



Banff & Buchan Area Committee Report – 12 March 2024

Reference No: [APP/2023/0562](#)

Full Planning Permission for Erection of 35 Dwellinghouses and Associated Infrastructure at Land to the North of Cairn Close, Memisie, Fraserburgh

Applicant:

Claymore Homes Ltd

Agent:

No Agent

Grid Ref:

E:397118 N:862655

Ward No. and Name:

W03 - Fraserburgh And District

Application Type:

Full Planning Permission

Representations:

7

Consultations:

14

Relevant Proposals Map Designations:

Within Settlement

Allocated as OP2 – 20 homes

Complies with Development Plans:

Yes

Main Recommendation:

Delegated Grant



NOT TO SCALE

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1. Reason for Report

- 1.1 The Committee is able to consider and take a decision on this item in terms of Section B.8.1 of Part 2A List of Committee Powers and Section C.2.1 of Part 2C Planning Delegations of the Scheme of Governance as the application is for major development.
- 1.2 This application was deferred at the last meeting of the Banff and Buchan Area Committee on 20 February 2024 for a site visit. The site visit has now been carried out. In addition, the developers have now submitted an Executive Summary of the Development Viability Statement. The developers have requested that the content of the Executive Summary Report is only shared with Members and not shared onto the public domain due to the presence of commercially sensitive information.
- 1.3 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments are incorporated within the report and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

2. Background and Proposal

- 2.1 This application seeks full planning permission for the construction of 35 dwellinghouses on land to the north of Cairn Close, Memsie. The site is located on the north west side of the existing settlement. A location plan is attached as **Appendix 1**. The site is 2.62ha and has a rectangular form.
- 2.2 The existing Claymore Homes development, Cairn Close, borders the site to the south and there are 2 existing dwellings over the eastern site boundary. There are agricultural fields to the north and west. There is an existing field ditch that follows the line of the western boundary, and the east boundary comprises rear garden boundaries (of the said dwellings) and open agricultural land.
- 2.3 The existing foul drainage treatment plant that serves the Cairn Close development and which would also serve the proposed development is sited in the north eastern portion of the site area. There are no existing shelter belts or trees within the site area and the site is fairly exposed from the north side. The land appears to have been used as a site compound/storage area whilst the Cairn Close development was under construction as evidenced by the presence of portacabins and storage containers in the western portion sited towards the northern site boundary. The existing site level is relatively flat within the site area but the land over the northern boundary gradually declines northwards towards the Doolie Burn which runs on an east – west course approximately 100m to the north. Site boundaries are depicted by post and wire fencing to the south and east and the north and west boundaries are open. There are 2 access gates in the locations of the proposed roadways that would serve the development from Cairn Close. A site plan is attached as **Appendix 2**.

