity of the existing network. An Ecological Management Plan would be provided.

- 4.4.3 Trees and woodland: A tree survey of woodland edges and individual scattered specimens would be required, to include access and servicing requirements. Buffers wider than the 10m suggested would be required to accommodate root protection areas and overhead constraints such as shade. Tree survey should include edge trees, groups and individual trees that should be retained for their amenity and specimen value and to form connecting woodland corridors through the site. The proposed layout should then accommodate these trees, taking into account the need to protect the root zone of the retained trees and also any overhead constraints e.g. shade and perceived threat. The agent has advised that edge trees would be retained and protected, new planting would replace any woodland trees which have to be removed for management.
- 4.4.4 River Dee SAC: The advice of SNH should be sought on the potential impact on the River Dee SAC. This has been carried out through the consideration of the application.
- 4.4.5 Public Access: A public access plan for the whole area would be required showing enhanced opportunities for existing core path and path networks, and additional information/clarification with regard to provision of the proposed link to the Deeside Way. An overarching plan for non-motorised public access for the whole master plan area should be provided. The access plan should include an assessment of existing provision in and around the area and potential impact of development on this existing network. Details of proposed improvements to existing networks including a link to the existing core path - should be included. The proposed link to the Deeside Way at Scolty is out with the development boundary, confirmation is required as to whether the applicant has any control over this ground and this link is achievable. The agent has had discussion with the Core Paths team and the access arrangements would be detailed through a later application. The masterplan has provided the required land for linkages. There is one on-road link close to the site and there are opportunities to enhance the path south of the river. It is understood that the developers would have access to the required land and this would be confirmed at detailed design stage.
- 4.4.6 Built Heritage: Although the initial stages of an impact assessment have been carried out a fuller assessment needs to be provided on the visual impact on the Listed Structures and their setting (inclusive of their wider landscape setting). The late 18th century Toll House and bridge read well together in their woodland setting at the mouth of the gorge on the River Feugh. They equally play an important part in the history and development of Banchory as a settlement. The Toll House in particular is small in scale with delicate features. The site/setting of both could be easily swamped if read in conjunction with a larger modern development and therefore it is essential that new housing is not visible from this location. The agent has submitted further details of the setting of the Toll House and bridge which note the screening of existing trees which are outwith the site but are assumed to be

retained and that no buildings are proposed immediately behind the Tollhouse. Further details would be included in a detailed application with support from wireframes or montages to show the potential impact.

- 4.5 **Infrastructure Services (Flood Prevention Unit)** initially commented that the Drainage Impact Assessment (DIA) should be expanded to include cross sections to show the capacity of the watercourse through the site and the effects on any proposed adjacent properties. The Developer should confirm that no water will enter buildings or impede emergency access during a 1:200 year plus climate change event. The Developer should confirm where SUDs are discharging to; indicative overland flows pre and post development; a strategy for dealing with any affected field drainage; and a statement confirming who would be responsible for future maintenance of the proposed drainage system both during construction and in operation and how it will be performed. A full SUDs scheme should be conditioned. They have agreed that the initial sizing calculations for the SUDs scheme are acceptable at this stage, however cross section details are still required, but these could be conditioned.
- 4.6 **Infrastructure Services (Planning Policy)** has commented the proposal lies outwith the settlement boundary of Banchory and as such should be assessed against Policy 3 'Development in the Countryside' and it's associated supplementary guidance. It exercises a greater level of control on development in the Aberdeen Housing Market Area and given that this proposal is for a major development outwith the settlement boundary it is considered that a development of this scale would be inappropriate. It is considered that the proposal is contrary to the purpose of this policy.
- 4.6.1 The site lies within the Deeside Landscape Character Area. The development of this proposal could adversely affect the landscape character. Due to the scale and location of the proposal there is potential that it may have a negative impact on the valued view 'over the River Dee from Sunset Seat, Banchory' There is significant concern that the proposal is contrary to the landscape policy and as a result lead to adverse and irreversible impacts in the local area.
- 4.6.2 The site to which this application relates was put forward as a 'bid' to both the 2012 Local Development Plan (LDP2012) as well as the emerging Local Development Plan (LDP2016). The bid for the LDP2016 was for 230 residential units, and associated community uses on land at Braehead Farm. The proposal under consideration is for an additional 170 units. The Main Issues Report suggested that the scale of the proposal (at 230 units) was significant and would in effect be separated from the main settlement of Banchory due to its situation to the south of the River Dee. It does not relate to the existing town and could lead to car dependency and could lead to decline in the existing town centre. The bid was not put forward as a 'preferred option' and received overwhelming objection at the Main Issues stage. It is not proposed for inclusion in the Proposed LDP in March 2015.
- 4.6.3 The proposal makes reference to delivering a new replacement health centre for Banchory. A site has been identified in the emerging LDP to address this identified need.

- 4.6.4 The applicant's Planning Supporting Statement also seeks to argue that the recently adopted Strategic Development Plan (SDP) underestimates the overall housing requirement, and that the LDP review process is flawed because it fails to identify additional housing allocations. The SDP has been approved by Scottish Ministers and its housing policies and allowances have been found to be appropriately generous. The LDP review process must therefore accord with the SDP's housing allowances rather than any more recent population or household projections. It is also important to note that the 2012-based household projections are significantly lower than the previous 2010-based projections. The SDP Examination Reporter concluded that the housing allowances within the SDP are sufficiently generous that they accommodate the 2010-based projections in any event. Against this background, the case for increasing the housing land supply on the basis of the now lower 2012-based projections does not appear in any way compelling.
- 4.6.5 The applicant's Planning Supporting Statement also concludes that significant material weight should be applied to Scottish Planning Policy (SPP), which has introduced a *'presumption in favour of development that contributes to sustainable development'* and that development plans should be *'up-to-date and relevant'*. However, paragraph 32 of SPP makes clear that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Also, paragraph 33 of SPP indicates that only where relevant policies in a development plan are out of date, will the presumption in favour of development that contributes to sustainable development be a *significant* material consideration.
- 4.6.6 In relation to housing, the SPP also makes clear that only where a shortfall in the 5-year effective housing land supply emerges will development plan policies on housing land be considered out of date. There is currently a 7.3 year effective housing land supply within the Aberdeen Housing Market Area. On this basis, it is maintained that whilst the SPP's presumption in favour of sustainable development will be material, this should not be a *significant* consideration in the determination of this application and the primacy of the development plan's policies should be maintained in this instance.
- 4.6.7 The principle of this development proposal is found to have very limited support in terms of the policies contained within the LDP. The landscape impacts could be potentially significant and the benefits are not deemed to be of overriding significance. Banchory has experienced a high level of growth during the last decade and existing opportunities for development have been identified within the settlement boundary. Although the principle of promoting a mixed tenure development is broadly welcomed the site is not considered to be the most suitable location for such a development to take place.
- 4.7 **Infrastructure Services (Roads Development)** has objected to the proposal on the grounds of road safety and the need for additional information. A Street Engineering Review (SER) and Quality Audit(QA) would be required to assess compliance with Roads Construction Consent (RCC) and must be submitted as part of any future application,

something which can be addressed by condition. Indicative alignment for the realigned B974 (as shown) may struggle to achieve adequate forward visibility near the northern tie in particular. Masterplan documents currently submitted appear to consist of concept plans only, which fail to indicate how development would be phased to minimize disruption to existing roads network. In particular, the diversion of B974 and provision of traffic signals at the Bridge of Feugh, need further analysis and options should be considered for accessing the Bridge of Feugh from the realigned B974 off a single junction in addition to the looped access proposed. Signalisation of the Bridge of Feugh will not be acceptable unless full compliance with standards or alternative detailed departures can be agreed. At this stage there is insufficient information available to consider if a safe signalisation design can be produced or accepted.

- 4.8 **Infrastructure Services (Transportation)** had issued a holding objection until further information on improvements to cycle connectivity, specifically to Banchory Primary school, and demonstration of the deliverability of the proposed signalisation of the Bridge of Feugh junction is provided. They have also noted that the centre of the site is outwith the 1600m acceptable walking distance of Banchory Primary School, being some 1800m away which is not considered an acceptable walking distance, especially for primary school children. Improvements to recreational walking routes are welcomed. Public transport in Banchory is currently under review, extensions to the service are likely to need an extra bus which would require discussion with the operator and developer contributions initially to facilitate public transport provision. The TA includes an assessment of the impact of the current live application for Hill of Banchory and the proposal. If both developments progress there are capacity issues on the A980 Raemoir Road and A93 junctions, mitigation may be required to be implemented. Signalisation at the Bridge of Feugh would provide a solution in terms of traffic capacity but junction design needs to be agreed. The bridge is a B listed structure and re-assurance that signalisation is deliverable in the context of the area is required. Further information has been submitted by the agent to the Transportation Service regarding walk to school times, which has satisfied them that the route would fall within the 20-30 minute walking threshold even though it is outwith the 1600m recommended walking distance. They have therefore, removed their objection on the cycling connectivity to the primary school. The objection regarding the deliverability of signalisation at the Bridge of Feugh still remains unresolved.
- 4.9 **Infrastructure Services (Waste Management)** has advised on the requirements for residential and commercial waste collection. In addition they request a suitable location for glass recycling bins and note the requirements for access for large waste collection vehicles.
- 4.10 **Business Services (Developer Obligations)** has sent an assessment to the agent and there is agreement on the Heads of Terms, which covers contributions towards Primary and Secondary Education, Community Facilities, Sports & Recreation and Healthcare. Heads of Terms also details the provision of 25% affordable housing, being a mix of 75 affordable units with 25 assisted living units.

- 4.11 **Children's Services (Education)** has advised they are unable to support the application unless further information on build out rates is provided. There may also be concerns regarding safe routes to school. Banchory Academy is already over capacity and this application, on top of housing already approved in the LDP would add additional pressure to primary education provision. The 2013 School Roll Forecasts show Banchory Academy operating at between 108% and 110% capacity in the years from 2015-2019, Banchory Primary school at between 73% and 74% capacity 2015-2019 and Hill of Banchory at between 104% and 112% 2015-2019. Following the Hearing additional information was sought by the developer to confirm build rate (75 in year 1, 150 in years 2 and 3) to which Education have confirmed would take Banchory Primary School beyond capacity in 2018-19.
- 4.12 **Housing & Social Work (Housing)** has advised there is a housing need in Banchory and they would seek an on-site contribution of 25% affordable housing. To meet identified housing need 35 x 1 bed flats/houses; 26 x 2 bed flats/house; 34 x 3 bed houses and 5 x 4 bed houses would be sought. There may be a requirement for ground floor properties for particular needs clients and a 25 bed extra care unit. Delivery is anticipated to be a mix of 60% social rent (Council or RSL) and 40% Low Cost Home Ownership which would need to be secured by S75 Agreement to ensure they remain affordable in perpetuity. Following the Hearing, Housing were asked for some additional information on whether Aberdeenshire Council seeks to deliver private rented housing beyond the general provisions of affordable housing, but no response has been received at the time of writing the report.
- 4.13 **The Strategic Development Planning Authority (SDPA)** notes that the Aberdeen City and Shire Strategic Development Plan (SDP) was approved in March 2014. The Aberdeenshire Local Development Plan 2012 is less than 3 years old and a replacement is at an advanced stage. The development plan for Aberdeenshire is therefore fully up-to-date. Banchory is in a Local Growth and Diversification Area. Tenure of the homes would appear generally consistent with the SDP, aspirations for the site generally positive and the proposed density would make efficient use of the site. It is the principle of development on an unallocated site which is the focus. Housing land supply in the AHMA equates to 6.2 years (or 7.3 years against the SDP), more than 20% higher than the 5 year requirement. No robust evidence has been presented to suggest that additional housing land is required. Even though the population of the SDP area is expected to rise faster than previously projected, the 2012-based household projections differ very little from those on which the SDP was based. The city region economy has entered a period of turbulence since the significant falls in oil price.
- 4.14 **Scottish Water** has no objection but due to the size of the proposal they need to assess the impact on their infrastructure. Invercarnie Water Treatment Works currently has capacity to service the development. There may be a requirement for the developer to carry out works to ensure no loss of service to existing customers through the Invercarnie Water Network. Banchory Waste Water Treatment Works currently has capacity to service the development. Banchory Wastewater Network: there may be a

requirement for the developer to carry out works to ensure no loss of service for existing customers.

- 4.15 **SEPA** has removed an objection to the impact on wet woodland. However they still require details of groundwater abstractions and object until that is submitted. There are on-going discussions with the applicant to resolve this matter. SEPA request conditions to cover surface water drainage, a site specific construction management plan and buffer strips. They note concerns over the capacity for further water abstraction and wish to ensure supply is from existing authorized abstractions.
- 4.16 **SNH** object to the proposal unless their specified conditions are attached to any consent, due to the potential affect on internationally important heritage issues. The required conditions include a detailed Construction Environment Management Plan and site specific construction method statement; full details of the water treatment proposals; and an environmental clerk of works to ensure all SUDs construction is to an acceptable standard. SNH state that there is likely to be a significant effect due to the scale, proximity to, and hydrological connectivity to the River Dee, however through strict compliance with these conditions they do not object.
- 4.16.1 Increased water abstraction should not have an adverse effect on the integrity of the River Dee SAC subject to condition requiring water efficiency measures.
- 4.16.2 The Landscape and Visual Impact Assessment is limited in scope and detail and they consider that it significantly underestimates the level of potential landscape and visual impact. Two issues are raised: the impact on views from the wider landscape, in particular from Scolty Hill; and significant impact on the historic landscape character of the site. There is limited or no assessment of the impact of the development on the wider landscape character and setting of Banchory.
- 4.16.3 Survey work to establish whether trees suitable as bat roosts would be felled should be carried out before determining the application (bat surveys would be required). It is unlikely that the development would, either directly or indirectly, have a significant effect on otters, however further survey work is recommended. Squirrel surveys and species protection plans would be required if any suitable trees were to be felled. More details, including a landscape strategy, would ensure habitats such as ancient woodland were retained and enhanced
- 4.17 **Transport Scotland** has commented that the proposed development represents an intensification of the use of the site, however the percentage increase in traffic on the trunk road is such that the proposed development is likely to cause minimal environmental impact on the trunk road network. On this basis they have no comment to make.
- 4.18 **Historic Scotland** has confirmed that they do not wish to object to the proposed development as they do not consider that it would have a detrimental impact on any nationally important heritage assets. The

information in the ES is adequate and they have no detailed comments on its content. They note that the Council's Archaeology and conservation service should be consulted on likely impacts and mitigation on sites of local and regional importance.

4.19 **Feughdee West Community Council** has made a total of 20 points of objection to the proposal. In summary these are:

- It is not the right development in the right place
- insufficient justification for developing the area
- impact on local traffic
- Impact on the countryside, tourism and services.
- The LDP sets out where communities should develop, giving certainty about where development should be and where it should not take place.
- The site has been offered up numerous times for development but has not been included in either LDP, which have been subject to community consultation that has been consistently against any such development.
- Lack of justification for developing the site in terms of local needs.
- Increased traffic generation and use of private cars.
- Impact on existing roads, junctions and bridges.
- Impact on tourism and the countryside.
- Impact on the environment and red squirrels.
- Exacerbation of existing flooding.
- Increase in overcrowding in the Academy.
- Doctor's surgery south of the Dee would increase traffic and distance from town

4.20 **Dee District Salmon Fishery Board** has commented that the ecology of the small burn entering the Dee at Deebank has not been surveyed and its status for fish ecology should be established prior to commencement of development. Their main concern is from sediment being discharged into the River Dee during and post-construction. The Dee Fishery supports approximately 500 FTE (Full time equivalent) jobs and generates in excess of £15m to the local rural economy. The River Dee has been the main source of domestic water for the whole of Aberdeen City and half of Aberdeenshire (a population of around 300,000) This scheme will place an increased demand on extraction, making the quality standard in the Water Framework Directive harder to meet. The scheme must demonstrate that the local sewage network and WWTP can cope with the extra demand. SUDs should be designed not only to improve water quality but also to reduce flood risk and provide wildlife habitat and attractive green space. The scheme does not currently demonstrate that. Increased sediment loading of watercourses can occur during construction and sediment and pollution control measures must remain effective at all times, no adverse impact on the River Dee SAC should be permitted.

5. Relevant Planning Policies

5.1 Scottish Planning Policy (2014)

- 5.1.1 The aim of the Scottish Planning Policy 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:
- Supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places
 - Reducing carbon emissions and adapting to climate change
 - To protect and enhance our natural and cultural assets, and
 - Supporting better transport and digital connectivity
- 5.1.2 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. This SPP introduces a presumption in favour of development that contributes to sustainable development. The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost. SPP does encourage alternative tenures to home ownership, however the emphasis is on a plan led system to deliver all housing, regardless of tenure, to the right location through the development plan process.
- 5.1.3 The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and this SPP and the presumption in favour of development that contributes to sustainable development will be material considerations. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP.
- 5.1.4 S68 states that plans should adopt a sequential town centre first approach when planning for uses which generate significant footfall, including, where appropriate, healthcare facilities.
- 5.1.5 In the pressurised areas easily accessible from Scotland's cities and main towns, where ongoing development pressures are likely to continue, it is important to protect against an unsustainable growth in car-based commuting and the suburbanisation of the countryside, particularly where there are environmental assets such as sensitive landscapes or good quality agricultural land. Plans should make provision for most new urban

development to take place within, or in planned extensions to, existing settlements. Development on prime agricultural land, or land of lesser quality that is locally important should not be permitted except where it is essential:

- as a component of the settlement strategy or necessary to meet an established need, for example for essential infrastructure, where no other suitable site is available; or
- for small-scale development directly linked to a rural business.

5.1.6 In accessible or pressured rural areas, where there is a danger of unsustainable growth in long-distance car-based commuting or suburbanisation of the countryside, a more restrictive approach to new housing development is appropriate, and plans and decision-making should generally guide most new development to locations within or adjacent to settlements.

5.2 Aberdeen City and Shire Strategic Development Plan 2014

5.2.1 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 Plan area will fall within either a strategic growth area or a local growth and diversification area. 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.

5.2.2 In Local Growth areas levels of growth in individual settlements should relate to local needs and aim to provide a mix of housing opportunities for everyone, with a focus on providing smaller homes to buy or rent, and a significant amount of affordable housing. There is a need to give priority to mixed-use developments which respect the character of the landscape and local identity. In this area, there will continue to be pressure for housing in the countryside which is not connected to existing settlements. However, local development plans, in line with Scottish Planning Policy, should approach this by focusing new housing in, or as an extension to, existing settlements, particularly those which are well served by public transport. This will help to create and maintain successful places and be more sustainable.