- 2.4 The site comprises the OP2 site within the Memsie settlement statement of the Aberdeenshire Local Development Plan 2023 (ALDP) which is allocated for 20 houses. Further details of the OP2 requirements are detailed in the main body of the assessment.
- 2.5 The dwellings comprise a mix of open market semi-detached and detached houses, mainly 2 storey dwellings comprising 3,4 and 5-bedrooms comprising wall-head dormers along front elevations. There are 2 plots along the western side of the site that would be single storey with hipped roofs. Most of the house types contain integral garaging and small sunlounges off the rear elevations. All dwellings have solar PV panels proposed on the roof planes. The palette of materials comprises white drydash Nordic Spar with Cedar effect composite panelling coloured in slate grey. The roofs are to be smooth grey Marley Modern roof tiles, and windows/doors/fascias and soffits would be finished in anthracite grey, with black rainwater goods. The house types can be viewed at **Appendices 7-19** (inclusive).
- 2.6 In terms of layout, there is a centralised strip of open space (70m wide) that runs through the middle of the site on a north – south course which would comprise amenity planting, communal seating, children’s play equipment, cycle racks, and pathways. To the north east, it is proposed to plant up the existing embankments surrounding the waste water treatment plant with a mix of shrubs and tree planting on the flatter areas. The proposed soakaway for the road drainage would be planted in a meadow mix. In the south west corner, a small area of landscaping is also proposed on entrance to the development which also comprises seating. The landscaping plan for the site can be viewed at **Appendix 3**.
- 2.7 The proposed access to the site would be taken from the south via the existing Cairn Close development. The foul drainage system serving the development will drain to the waste water treatment plant onsite which has outfall to the Doolie Burn. This plant will be upgraded and thereafter adopted by Scottish Water. The surface water drainage is all to be disposed of within the site area by means of soakaways.
- 2.8 Outwith the site and on the land (that is under the applicant’s control) over the northern site boundary it is proposed to plant mixed species hedging along the back of all rear garden boundaries along with trees. To the east of this area and running parallel to the A981 public road, it is proposed to plant a line of trees (species Aspen, Alder, Birch and Willow). A formalised hardcore path is proposed within this area that would connect the proposed development to the Doolie burn. There are also a series of proposed cut paths in this area to provide a short circular walking route around the field to the north. Tree planting is proposed along the Doolie Burn in 3 separate clusters along the buffer strip and a wet meadow mix is also proposed in this area to enhance biodiversity and amenity. It is proposed to install hibernacula (log piles) in the location of the buffer strip for amphibians and reptiles to use. The landscaping plan for this area can be viewed at **Appendix 4**. The phasing for implementation of the overall landscaping can be viewed at **Appendix 5**.

2.9 In terms of off-site infrastructure, 2 bus stops with shelters on either side of the A981, and a crossing point, are proposed to be installed along with extension of existing road side footways in the settlement to provide access to the new bus stops. The routes to the existing and proposed bus stops can be viewed at **Appendix 6**.

2.10 Planning history

The relevant planning history for the site is detailed below:

ENQ/2022/1864 Erection of 35 Dwellinghouses and Associated Infrastructure responded to on 09 February 2023 indicating that the proposed development does not accord with the Aberdeenshire Local Development Plan 2023 in its current form and would not be supported. However, amendments and updates could be provided to overcome initial concerns prior to the submission of a formal application. The enquiry response also identified the amount of supplementary information needed to support any forthcoming application including the submission of a Masterplan.

ENQ/2022/1919 POAN for the erection of 35 dwellings and associated infrastructure responded 11 January 2023.

Land to East

APP/2020/0395 Erection of dwellinghouse (PPP) approved 18-12-20 (time period for implementation has now expired).

APP/2022/1969 MSC for Condition 1 on APP/2020/0395 application returned.

2.11 Supporting Information

A range of supporting information has been submitted with the application and is detailed below:

Pre Application Consultation (PAC) Report (Claymore Homes) – February 2023

Outlines the consultation requirements and the measures undertaken which included the undertaking of 2 public events that were advertised through a variety of media. A summary of consultation feedback is included with the PAC.

Archaeological Written Scheme of Investigation (WSI) (Cameron Archaeology Group) – 25 March 2023

Provides details of how the required WSI will be undertaken including the undertaking of trial trenching. It also details the requirements of any suitable post-excavation analysis and publication of discovered archaeological remains.

Design and Access Statement (Claymore Homes) – March 2023 (amended November 2023)

Provides an appraisal of the site, its context and sets out the development of the design and planning principles that have contributed to the evolution of the scheme. The statement was amended at the request of the Planning Service to incorporate a number of matters which includes biodiversity enhancement measures, access paths to the wider countryside, strategic landscaping and enhancement along the Doolie Burn corridor, and clarification on the treatment plant area.

Drainage Statement (Cameron and Ross) – October 2022 (amended February 2024)

Includes detail of the proposed surface and foul drainage infrastructure. The foul drainage will connect to a new gravity sewer which is proposed to be adopted by Scottish Water which will connect to the existing and improved sewage treatment plant. The surface water from the individual dwellings will be treated by means of soakaways within the individual plats/ permeable paving and the run-off from roads is to a soakaway within the site boundary. This report was amended to account for further trial pits and infiltration testing to be carried out at the request of Aberdeenshire Council Flood Prevention service.