5.2.3 The housing allowances provide a generous supply of land for new housing on top of the housing requirement. The plan aims to make sure new development maintains and improves the regions important built, natural and cultural assets. The built, natural and cultural environment is a valuable resource, but one which needs to be protected. The plan notes that new development should meet the needs of the whole community, both now and in the future. Communities must be mixed in terms of the type and size of homes, as well as their tenure and cost.

5.3 Aberdeenshire Local Development Plan 2012

Policy 1: Business development

SG Bus2: Office development

SG Bus4: Tourist facilities and accommodation

Policy 3: Development in the countryside

SG Rural Development1: Housing business development in the countryside

Policy 5 Housing land supply

SG Housing1: Housing land allocations 2007-2016

SG Housing2: Housing land allocations 2017-2023

Policy 6 Affordable housing

SG Affordable housing1: Affordable housing

Policy 7: Other special housing needs

SG SHN1: Development for particular needs

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: Community 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 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 developments

Policy 11: Natural heritage

SG Natural Environment1: Protection of nature conservation sites

SG Natural Environment2: Protection of the wider biodiversity and geodiversity

Policy 12 Landscape conservation

SG Landscape1: Landscape character

SG Landscape2: Valued views

Policy 13 Protecting, improving and conserving the historic environment

SG Historic Environment1: Listed buildings

SG Historic Environment4: Archaeological sites and monuments

Policy 14 Safeguarding of resources and areas of search
SG Safeguarding3: Protection and conservation of trees and woodland

5.4 Aberdeenshire Local Development Plan 2016: Main Issues Report and settlement statements

5.4.1 The site to which this application relates was put forward as a bid (Ma016 for 230 residential units, and associated community uses on land at Braehead Farm) to the emerging Local Development Plan which is expected to be published in 2016 (LDP2016). The Main Issues Report suggested that the scale of the proposal (at 230 units) was significant and would in effect be separated from the main settlement of Banchory due to its situation to the south of the River Dee. It does not relate to the existing town and could lead to car dependency and to decline in the existing town centre. The bid was not put forward as a 'preferred option' and received overwhelming objection at the Main Issues stage. It is not proposed for inclusion in the Proposed LDP.

5.4.2 The settlement statement says that the scale of new development has to balance demand for housing in the area with the needs of the community. No additional major new allocations are proposed. The importance to the community of the area to the south side of the River Dee must be recognised.

5.5 Other Material Considerations

Aberdeenshire Council's Planning Advice 1 /2012 Opportunities for Biodiversity Enhancement in New Development

Aberdeenshire Council's Planning Advice 6 /2012: Implementation of policy SG LSD2 Layout, siting and design of new development.

Aberdeenshire Council's Planning Advice 12/2012:
Landscape character advice for small scale development.

Scottish Government's Control of Woodland Removal Policy. There will be a strong presumption against removing the following types of woodland: ancient semi-natural woodland; woodland integral to the value of designated or special sites e.g. Special Areas of Conservation

Scottish Historic Environment Policy (SHEP) 2011

PAN75 Walking to school

Reporter's conclusion in consideration of the bid made to the 2012 plan was that this site along with those proposed around Auchattie nearby '*would result in a major intrusion of development into the countryside south of the River Dee...the view from Scolty Hill... would be significantly affected by these developments. Major investment in roads and drainage infrastructure would be required to deliver these proposals. The deliverability of any development within the timescale of the proposed plan is uncertain*'

6. Discussion

6.1 The key issues in determining the proposal are detailed below.

6.2 Principle of Development

6.2.1 The applicant's supporting statement argues that the Strategic Development Plan (SDP) under-estimates the overall housing requirement. The Scottish Government have recently approved the SDP (March 2014) and found its housing policies and allowances to be appropriately generous. The Council's Policy Team also note that the 2012-based household projections are significantly lower than the 2010-based projections, however the SDP Examination Reporter concluded that the allowances were sufficiently generous that they accommodate the 2010 based projections in any event. Against this background the Policy Team comment that the case for increasing housing land supply on the basis of the now lower 2012-based projections does not appear in any way compelling.

6.2.2 The Strategic Development Planning Authority (SDPA) has confirmed that housing land supply in the Aberdeen Housing Market Area (AHMA) is more than 20% higher than the 5 year supply requirement at 6.2 years (or 7.3 years using the up-to-date SDP requirement) and there are sufficient quantities of land programmed beyond 2018 to ensure it remains above the 5 year level for many years to come. The SDP (2014) is up-to-date and relevant to this application.

6.2.3 The site is not allocated in the current LDP, nor is it proposed for allocation in the proposed LDP for 2016. Banchory is within the AHMA but is not a location identified for substantial growth, instead located in a Local Growth and Diversification Area. The site is outwith the Banchory settlement boundary on land within the countryside. The site is currently agricultural and woodland in an area defined as countryside.

6.2.4 Policy 3 and SG Rural Development¹ supports development in the countryside for housing and employment uses where they are small scale, which is defined as being up to 3 dwellings, or for employment use up to 0.5 hectares or employing less than 5 people. This proposal is for 400 houses, associated facilities and a medical centre, which is clearly contrary to Policy 3.

6.2.5 In the spatial strategy, the current LDP has allocated housing in Banchory, which is designed to meet the needs of the housing land supply for the current plan period and the period from 2017-2023. This site would therefore clearly be at odds with the spatial strategy to deliver housing both locally to Banchory and in the context of the wider housing market area, and is contrary to Policy 5 and SG Housing 1 of the LDP. The site is not allocated, therefore could not be considered as an "early draw down" opportunity under SG Housing² if there was a housing land supply shortfall.

6.2.6 The agent emphasises that where development plan policies are out of date or a development plan does not contain relevant policies the presumption in favour of development that contributes to sustainable development, that the

sustainable benefits will be a material consideration. However the SPP also states that presumption in favour of sustainable development does not change the statutory status of the development plan. For proposals that do not accord with up-to-date development plans the primacy of the plans are maintained and SPP, and the presumption in favour of sustainable development, will be a material consideration (but not a significant material consideration unless the development plan is out of date). Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in the SPP. The proposal under consideration does not accord with the up-to-date development plan and, whilst the presumption in favour of sustainable development is a material consideration, the adverse impacts of this proposal are considered to outweigh any benefits. Questions could also be asked of the sustainable nature of the development, whilst it is not too distant from the town centre, it is a considerable distance to many of the towns other amenities such as schools, leisure facilities and supermarkets, which to access them would likely involve reliance upon the private car. Furthermore large parts of the site are north facing, and with the mature woodland shadows would be cast which would raise concern over the ability for natural solar gain and sustainability within the homes themselves. The proposal is therefore not considered to comply with SPP, and there are no material considerations to support this proposal contrary to the key principle policies of the development plan.

- 6.2.7 The proposal for a large residential led, mixed use development located outwith the settlement and on land designated as countryside is not considered acceptable in relation to the Aberdeen City and Shire Strategic Development Plan; or LDP Policy 3: Development in the Countryside and SG Rural Development1: Housing and business development in the countryside: Policy 5: Housing Land Supply and SGHousing 1 and 2. Nor is it considered compliant with SPP, and there are no other significant material considerations which would merit support for the proposal.

6.3 Affordable Housing and housing for particular needs

- 6.3.1 Affordable housing is defined as 'housing of a reasonable quality that is affordable to people on modest incomes'. SPP requires 25% of housing to be affordable, however this can be provided in a variety of ways including rental through a Registered Social Landlord (RSL) or the Council, low cost home ownership, or provision of smaller housing units and a range of house types. The developer has advised that affordable units would be mid-market rental and rent to buy, integrated into the development (albeit the final mix and tenure would be controlled through a s.75 agreement with input from Aberdeenshire Council's Housing Service). All developments are expected to provide at least 25% affordable housing and this would be secured through a s.75 Agreement. This application also refers to private rental units for 300 of the properties. The agent has confirmed that the intention is to operate and manage these through a private company, operating as a private landlord. However, the level of rental could not be controlled through the planning process nor would it be competent to restrict tenure through planning conditions. The applicant intends to commit to a s.75 Agreement to ensure delivery/security of private rented houses to meet a currently unmet demand in the area. It is unclear whether the intention is to provide these at

market rents or how they would be managed and allocated, however the applicant did state at the Hearing likely rent for a 2 bed property would be £850 per month, which is comparable to rental properties available in Banchory on the open market today. Whilst a s.75 Agreement could deliver the rental properties it is always possible to apply for an agreement to be discharged and it is difficult to see what planning reasons there would be to refuse to discharge the agreement once the development had gained approval. In planning terms a house is a house, whether it is owner occupied or privately owned and rented out, houses are a class 9 use regardless of tenure.