Flood Statement (Cameron and Ross) – May 2023

Provides information on the suitability of the site for the proposed development and to identify any mitigation works required to address flood impact. The report concludes that the site is not at flood risk. Based on the findings of the flood risk statement it is stated that the proposed development can be undertaken in accordance with the National Planning Framework [NPF4] in relation to flood risk.

Ground Investigation Report (Grampian Geotechnical) – 15 August 2023

The report provides the technical details on ground conditions at the site (soil samples, groundwater levels, contamination etc).

Development Viability Statement (Ryden) – November 2022
(CONFIDENTIAL)

The report provides information on viability and identifies unforeseen costs of the proposed development alongside a comparison of costs to be evaluated against projected value. The report concludes that excluding any developer obligations and affordable housing requirements that the level of developer profit and the forecast profit falls below the level of developer profit widely adopted by the house building industry. Given the commercial sensitivity, the developers have requested that the full viability report remains confidential and is not made available for Members. However, as noted in paragraph 1.2 above an Executive summary has now been provided to Members.

Road Access Summary Report (Cameron and Ross) – May 2023

Provides justification for access to be taken via the current access facilitating Cairn Close off the B9032 which is in accordance with the current guidance

set out by Aberdeenshire Council Roads Development. Additional features over and above the minimum housing road requirements are provided in the form of emergency access and off-site the path and bus stop provisions.

3. Representations

3.1 A total of 7 valid representations (6 objection/ 1 neither objecting to nor supporting) have been received as defined in the Scheme of Governance. All issues raised have been considered. The letters raise the following material issues in objection:

- *Access for construction vehicles – safety concern in relation to existing play area at Westcroft Close, school bus pick up/ drop off*
- *Increase in traffic cause congestion and resultant mess and disruption to existing residents*
- *Alternative access road should be provided*
- *Factor fee for landscape maintenance – would need to be taken over by the developer as construction vehicles will cause damage*
- *Impact on quality of life of existing homeowners*
- *Concerns of flooding in this area*
- *No road or drainage details submitted along with the application*
- *Concerns that the land may be unsuitable to support roadways*
- *Ground condition tests should be undertaken given that the site was used as a borrow pit for the adjacent residential site and levels have been altered since survey in 2012*
- *There are major problems with foul drainage at this site as there is no outfall – the existing sewage treatment plant is not fit for being adopted by Scottish Water*
- *There is no sustainable outfall for the sewer or rainwater as the Doolie burn is seriously constrained by a culvert*
- *The main reason this site was put forward over other sites in the ALDP was that it could be served by an adopted sewer but this has not been shown here. The developer falsely claimed that the existing plant was being adopted by Scottish Water*
- *Concerns over primary school capacity*

All other matters raised were not considered material to planning.

4. Consultations

Internal

4.1 **Business Services (Developer Obligations)** accepts the findings of the applicant's evidence that has been presented within the Viability Statement which is that any profit level is considered to be unachievable even with no developer obligation or affordable housing so it would be unlikely for the development to be fundable or to proceed in the current market. Following discussion between the Planning Service, Developer Obligations, Affordable Housing and the developer, the developers have offered up the provision of the equivalent of 4 units as a commuted sum equal to meeting 50% of the

affordable housing policy if a commuted sum is accepted. Affordable housing policy does provide for a lower level of affordable housing provision (than the standard 25% provision) and can also accept commuted sums instead of on-site provision in exceptional circumstances such as viability. Notwithstanding the viability position, and the fact that the figures within the viability assessment make no provision for any affordable sum figure, in order to comply with policy on affordable housing, a commuted sum payment to the equivalent of 4 units is an acceptable compromise in this case as it is unlikely any other developer would take this site on.

Developer obligations would have been sought for healthcare and sports and recreation but given the nature of the viability, it is accepted they can be dispensed with in this instance to prioritise affordable housing which again accords with policy provisions in terms of impact on viability. The commuted sum payment will be secured via a Section 75 agreement which will also provide for a clawback mechanism to cover both affordable housing and developer obligations if the financial circumstances were to change. Sight should not be lost of the fact that the land is allocated in the ALDP and the Planning Service seek to ensure that housing is delivered on the site particularly where we have a developer willing to take on a financially challenging site notwithstanding the viability issues.