- 6.3.2 In addition, the proposal indicates provision of 25 homes for assisted living which could provide housing for particular needs groups such as the elderly or those with a physical disability or learning difficulties. Policy notes that such accommodation should be within a settlement or in exceptional circumstances, following a sequential assessment of sites, on the edge of a settlement. It should be accessible to local services and public transport, compatible with neighbouring uses and respect the character and amenity of the surrounding area.
- 6.3.3 There is a need for affordable housing in Banchory and this would be required from any application at a rate of 25%. The proposal includes 75 houses designated as affordable, the 25 assisted living units are also considered to contribute to the overall affordable housing requirement. The proposal for private rented houses would not be classed as affordable as they cannot be controlled to remain as rented housing, nor could the level of rent be controlled. It is considered that the quantity and means of provision of affordable housing complies with Policy 6 Affordable housing and SG Affordable housing1: Affordable housing.
- 6.3.4 Policy 7: Other special housing needs and SG SHN1: Development for particular needs are supportive of special needs housing in settlements where it is accessible to community facilities and services. If development is proposed outwith a settlement it should comply with the sequential assessment of sites, using edge of settlement sites and be readily accessible to open space, local services and public transport. Depending on the detail of any subsequent application adequate siting, service and transport access may be available and therefore it is considered that the policy requirements could be met.

6.4 Housing density

- 6.4.1 The density of the plans works out as around 40 dwellings per hectare for the overall site. This is the gross figure including open space and community facilities. The actual neighbourhood blocks of housing are approximately 110 dwellings per hectare, however this excludes all open space and landscaping, which does not give a fair impression of the overall development site. Following the pre-determination hearing the applicant's agent has provided the following statement in relation to density; *the density of housing proposed at approximately 40 units per net developable hectare is commensurate with the historic core of Banchory. It is also similar to the core of the Blairs College development, which also lies to the south of the River Dee. It is important to note that the density is quoted on the net developable area. However considering the site as a whole, the density of*

the gross site area is only 24 units per hectare. This is because the masterplan seeks to maintain and reinforce the existing landscape structure, maximising the area of woodland and open space as a result. The net to gross ratio across the masterplan area is therefore much lower than comparable developments, resulting in a relatively low density on the gross site area.

6.4.2 The proposal does include significant areas of open space to retain and enhance existing landscape features and wildlife corridors which means the areas of built development would be denser within the pockets of housing. It is clearly a higher density development than exists in the locality at present in the area, but guidance on appropriate housing densities notes that it will vary depending on a site specific basis. In terms of a planning in principle application, and in the context of relevant LDP policy, the open space provision and general layout would comply with Policy 8 and SG LSD2, however the final control of the design and layout would be had at a later stage.

6.5 Water supply, drainage and flood risk

6.5.1 The proposal would connect to the public network for both water supply and foul drainage, and Scottish Water have no objection to this. They note that there is capacity in both the water treatment works and waste water treatment works but additional work may be required. A pumping station and connection over the River Dee would be required and the agent has advised that it would need to be at the north of the site, adjacent to a road and it would occupy an area of around 100m² around 15m from any adjacent building. Further detail would be sought as to its location, operation and design should this application be granted.

6.5.2 Surface water would be drained via a site specific Sustainable Urban Drainage System, the detail of which would follow at MSC stage, should consent be granted. SEPA has requested conditions to cover the detailed design of SUDs and a Construction Environmental Management plan.

6.5.3 SEPA has objected on the grounds of lack of information relating to the impact on existing private water supplies, and they require some further assessment. This has not been resolved at the time of writing.

6.5.4 The Dee District Salmon Fisheries Board has raised concerns over the impact of increased water extraction, foul and surface water drainage and sediment discharge during and post-construction. They highlight the value of the River Dee to tourism and the economy as well as the importance of its ecology. The matters raised would need to be fully addressed, conditioned and rigorously adhered to in order to ensure that there was no adverse impact on the river. SNH take the view that the required increased water abstraction should not have an adverse impact on the integrity of the River Dee SAC. The agent has confirmed that design of SUDS and the construction methods will be in full compliance with all regulatory requirements.

- 6.5.5 Turning to flood risk, SEPA has no objection on flood risk grounds provided a condition is attached requiring buffer strips. The Council's Flood Prevention Team has requested further details of design, operation and maintenance as well as existing field and watercourse drainage. They require the final SUDs design to be conditioned.
- 6.5.6 Policy 9 and SG Developer Contributions³, state that development shall be acceptable where it connects to the mains water supply, public waste water infrastructure, and where surface water is dealt with in a sustainable manner that avoids flooding and pollution.
- 6.5.7 There are a number of constraints in providing infrastructure to service the proposed site. The potential impact of water abstraction on the River Dee would need further investigation, although SNH have no objection, SEPA has concerns over the impact of additional abstraction from the River Dee SAC.
- 6.5.8 The viability and impact of the requirement for a new sewage connection from the site over the River Dee would need to be assessed at final design stage, including the location of the pumping station and its visual, noise and amenity issues. These matters would need to be assessed through a further application and technical solutions may be available to ensure the proposal met the policy requirements, however should this not be resolved at a later stage the whole proposal could well be undeliverable.
- 6.5.9 Surface water drainage would need to take account of the ground conditions and a system would need to be in place during construction to ensure no run off from the site would impact on the River Dee SAC. Although it is understood that existing drainage can be problematic and flooding is an issue in periods of high run off, a technical solution could be found, depending on the final layout, density, drainage design and land use. It is, therefore, considered that Policy 9 and SG Developer Contributions³ could potentially be met.
- 6.5.10 Policy 8 and SG LSD⁸ relate largely to land that is at risk of flooding itself, rather than development which could cause a flood risk elsewhere, however the principles of the policy do apply, and are considered to be met by this proposal.
- 6.6 Medical Centre
- 6.6.1 The existing medical centre in Banchory is recognised to be over capacity and approval of un-allocated sites would increase the pressure, albeit in this proposal land is to be provided for a new health centre. However, a site has been identified in the emerging LDP on a more central location adjacent to the main road (A93) and on established bus route. Community facilities should be in an accessible location and available to all community residents. Scottish Planning Policy requires siting of healthcare facilities to be considered on a sequential town centre first approach due to their significant footfall. The applicant has confirmed that the provision would involve

donating the site for the medical centre, rather than building it themselves.

- 6.6.2 The proposed medical centre would be beyond the settlement boundary and, whilst there is an existing bus route along the B974, the site would be less accessible than either the existing site in the town centre or the proposed site allocated in the Local Plan adjacent to the A93 and the main transport route through Banchory, thus failing the sequential test set out in SPP. As such the proposal is contrary to Policy 8: Layout, siting and design and SG LSD7: Community facilities.

6.7 Education provision

- 6.7.1 The number and sizes of houses, along with phasing, other developments and existing capacity are used to assess the level of developer obligations towards new education provision. The Education Service has advised that Banchory Academy is already over capacity and this application, along with housing already allocated in the LDP would add pressure to primary provision. Schedule 3 of the LDP notes that in general terms development of 1000 new residential units may require a new primary school. Below that number developers are required to contribute towards education provision.

- 6.7.2 Policy 9: Developer contributions and SG Developer contributions¹ require fair and reasonable contributions towards the cost of public services. Details would be required through a s.75 to secure a contribution towards additional education facilities which would enable this policy to be met, and Heads of Terms to secure this contribution has been agreed with the applicant.

6.8 Employment and tourist facilities

- 6.8.1 The proposal includes an indication of start-up units located in the “Deeside Way Hub” to provide incubator units. The exact nature of the proposals are unclear at this stage but the agent has also indicated it may include a small café and possibly a small local convenience retail unit. The site is not allocated and the impact of its development would need to be considered on allocated business sites. SG Bus2 states that new office development will be approved if it is located on land allocated in the plan or on land that is derelict, unused or underused; and it has been demonstrated that the site is accessible by public transport or non-motorised means of travel. This site is not allocated, nor is it considered to be derelict, unused or underused. Accessibility will be discussed in 6.9 below. SG Bus4 supports development of tourist facilities subject to other policies if they are well related to existing settlements and avoid dispersed patterns of development or have a locational need to be near a specific tourist facility whilst not damaging those interests. Details on the proposed Deeside Way Hub are somewhat vague but it could provide a tourist facility near existing attractions such as the Scolty Hill and Deeside Way walks.

- 6.8.2 The proposal is not considered to comply with Policy1: Business Development and SG Bus2: Office development as it is not on allocated, derelict, unused or underused land, however the potential benefits of these elements of the proposal are noted, but do not outweigh wider policy considerations.

6.9 Landscape and Visual Impact

- 6.9.1 SNH have expressed concern over the inadequacy of the Landscape and Visual Impact Assessment which significantly under-estimates the level of potential landscape and visual impact from the development. They note that the proposed development would significantly impact on the historic landscape character of the site and the LVIA has limited or no assessment of elements of the impact, including the wider landscape character and setting of Banchory, views from the wider landscape in particular from Scolty Hill and the impact on the historic landscape character of the site.
- 6.9.2 The site lies within the Deeside Landscape Character Area, which is categorised as Straths and River Valley's; a diverse character type where rivers are the most crucial influence on landscape character. The River Dee bisects the lower half of the character area and is associated with a rich vein of estates, woodlands and attractive small towns. Lower Deeside is a pastoral area of green fields and shady woods. Around Banchory the area is characterised by thick broadleaf woods associated with estates. A more open agricultural basin is encountered between the River Dee and the Water of Feugh.
- 6.9.3 Planning Advice 12/2012, and Policy 12 and SG Landscape1 identify the nature of the landscape and suitable ways to develop. Important points in the Planning Advice that are relevant to this proposal are:
- The wooded river valley is sensitive to development which may cause the loss of woodland. Development should seek to retain woodland and enhance the richly wooded landscape through planting.
 - Pressure from built development may result in loss of settlement shape and character. Dispersed development on the edge of settlements should be avoided and any development proposed should seek to replicate the settlement pattern.
- 6.9.4 The view from Sunset Seat over the Bridge of Dee is designated as a valued view in the LDP, additional assessment of the view has been supplied by the applicant to indicate that broadleaf planting would restrict views towards the site from this viewpoint. The view from Scolty Hill is an important local viewpoint but is not designated as a 'valued view'.
- 6.9.5 Notwithstanding the proposals to increase and enhance woodland planting on the site, it is considered that the proposed development will have an undue and unacceptable impact on the wider landscape character area, the setting of Banchory, and the area around the Bridge of Feugh. As such it would be contrary to Policy12: Landscape character and SG Landscape1: Landscape character.