- 4.2 **Education and Children's Services (Learning Estates)** indicate that the primary school catchment is Rathen School and secondary catchment is Fraserburgh Academy – It has no objections.
- 4.3 **Environment and Infrastructure Services (Archaeology)** were consulted and have asked for an archaeological written scheme of investigation (WSI) to be included as a condition.
- 4.4 **Environment and Infrastructure Services (Built Heritage)** advise that the proposal does not impact on the setting of any historic asset deemed to be of architectural significance or historic importance and it has no objections.
- 4.5 **Environment and Infrastructure Services (Contaminated Land)** has no objections.
- 4.6 **Environment and Infrastructure Services (Environmental Health)** has no objections.
- 4.7 **Environment and Infrastructure Services (Flood Risk and Coast Protection)** has no objections to the development.
- 4.8 **Environment and Infrastructure Services (Natural Heritage)** commented on the revised proposed landscaping and notes that the landscaping is a significant improvement on the original proposals. There is a good mix of tree species, and the specific planting is varied to reflect the conditions e.g. more willow and poplar in wetter areas and near the burn, more birch, rowan etc where it is drier. The use of hedging along some of the boundaries rather than close board timber fencing will also improve the biodiversity of the

area. Biodiversity enhancement measures, such as the wildflower planting, cutting small holes in the close board fencing to allow hedgehogs etc to pass and creating log piles (hibernacula) near the burn for insects, reptiles as detailed within the design statement etc, are also welcomed. The biodiversity enhancement measures proposed are acceptable and will have biodiversity benefits provided they are implemented as outlined.

In terms of paths, the site is very constrained due to the surrounding land uses and the public roads, and the existing path network in Memsie is very limited due to this however the provision of paths into the proposed open space to the north of the site does provide some space for short walks.

- 4.9 **Environment and Infrastructure Services (Roads Development)** are satisfied with the proposals subject to technical details of Roads Construction Consent to ensure adequacy and compliance with their standards. It is satisfied with the supplementary information provided relating to off-site improvements to bus stop infrastructure and crossing point on the A981 and the footway linkage on the B9032. The essential infrastructure will be subject to S56 technical approval to be delivered prior to occupancy of any dwelling. It has no objections.
- 4.10 **Environment and Infrastructure Services (Waste Management)** does not object but draws the developer's attention to its approved waste collection procedures.
- 4.11 **Housing Strategy (Affordable Housing)** advise that in accordance with the Local Development Plan's Affordable Housing Policy, an affordable housing contribution of 25% is required where there are 4 or more dwellings in a new housing development. There is housing need in the Memsie area as supported by the Aberdeenshire Council waiting list 2023 and the Housing Need and Demand Assessment 2017. The Housing Service acknowledges the viability appraisal and on this occasion the Housing Service accept an affordable housing contribution in the form of a commuted sum in order to address housing need in this locale.

This commuted sum will need to be secured through a S75 agreement.

External

- 4.12 **NHS Grampian** initially asked for developer obligation contributions towards increasing the capacity of the existing health facilities in Fraserburgh. However, the viability position has been intimated to, and accepted, by NHS.
- 4.13 **Scottish Water** does not object to the application. It advises that the development will be fed from the Turriff Water Treatment Works but that a Pre Development Enquiry (PDE) is required. With regards to wastewater, the development will drain to the waste water treatment plant on site. Scottish Water confirm that the existing plant will be upgraded and provided it is built to standards and specifications as set out in Sewer for Scotland v4 and that it meets consents set out by SEPA, it will be adopted. Scottish Water confirms

that the upgrade will be dealt with as part of the application/audit/facilitation process once the technical applications have been submitted to them.

4.14 **SEPA** has no objections on grounds of flood risk.

5. Relevant Planning Policies

5.1 National Planning Framework 4 (NPF4)

Scotland's fourth National Planning Framework (NPF4) is a long-term plan looking to 2045 that guides spatial development, sets out national planning policies, designates national developments and highlights regional spatial priorities. It is part of the development plan, and so influences planning decisions across Scotland.