6.10 Roads and Transportation

- 6.10.1 Transport Scotland has considered there would be minimal environmental impact on the trunk road network.
- 6.10.2 The Council's Transportation team has issued a holding objection until further information on the deliverability of the proposed signalisation of the

Bridge of Feugh junction has been agreed. They have also noted that the centre of the site is outwith the 1600m acceptable walking distance of Banchory Primary School, however they have agreed that it is feasible to walk to the school within 20-30 minutes. Matters relating to the design of the Bridge of Feugh junction may be capable of resolution at a detailed stage but the distance to schools remains a concern to the Planning Service.

- 6.10.3 Turning to the road layout within the site, Roads Development has commented that additional information would be required to meet standards at the stage of future applications and this could be conditioned. However, the main issue is establishing whether signalisation can be safely delivered and how it could be phased to avoid major disruption to the road network, aswell as fuller details on the alignment of the proposed diversion of the main road to Strachan.
- 6.10.4 In terms of the proposed link to the Deeside Way, the enhancements/links fall outwith the current site boundary but the agent has confirmed that it is understood the developer would have access to the land and this would be confirmed at detailed stage.
- 6.10.5 The development could be designed to be accessible by varied means of transport, avoiding reliance upon the private car, whilst providing good linkages to Banchory and is close to, or could potentially, deliver major improvements to public transport services. The site is close to the town centre, and some amenities that sit on the northern side of the river within Banchory. However, beyond the site there is no provision of safe routes to school and at 1800m from the centre of the site, it is beyond the 1600m acceptable walking distance to Banchory Primary school, which is the closest primary. Transportation have accepted evidence that a route to school can be walked within an acceptable timeframe, albeit the reality is there will be a strong reliance on the private car to get children to school from this site.
- 6.10.6 It is considered that the proposed new access road does not take account of safety and convenience for all forms of transport. The proposed signalisation at Bridge of Feugh has the potential to impact on the character of the site and surrounding area with disruption to the existing network. In summary, the proposal is contrary to Policy 9 Developer Contributions and SG Developer contributions2: Access to new development.
- 6.11 Natural Heritage
- 6.11.1 Concerns had been raised by the Council's Environment Team relating to biodiversity, impact on trees and nature conservation. Further information from the agent has addressed these issues. It would be possible to use appropriately worded conditions to obtain the necessary detail and supporting information to remedy the Environment Team's concerns.
- 6.11.2 Several species have been mentioned in the representations as being present on site; survey work shows there are no records of badgers or otters, and while red squirrels have been reported to the north west of the site, surveys did not identify any red squirrel presence. They are likely to be sporadic visitors into the site though. Three species of bats: Daubenton's;

Common Pipistrelle and Soprano Pipistrelle were detected with varying levels of activity. No records of dens or other signs of the presence of pine martin were recorded although they have been seen in the area. SNH has requested further survey work to establish the extent of tree loss and impact on bats, otters and red squirrels.

- 6.11.3 The River Dee is designated as a Special Area of Conservation, a Natura site designated to protect the very best sites of international importance. It is also a Local Nature Conservation Site and the application site lies within the designated buffer. SNH has advised that both fresh-water pearl mussels and salmon are vulnerable to pollution and that, due to the scale of the proposal, and its proximity to and hydrological connectivity with the SAC, there is a likely to be a significant effect which would need to be assessed. Conditions would be required to ensure pollution from both construction and operational phases was mitigated.
- 6.11.4 Some proposals for biodiversity enhancement have been provided by the developer at PPP stage, such as the protection of mature woodland, considered to be of national level value, with buffer strips to reduce impact from housing/domestic pets and to retain darker areas for foraging bats. New planting is proposed to provide broad woodland belts between housing blocks. Habitat severance from internal roads may be mitigated by minimizing the clearance of mature trees and planting new tall canopy trees. All grassland on site is considered to be of low ecological value and the impact of habitat loss to blocks of housing is not considered significant in the Ecological Impact Assessment. The only building at Braehead Farm affected would be a shed unsuitable for bat roosting. New wildflower grasslands and the wetland around SUDs would introduce new habitats.
- 6.11.5 The proposal has potential to have a detrimental impact on internationally important nature conservation sites, European protected species and natural heritage features. However, development is possible on sensitive sites providing adequate survey work has been carried out and appropriate mitigation put in place. Subject to appropriate conditions covering additional surveys, tree protection measures, mitigation and a high quality landscape scheme with appropriate long term maintenance, it is considered that the proposal could meet Policy 11: Natural Heritage and associated guidance SG Natural Environment1: Protection of nature conservation sites, and SG Natural Environment2: Protection of the wider biodiversity and geodiversity; Policy 14: Safeguarding of resources and SGSafeguarding3: Protection and conservation of trees and woodland.

6.12 Built Heritage

- 6.12.1 Historic Scotland has no objection to the proposal. The Council's Environment Team had requested a fuller assessment of the visual impact on listed structures, to address concerns that the site/setting of the listed Toll House and bridge could be easily swamped if read in conjunction with larger modern development and it is essential that new housing is not visible from this location. Further information has been received and this matter could be conditioned for further consideration at detailed matters stage to inform the specifics of the site layout.

6.12.2 The potential impact of a revised traffic layout and traffic lights on both the bridge and the Toll House cannot be assessed until a finalised layout for the junction has been prepared and agreed with the Roads service, however the Planning Service have strong concern in relation to the impact lighting would have on the character and setting of both listed structures.

6.12.3 It is important to consider whether the development has any detrimental impact on any Listed Buildings (including Bridge of Feugh), including their character, integrity or setting. At this stage insufficient detail is available to assess whether the proposal is compliant with Policy 13 and the associated guidance SG Historic Environment¹, but with the requirement for signalisation at the existing junction at the Bridge of Feugh, which is a direct result of this development, the Planning Service consider the proposal to have a detrimental impact on the bridge and Toll House.

6.13 Archaeology

6.13.1 The ES notes two archaeological sites within the development area, along with crop marks and other structures which may be disturbed or destroyed. Trial trenching is proposed by the developer to establish the extent of sub-surface remains. The Council's Archaeologist has commented that the proposal affects an area of cropmarks likely to be prehistoric in date, and which sits in a wider landscape of previously recorded prehistoric activity. They request a condition requiring a programme of archaeological works.

6.13.2 With appropriate investigation and mitigation the development is unlikely to have any detrimental impact on archaeological remains and it is considered to comply with Policy 13 Protecting, improving and conserving the historic environment and the associated guidance SG Historic Environment⁴: Archaeological sites and monuments

6.14 Main Issues Report and the next LDP

6.14.1 In terms of the bid into the next Local Development Plan, the Main Issues Report 2013, in the Settlement Statements states *that the town has experienced considerable expansion, however development does not cross the south of the River Dee, which is itself an internationally important wildlife site. Banchory with allocations for a total of 180 housing units in the current plan period and a further 260 proposed in the second phase (2017-2023) would appear to have met housing needs and there is no need for any further allocations. Should further capacity be required site MA063 west of Upper Lochton would be the officer's preference.*

6.14.2 The next LDP has been through a public consultation process prior to the publication of the proposed plan which is currently out for further consultation. Consideration of this application has to take account of the LDP process and its associated public engagement. A decision to approve this application may prejudice the next LDP process, both in terms of appropriate provision of health care facilities and in terms of housing land supply in the Aberdeen Housing Market Area.

6.15 Other Policy Considerations

- 6.15.1 In terms of general layout, siting and design, the proposal is only indicative at this stage, however the layout demonstrates a relatively high density with pockets of housing set amongst woodland/landscaped areas. Open space provision is shown to be well dispersed throughout the site, containing a mix of open areas and plantation. Connectivity is shown throughout with a road layout indicated on the plan including a new route for the B974 to Strachan. Footpath and cycle connectivity has been considered within the site and a link is proposed through the development linking the existing Deeside Way and Scolty Hill paths. The introduction of community facilities and the “Deeside Way Hub” are also proposed. These aspects would generally comply with Policy 8 and the associated SG LSD2, 5, 6 and 7 relating to siting and design, provision of open space, public access and provision of community facilities. Specific details would be addressed in a subsequent application should the proposal be approved.
- 6.15.2 No formal masterplan or development framework has been provided for this site, which is a requirement of Policy 8 and SG LSD1 for the vast majority of allocated sites. However the design process and level of engagement that the applicant has gone through does reflect the formal process required by Aberdeenshire Council, and the supporting documentation contains much of the information a masterplan would include.
- 6.15.3 In terms of carbon neutrality and energy efficiency, no detail has been provided at this stage, however this is usually dealt with by a condition.
- 6.15.4 Concerns were raised at the Hearing in relation to Economic Impacts, particularly in relation to tourism. Measuring potential negative economic impact is incredibly difficult to do, it is extremely hard to say whether tourists would be put off visiting the Falls of Feugh or Scolty Hill if this development went ahead. In economic terms, there would be benefits from the development in terms of housing close to the town centre and additional footfall supporting the local shops there. The general landscape concerns outlined above are relevant, but it cannot be said with any certainty that the proposal's landscape impact would deter tourists from visiting the area. The Planning Service therefore would not consider the proposal to have significant negative impacts on tourism or the economy. In addition the value of fishing on the Dee adds significantly to the local economy, however appropriate design of drainage systems to prevent damage to the Dee, along with mitigation could be provided, thus allowing the local fishing enterprise to continue unaffected.
- 6.15.5 Following the Hearing, the applicant has prepared an Economic Impact statement to support the application. This suggests the development could create 200 jobs per during construction with £10 million p/a gross value added (GVA) to the economy, and over 200 permanent jobs adding £6 million GVA p/a. The 200 permanent jobs would come through 50 jobs at the health centre/social care, 20-30 jobs at the social hub and incubator units, and an estimate of 130 jobs to support the local retail and service sectors through the consequential increase in local expenditure from the housing in this application. 5-10 jobs would be created to maintain other facilities, such as trails and woodland. Furthermore the applicant believes

the development to the road network may benefit existing businesses in Banchory.

6.15.6 The Economic Impact statement does perhaps overestimate the positive impact on the economy from the development, but it does emphasise the difficulty to quantify both positive and negative economic impacts that this development could have. The concerns relating to tourism are noted, and as outlined above it could not be said with any certainty that this development will reduce visitors attending the Falls of Feugh or walking up Scolty Hill. The potential benefits cannot be ignored either, as outlined in the applicant's supporting statement. The Planning Service are content that the proposal does not have significant enough economic benefits to merit support against the policy reasons for refusal already outlined, but it is not felt that there is a significant enough concern in relation to impacts on tourism and the local economy to merit this as a reason for refusal.

6.16 Representations

6.16.1 The majority of points raised in the representations fall into the above categories. Those remaining are as follows:

- Impact on private water supply – evidence of supplies within the site has been provided, as requested but a response from SEPA is not available at the time of writing. However this can be obtained and suitable mitigation put in place through an appropriately worded condition(s).
- Impact of light pollution – no detail of street lighting has been provided at PPP stage. Detail would come forward with the final street design documentation, including a lighting strategy, energy conservation initiatives, as well as full details of how the landscaping would aim to screen the development
- Precedent for other non-allocated developments – consideration must be given to whether approving a large scale development on unallocated land would set a dangerous precedent for other developments.
- Noise and impact on amenity – noise impacts on existing residents would be covered by Environmental Health legislation. Amenity would be protected by consideration of the detailed layout and design of subsequent applications should the PPP application be approved.

6.17 Concluding Remarks

6.17.1 In conclusion, the proposed development of 400 houses and associated facilities on the site to the south of the existing Banchory settlement boundary and beyond the River Dee is contrary to a number of policies in the LDP, as well as the strategic aims of the Strategic Development Plan. There is no support from SPP, the development cannot be considered to be "sustainable" and the negative impacts do not outweigh the current, valid development plan.

6.17.2 The proposal is therefore recommended for refusal as being contrary to the strategic aims of the Aberdeen City and Shire Strategic Development Plan (2014), and the following Aberdeenshire Local Development Plan policies;

Policy 5 Housing land supply and the associated SG Housing1: Housing land allocations 2007-2016; Policy 3 Development in the Countryside and SG Rural Development1: Housing and business development in the countryside; Policy 1 Business development and the associated SG Bus2: Office development; Policy 12 Landscape conservation and SG Landscape1: Landscape character; Policy 8: Layout, siting and design of new development and SGLSD7: Community Facilities; Policy 9: Developer contributions and SG Developer obligations2: Access to new development; and Policy 13: Protecting, improving and conserving the historic environment and SG Historic Environment1: Listed Buildings.

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 has been carried out and 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

The proposal is contrary to the Spatial Strategy set out in the SDP in particular the Local Growth and Diversification Area within which Banchory is located.

10.2 Local Development Plan Departures

Policy 1 Business development
SG Bus2: Office development,

Policy 3 Development in the Countryside
SG Rural Development1: Housing and business development in the countryside,

Policy 5 Housing land supply
SG Housing1: Housing land allocations 2007-2016,

Policy 8: Layout, siting and design of new development
SGLSD7: Community Facilities,

Policy 9: Developer contributions
SG Developer obligations2: Access to new development,

Policy 12 Landscape conservation
SG Landscape1: Landscape character

Policy 13: Protecting, improving and conserving the historic environment
SG Historic Environment1: Listed Buildings.

- 10.3 The application is a Departure from the valid Local Development Plan and Strategic Development Plan and has been advertised as such. Any representations received have been circulated as part of the agenda and taken into account in recommending a decision. The period for receiving representations has expired.
- 10.4 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.

11. Recommendation

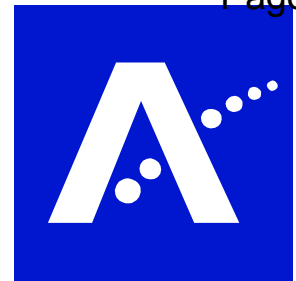
11.1 **That Members express their view (which will be reported to Full Council) on the application, particularly whether they agree with the recommendation of the Head of Planning and Building Standards to REFUSE Planning Permission in Principle for the following reasons:**

01. The proposed development is contrary to the strategic aims of the Aberdeen City and Shire Strategic Development Plan (2014) and approval would prejudice the ability of sites allocated within the Aberdeenshire Local Development Plan to be delivered. As such the proposal is contrary to the aims of Policy 5 Housing land supply and the associated SG Housing1: Housing land allocations 2007-2016 of the Aberdeenshire Local Development Plan (2012)
02. The proposed development does not meet any of the policy requirements and significantly exceeds the definition of small scale development as set out in Policy 3 Development in the Countryside and SG Rural Development1: Housing and business development in the countryside of the Aberdeenshire Local Development Plan (2012). No exceptional circumstances exist to permit development of this scale in this location
03. This site is not allocated for business development, and constitutes agricultural/wood land and therefore cannot be considered to be derelict, unused or underused. The proposed business/commercial part of this proposal is therefore contrary to Policy 1 Business development and the associated SG Bus2: Office development of the Aberdeenshire Local Development Plan (2012).
04. Due to its scale and location on the south bank of the River Dee the proposal will have a detrimental impact on the existing landscape character and setting of Banchory. The proposal is therefore contrary to Policy 12

Landscape conservation and SG Landscape1: Landscape character of the Aberdeenshire Local Development Plan (2012).

05. The proposed location of the medical centre, on an unallocated site which would not be in an accessible location within the settlement, does not comply with Policy 8: Layout, siting and design of new development or SGLSD7: Community Facilities of the Aberdeenshire Local Development Plan (2012).
06. The site requires new accesses which currently cannot show that they will be safe, convenient for pedestrians, cyclists and public transport or cause minimal impact on the character of the site and the surrounding area. As such the proposal would be contrary to Policy 9: Developer contributions and SG Developer obligations2: Access to new development of the Aberdeenshire Local Development Plan (2012).
07. The proposal would require traffic signals at the Bridge of Feugh which, subject to their location, have the potential to result in a detrimental effect on the character, integrity and setting of the category B listed Tollhouse and Bridge of Feugh contrary to Policy 13: Protecting, improving and conserving the historic environment and SG Historic Environment1: Listed Buildings of the Aberdeenshire Local Development Plan (2012)

Stephen Archer
Director of Infrastructure Services
Author of Report: Jan Regulski
Report Date: 24 April 2015



EQUALITY IMPACT ASSESSMENT

Stage 1: Title and aims of the activity (“activity” is an umbrella term covering policies, procedures, guidance and decisions).	
Service	Infrastructure Services
Section	Planning – Development Management (Viewmount)
Title of the activity etc.	APP/2015/0225 - Residential Development of 400 No. Dwellinghouses (Including 300 Private Rented, 75 Affordable and 25 Assisted Living Units), Health Centre, Employment Uses, Formation of Deeside Way Hub, Extension to Deeside Way, Realignment and Improvement to the B974, Cycle Paths, Landscaping, Open Space and Ancillary Works
Aims of the activity	To develop a housing scheme (including affordable/assisted living homes) and mixed uses and associated infrastructure. Particular relevance to Equalities through 25 assisted living units and a health centre.
Author(s) & Title(s)	Neil Mair, Senior Planner

Stage 2: List the evidence that has been used in this assessment.	
Internal data (customer satisfaction surveys; equality monitoring data; customer complaints).	N/A
Internal consultation with staff and other services affected.	N/A
External consultation (partner organisations, community groups, and councils).	N/A

External data (census, available statistics).	N/A
Other (general information as appropriate).	N/A

Stage 3: Evidence Gaps.

Are there any gaps in the information you currently hold?	No full details of the specific size and operation of the assisted living units has been provided, or the size/scale/operation of the health centre.
---	--

Stage 4: Measures to fill the evidence gaps.