On 13 February 2023 (0900am) Scottish Ministers adopted and published National Planning Framework 4 (NPF4), meaning that it is in force and National Planning Framework 3 and Scottish Planning Policy are superseded from that date and time. This will also have the effect that all strategic development plans and any supplementary guidance issued in connection with them cease to have effect on that date. As such the Aberdeen City and Shire Strategic Development Plan 2020 has now ceased to have effect. The NPF4 now forms part of the development plan along with the Aberdeenshire Local Development Plan 2023

Policy 1: Tackling the climate and nature crises

Policy 3: Biodiversity

Policy 13: Sustainable transport

Policy 14: Design, quality and place

Policy 15: Local living and 20 minute neighbourhood

Policy 16: Quality homes

Policy 18: Infrastructure first

Policy 20: Blue and green infrastructure

Policy 21: Play, recreation and sport

Policy 22: Flood risk and water management

5.2 Aberdeenshire Local Development Plan 2023

On 13 January 2023 the Aberdeenshire Local Development Plan 2023 was adopted.

The following policies apply:

Policy H1: Housing Land

Policy H2: Affordable Housing

Policy P1: Layout, siting and design

Policy P2: Open Space and Access in New Development

Policy E1: Natural Heritage

Policy C4: Flooding

Policy RD1: Providing Suitable Services

Policy RD2: Developer Obligations

Settlement Statements - Banff and Buchan

Memsie - OP2 Land to North of Cairn Close is allocated for 20 homes. The accompanying text states that the site will extend the recently constructed housing development along Westcroft Close and Cairn Close. With regards to drainage, it is stated that due to limited flows in the receiving watercourse for the waste water treatment plant, additional private treatment for OP2 is unlikely to be feasible and it urges early discussion with Scottish Water in this regard.

The development should incorporate:

- New access onto the A981
- Provision of active travel
- New bus stop infrastructure A981 and associated footway links

The development should give consideration to:

- Landscape impact (especially from northern approach)
- The need for strategic planting along the Doolie Burn
- Cohesion and links with the adjacent development to the south

5.3 Other Material Considerations

The Chief Planner's letter confirms that legislation states that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, whichever of them is the latter is to prevail (Section 24(3) of the Town and Country Planning (Scotland) Act 1997). Where there is an incompatibility between these two documents, NPF4 should be the primary policy for determination.

Draft Supplementary Planning Guidance on Developer Obligation and Affordable Housing August 2023.

This guidance relates to both Policies RD1 Providing Suitable Services, and Policy RD2 Developer Obligations. The guidance states that the Aberdeenshire Council acknowledges that unforeseen costs can affect development viability and may take this into account dependent upon circumstances. There is a requirement for all developers to undertake a full viability appraisal at the outset of their development which considers all likely costs including developer obligations and affordable housing in accordance with Policy RD2 Developer Obligations and Policy H2 Affordable Housing of the ALDP 2023. Aberdeenshire Council cannot consider issues of viability where this has not been undertaken. For unforeseen costs to be considered, the developer is required to follow the procedure set out in Appendix 1 of the said Guidance. Appendix 1 states that it is only unanticipated costs which can generally be considered in viability assessments. If the exercise establishes there are viability issues with the development, the Council has to determine if the shortfall in the infrastructure and affordable housing requirements can be borne by the Council and/or its partners as ultimately the impact of the development will still need to be mitigated and paid for. Not all planning

applications can be made viable, and the developer may have to rethink the form of development proposed to achieve a deliverable development.

Circular 3/12 Planning Obligations and Good Neighbour Agreements

The circular (which provides further guidance on the provisions set out in legislation and NPF 4) states that planning obligations should only be sought where they meet all of the following tests: 1. necessary to make the proposed development acceptable in planning terms; 2. serve a planning purpose; 3. relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area; 4. fairly and reasonably relate in scale and kind to the proposed development; and 5. be reasonable in all other respects.

6. Discussion

- 6.1 In assessing this application, the key considerations relate to the principle of the development, siting, design and layout, and technical considerations.