What measures will be taken to fill the information gaps before the activity is implemented? These should be included in the action plan at the back of this form.	Measures:	Timescale:
	The application only seek permission in principle therefore details would be obtained at a later stage.	n/a

Stage 5: Are there potential impacts on protected groups? Please complete for each protected group by inserting "yes" in the applicable box/boxes below.

	Positive	Negative	Neutral	Unknown
Age – Younger			Yes	
Age – Older				Yes
Disability				Yes
Race – (includes Gypsy Travellers)			Yes	
Religion or Belief			Yes	
Gender – male/female			Yes	

Pregnancy and maternity			Yes	
Sexual orientation – (includes Lesbian/ Gay/Bisexual)			Yes	
Gender reassignment – (includes Transgender)			Yes	
Marriage and Civil Partnership			Yes	

Stage 6: What are the positive and negative impacts?		
Impacts.	Positive (describe the impact for each of the protected characteristics affected)	Negative (describe the impact for each of the protected characteristics affected)
Please detail the potential positive and/or negative impacts on those with protected characteristics you have highlighted above. Detail the impacts and describe those affected.		

Stage 7: Have any of the affected groups been consulted?	
If yes, please give details of how this was done and what the results were. If no, how have you ensured that you can make an informed decision about mitigating steps?	No.

Stage 8: What mitigating steps will be taken to remove or reduce negative impacts?		
	Mitigating Steps	Timescale
These should be included in any action plan at the back of this form.	N/A	

Stage 9: What steps can be taken to promote good relations between various groups?	
These should be included in the action plan.	N/A

Stage 10: How does the policy/activity create opportunities for advancing equality of opportunity?
N/A

Stage 11: What equality monitoring arrangements will be put in place?	
These should be included in any action plan (for example customer satisfaction questionnaires).	N/A

Stage 12: What is the outcome of the Assessment?	
Please complete the appropriate box/boxes	1 No negative impacts have been identified –please explain.
	The proposal, containing assisted living units and new/replacement health centre would not have any negative impacts on those with protected characteristics.
	2 Negative Impacts have been identified, these can be mitigated - please explain. * Please fill in Stage 13 if this option is chosen.
	3 The activity will have negative impacts which cannot be mitigated fully – please explain. * Please fill in Stage 13 if this option is chosen

* Stage 13: Set out the justification that the activity can and should go ahead despite the negative impact.

Stage 14: Sign off and authorisation.				
Sign off and authorisation.	1) Service and Team	Infrastructure Services - Planning		
	2) Title of Policy/Activity	Planning Application – APP/2015/0225		
	3) Authors: I/We have completed the equality impact assessment for this policy/activity.	Name: Neil Mair Position: Senior Planner Date: 24/4/2015 Signature: NM	Name: Position: Date: Signature:	
		Name: James Wheater Position: Senior Planner Date: 24/4/2015 Signature: JW	Name: Position: Date: Signature:	
	4) Consultation with Service Manager	Name: Mairi Stewart Date: 24.4.15		
	5) Authorisation by Director or Head of Service	Name: Robert Gray Position: Head of Planning and Building Standards Date: 24.4.15	Name: Position: Date:	
	6) If the EIA relates to a matter that has to go before a Committee, Committee report author sends the Committee Report and this form, and any supporting assessment documents, to the Officers responsible for monitoring and the Committee Officer of the relevant Committee. e.g. Social Work and Housing Committee.			Date: 24.4.15
	7) EIA author sends a copy of the finalised form to: eia@abdshire			Date:
(Equalities team to complete) Has the completed form been published on the website? YES/NO			Date:	

ABERDEENSHIRE COUNCIL

PRE-DETERMINATION HEARING

**GYM HALL, HILL OF BANCHORY SCHOOL, BANCHORY
MONDAY 20 APRIL 2015**

Present: Councillors M F Ingleby (Chair), A M Allan, P J Argyle, G J Clark, K L Clark, L Clark, A Evison, K A Farquhar, P K Johnston, J J Latham, and Provost J Webster.

Officers: J Clark, Area Manager (Marr), J Joss, Senior Solicitor, N Stewart, Team Manager (Development Management), N Mair, Senior Planner, J Regulski, Planner and A Riddell, Area Committee Officer (Marr).

Planning permission in principle for residential development of 400 dwelling houses (including 300 private rented, 75 affordable and 25 assisted living units), Health Centre, employment uses, formation of Deeside Way hub, extension to Deeside Way, realignment and improvement to the B974, cycle paths, landscaping, open space and ancillary works at land at Braehead, Auchattie, Banchory (planning application reference no: APP/2015/0225)

The Chair welcomed all parties present and advised that this was not a public consultation but a formal hearing to allow those who had already submitted valid representations on the application, the applicant and consultees to orally express their views on the application to Councillors. She advised that following the hearing a report on the application together with a note of the hearing would be presented to the Marr Area Committee, possibly on 5 May 2015. The views of the Area Committee would thereafter be reported to the Full Council, probably on 18 June 2015, at which time it was expected that a decision on the application would be made. The applicant, selected consultees and all those who had submitted representations on the proposal had been advised of the hearing arrangements and requests to speak had been received from the following –

Ken Ross of Ross Developments & Renewables Ltd, on behalf of the applicant
Julia Davies, on behalf of Feughdee West Community Council
Robin and Bryonie Brodie, local residents
Dr John Coyne, local resident
Robin Davies, local resident
James Donald, local resident
Andrew Duff, local resident
Ben Freeman, on behalf of Bancon Developments
Theresa Hunt, from Burness Paull on behalf of Ian Adams, local resident
Ian & Christine Mechie, local residents
Theresa Nutter, local resident

The Chair then asked if there were any other parties who had requested to be heard and had not been identified and no further parties were identified.

The Chair explained that third parties should focus their comments on their views already expressed in writing and that only Councillors would be permitted to ask questions of any of the speakers to clarify points raised.

The Senior Planner, Neil Mair, made reference to the officer's report circulated which summarised the policy background, representations and main issues taken into account as part of the assessment of the application. Reference was made to the number of

representations received and he confirmed that a total of 458 valid representations had been received, 6 in support and 452 objections. A site visit had taken place prior to the hearing and maps detailing the location of the site including aerial photographs were displayed. He provided a description of the site which was currently agricultural land with a tree belt to the north, a road running around the periphery and Feugh Waters to the east. The indicative masterplan prepared by the applicant's agent indicated that the trees to the north and centre of the site would be retained. He reported on the detail of the proposal which included the provision of a health centre, district heating scheme and accessibility plan. He referred to key planning objectives for Banchory included in the current Aberdeenshire Local Development Plan and the Aberdeen City and Shire Strategic Development Plan including housing land supply. He confirmed that the application site had been submitted as a bid for inclusion in the next Local Development Plan for development of 230 units. A series of supporting documents had been submitted and reference was made to the composition of the development in terms of private rented, affordable and assisted living units and Scottish Planning Policy which encouraged a mix of tenure. He outlined consultation responses received and highlighted key considerations in relation to the application as detailed in paragraph 6.16 of the report and in particular the visual and landscape impact, impact on listed buildings, tourism and emerging 2016 Local Development Plan. In conclusion, he advised that a further report outlining key facts and considerations including equality issues would be presented to the Marr Area Committee for a view on the application and then to the Full Council for determination.

Thereafter, Councillors were given the opportunity to ask questions as follows –

Question – What has been done to robustly assess the impact of the development on tourist and visitor attractions in the area given that there is no reference to consultation with the Council's Economic Development section contained in the report?

Answer – This is tricky to assess and quantify as there is an element of objectivity involved. The Planning Service does not routinely consult with Economic Development on these types of applications.

Question - Given concerns expressed with regard to the impact on schools can you confirm if the Education Service objected to the development?

Answer - Comments from the Education Service are contained in section 4.11 of the report indicating that they were unable to support the development without information on the phasing, impact on school rolls and safer routes to school.

Question - The report refers to the proposed signalisation at Bridge of Feugh. Given the structure of the road network which contains single track roads and unclear bends at either side can you advise how this might be achieved?

Answer - Transportation colleagues are working with the Developer to identify solutions.

Question - Can you comment on the density of the proposed housing which is more closely associated with suburban developments not rural/semi-rural areas?

Answer - Every application must be considered on its own merits. The application is for planning permission in principle and the finer detail of the proposal would be considered at a later stage.

Mr Ross of Ross Developments and Renewables Ltd then addressed the Committee in support of the application. He considered that this was a unique opportunity to provide 400 families with homes of their choice within their community and at prices they could afford. No public subsidy was involved and the company would enter into a Section 75 Agreement to

ensure that the properties would remain available for key workers and local residents. He considered that the objections to the application would be valid and reasonable if it was intended that the properties were developed for sale at market value but this was not the case. Reference was made to material planning considerations and the requirement to determine planning matters within the context of the local development plan unless material considerations indicate otherwise. The application, in his view, presented a unique opportunity that could benefit the wider needs of the local community including housing, health, equality and the needs of the elderly. A public consultation exercise had been undertaken in Banchory and reference was made to comments received from those in attendance who had been unable to secure a rented property in the Banchory area and had to undertake a 60 mile round trip. He referred to numbers currently on the Council house waiting list, expenditure on temporary accommodation and the failure to deliver housing for private rental. He considered that there was a desperate need for rented accommodation in the Aberdeenshire housing market area and that this application provided an opportunity for Elected Members to consider the greater housing needs within the Community. In conclusion, he reiterated the lack of provision for private rented accommodation particularly in the Banchory area which he considered to be a high priority, the uniqueness of the proposal which would not require any external funding, support for the development in the local area and urged the Committee to support the application.

Councillors were then given the opportunity to ask questions.

Question - What range of rents are proposed?

Answer - A 2 bed affordable property estimated at £700 per calendar month and private rented sector property estimated at £850 per calendar month.

Question - Can you clarify what will be provided in terms of the health centre proposals? Is it provision of land only?

Answer - A site would be made available and the landowner is happy to gift the site to the community. The site would be large enough for the scale of the existing clinic and provide the opportunity for 50% expansion. Contact had been made with the National Health Service in that regard.

Question - How will the proposed access and signalisation at Bridge of Feugh work given the current road structure and existing visibility issues?

Answer - It is proposed to realign the road with the majority of traffic passing through the site so any increase in traffic on the existing road network would be limited. The existing road is considered substandard and there is an opportunity to use some of the land to improve site lines. Comments have only recently been received from the Roads service in relation to the proposed signalisation and discussions will continue with the Roads service to address any issues.

Question - What is the present use of Braehead Farm?

Answer - Poor quality agricultural land currently being used for grazing.

Question - Do you know who the proposed landlords would be and can you provide further information on the proposals for the Deeside Way hub?

Answer - In terms of landlord, the applicant is currently engaged with a number of parties. In terms of the Deeside Way hub it was intended to collect activities in one

location including starter business units and workshops and the proposed location was identified on the site map.

Question - You appear to be arguing for an exemption from the Local Plan based entirely on the Section 75 Agreement proposed, can you confirm where this has been used before, is the application site a bid site in the Local Plan for the next period and has an objection to the 2016 Local Plan been submitted?

Answer - Justification for the development was not entirely based on the Section 75 Agreement and these were being used in every Local Authority for that purpose. The application site was a bid site in the Local Plan for the next period. The applicant is promoting the current application and if the application is refused an objection to the Local Plan would be pursued.

Question - It was likely that the timescale for objections to the Local Development Plan would be closed before the application was determined. What level of Section 75 Agreement would you be happy with?

Answer - We will freely and willingly enter into a Section 75 Agreement to ensure that the properties would remain as rented accommodation.

Question - Great emphasis has been placed on the supply of affordable housing. The local development plan contains policies which require affordable housing to be delivered as part of that, why do you consider that the additional provision is required?

Answer - The current policies are based on population projections in 2008 as the figures for 2010 were too late to be included. The planned provision would not be sufficient to meet current needs and this development would provide an opportunity to deliver affordable housing earlier than planned.

Question - In terms of the roads layout you have indicated that it is intended to divert the Cairn O' Mount road through the middle of the site which would generate significant traffic and potential road safety issues. Can you advise why you consider it appropriate to direct a main road through the site?

Answer - The existing road is substandard and it is proposed to design something up to current standards which would improve road and pedestrian safety.

Question - The projection figures for education suggests schools will be at capacity in 4 years, what action will be taken to address this issue?

Answer - Consultation ongoing with the Education, Learning and Leisure Service and developer contributions may be required. It is hoped that clearer information will be available when the application is reported to the Full Council.

Julia Davies, Auchattie representative to Feughdee West Community Council, confirmed that the Community Council strongly opposed the proposed development and outlined the reasons for those objections which included the impact on the Community's confidence in the planning process given that the site although included as a bid for development in the Local Development Plan was not supported; justification for use of the site which was outwith the settlement boundary of Banchory would essentially result in a whole new village on the outskirts of the town within a rural setting; the increase in the volume of traffic and problems this would bring to Banchory, impact on education provision given that Banchory Academy was already oversubscribed; that sites had already been included for development in the Local

Plan and impact on the environment and tourism particularly the two major tourist attractions of the Waters of Feugh and Scolty Hill. In conclusion, she reiterated that the site had never been considered by the Community to be suitable for major development and had been excluded from the proposed Local Development Plan, that the development would represent a new village with urban density in the countryside with all the inherent pressures that a population of 1000 more people and their cars and related traffic would bring to Banchory and its infrastructure and urged the Committee to reject the application.

There were no questions for Mrs Davies.

It was confirmed that Robin and Bryonie Brodie were not present.

Dr Coyne then addressed Councillors and advised that, in his view, it would be difficult to identify a less favourable site for a housing development around Banchory than that which was being considered at Braehead Farm. The site was wedged between the confluents of the Dee and Feugh rivers both part of the Dee catchment, an area designated as a special area of conservation providing protection for freshwater pearl mussels, atlantic salmon and otters. Reference was made to current flooding issues during heavy rainfall, the impact such a development would have in terms of run off and pollution of the nearby water courses, dealing with domestic and commercial waste water and problems with access to and from the site including potential for back up of traffic on the B974 in the South Deeside Road. Using Scottish Executive figures for vehicle journeys, he considered that the development would produce over 3 million extra vehicle movements per annum and that the proposed traffic lights would not be able to deal with the back up of traffic. He also commented that the proposed monthly rental costs of £700 were not affordable.

There were no questions for Dr Coyne.

Robin Davies, a resident in the Auchattie area, then outlined his objections to the application. He considered that this was the wrong development in the wrong place, it was inconsistent with the local planning process given that the site was not designated for such development in the current and proposed development plan, the size of the proposed development and potential for further development was not appropriate in that location and the potential negative impact on the community and its local environment with knock on consequences for destruction of the local scenery, unacceptable increase in traffic, loss of amenity, threat to tourism and overload on local services.

There were no questions for Mr Davies.

At this stage in the proceedings Councillors Latham and Argyle left the hearing.

James Donald then addressed Councillors and advised that he lived opposite the application site and objected to the development. His objections related to the impact of the development on the open view from his property, potential for overshadowing, access and road safety issues, potential impact on existing mains sewage pipe which crossed the proposed site entrance, potential for increased flooding and impact on local wildlife. In conclusion he urged the Committee to refuse the application.

There were no questions for Mr Donald.

Andrew Duff then outlined his objections to the application as a resident and parent in the Deebank area. His objections related to the potential impact of the development on drainage including flood risk, the local road network, cycle connectivity and acceptable walking distances to school and potential for road safety issues given the increase in traffic generated.

There were no questions for Mr Duff.

Ben Freeman, on behalf of Bancon Developments and OBO North Banchory Company, objected to the application on the basis that the proposed development site had been promoted and rejected for inclusion in the local development plan review; that other sites had been identified suitable for development in Banchory which would deliver housing, affordable housing, employment opportunities and local facilities and services in line with the adopted and emerging Local Development Plans; that the Strategic Development Plan was a statutory document adopted in 2012 and despite the applicant's claims that it was out of date contained provision for a healthy housing supply; that the private rented housing proposed would not be affordable to local people and that approval of the application would be make a mockery of the local development plan process.

There were no questions for Mr Freeman.

Teresa Hunt of Burness Paul then addressed the Committee and outlined her client's, Ian Adams, objections to the application. She advised that full details of her client's objections were contained in the letter of representation submitted, that the application was contrary to the development plan and the applicant's argument that material considerations such as the alleged need for private rented accommodation were not justified. The proposed density of over 40 houses per hectare, which was not fixed and could be increased, would result in urbanisation of a rural area. The development would impact on tourism and on road safety issues given that the B974 road bridge and separate foot bridge at the Feugh were not designed to accommodate cyclists. Residents of the properties would be dependent on cars and the applicant had failed to demonstrate that the proposal complied with the policy on transportation. The application site had been promoted through the Local Development Plan process and rejected for good reason and would impact on natural heritage, environment, woodland and ecology. The impact on the River Dee special area of conservation and tributaries would be significant and the development would be out of keeping with the existing pattern of development in the area. In conclusion is urged the Committee to refused the application.

There were no questions from Members for Ms Hunt.

Ian Mechie advised Councillors of his objections to the application which were based on the impact of the development on the landscape and visual impact on the Bridge of Feugh area and Scolty Hill. The proposal would result in the development of a new village which would depend entirely on infrastructure such as shops, schools, recreation and community facilities in Banchory. The size of the development would be on a par with Braemar and concern was expressed that further development would take place on the site in future. The view from Scolty Hill would be irretrievably damaged and pressure on recreation facilities would be immense. Reference was made to the Scottish Government policy for further growth and regeneration and sites already allocated for the further growth of Banchory in the Local Development Plan. Substantial objections to the development had been submitted from both the Banchory and Feughdee West Community Councils and it was pointed out that residents had not objected to all developments only those in unsuitable locations such as the site proposed. In conclusion, he reiterated that approval of the application would result in a separate new village with urban density being developed outwith the Banchory settlement and urged Councillors to reject the application.

There were no questions for Mr Mechie.

The Chair confirmed that Theresa Nutter was not present.

Thereafter, all Councillors confirmed that they had received all the information they required.

All speakers were then asked if they considered they had a fair hearing and all confirmed that they had.

The Chair advised that a note of the hearing and a report on the application would be presented to the Marr Area Committee for its views and the application would then be presented to the Full Council for determination.

She thanked all those present for attending and closed the meeting at 9:05pm.