Principle

- 6.2 In considering the principle of this development regard should be had to NPF4 Policy 16 Quality Homes and ALDP 2023 Policy H1 Housing Land. Both policies support development proposals for new homes on land allocated for housing. The site is allocated for 20 houses under the settlement statement for Memsie as defined in ALDP. This proposal breaches the allocation (20 houses) with the provision of 35 houses. Policy H1: Housing Land states:

Higher densities would only be considered where any associated negative impacts on infrastructure, open space and residential amenity can be addressed and where the development has been justified, including through an approved Masterplan or Design Statement that has been subject to appropriate public consultation.

- 6.3 However, under NPF 4, there is no requirement for sites that exceed the specified number of units in Local Development Plans to carry out a masterplan process. In addition to this, the site is of a relatively small scale. Masterplans are normally only necessary for developments in excess of 50 units. Given the site area being over 2 ha, the development has been the subject of the Major applications process including the associated public consultation events which is similar in nature to the Masterplan process. Taking account of the above factors, the undertaking of a Masterplan is not considered to be necessary in this case.

6.4 Extra Units and viability

In terms of justification for the extra units, the developers have indicated that as a result of Covid 19 and other factors that the housing market has been hit by political and economic uncertainty and rising mortgage rates. As a result of this, the demand is now for smaller sized dwellings as opposed to large houses. It goes on to say that there are significant infrastructure costs associated with the development as there are no public sewers in the vicinity

and therefore in order to make the development viable, the number of units is higher than the allocation.

- 6.5 In addition, a fundamental issue associated with the principle of the extra units is the fact that the proposed development does not present developer obligations nor provide the required level of affordable housing to accord with policy. In support of the application, a viability statement has been provided by the developer.
- 6.6 The viability assessment goes into further detail on the unforeseen costs. A summary is provided at section 2.11 of this report. Due to its commercially sensitive nature the developers have asked that the statement (incorporating financial information) remains confidential. The density of the development is reflective of the existing Cairn Close development to the south and is identified in the design statement as 13.46 units per ha which is low, thereby reflecting the rural character of the surrounding area.
- 6.7 The consideration of development viability in respect of the relevant policies is discussed below and thereafter consideration of the higher density in respect of the impact that this has on layout, siting and design, impact on infrastructure, open space and amenity are discussed.

Development Viability – Affordable Housing and Developer Obligations

- 6.8 Development viability is a key issue in this application. In terms of policy requirements, the importance of providing affordable quality homes is enshrined throughout NPF4. It seeks to ensure that Local Development Plans allocate land to meet current and future needs and aspirations. It recognises that affordable housing options allow local people to stay in their communities. It also recognises that affordability and choice of homes is acute across the area which further emphasises the clear need for affordable housing provision to support local economies. Policy 16 of NPF4 also states that a lower level of affordable housing can be accepted under the policy if there are issues of viability to ensure deliverability of the site. Policy H2 of ALDP requires that at least 25% of the total number of homes on a site are affordable and a lower contribution will only be accepted where it is justified by evidence of impact on viability. The draft Supplementary Planning Guidance (SPG) - Developer Obligations and Affordable Housing (August 2023) supports this policy by providing further detail on the forms that the affordable housing contribution could take and outlining the exceptional circumstances where a lower contribution or an alternative to on-site provision may be appropriate on a viability basis.
- 6.9 In terms of developer obligations, NPF4 Policy 18 - Infrastructure First seeks to ensure that the impact of development proposals on infrastructure are mitigated. Policy 18 does seek for any contribution to be reasonable, inferring and having regard to viability, by application of the tests (as detailed under Circular 3/2012 Planning Obligations and Good Neighbour Agreements). Policy RD2 Developer Obligations references the same test as set out in Policy 16 of the NPF4 and Circular 3/2012.

- 6.10 As detailed above, a Development Viability Statement has been provided in support of the application. A viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return. It is for an applicant to demonstrate why the viability of their development is compromised because of a change in circumstances since the plan was prepared and adopted.
- 6.11 Developer Obligations has assessed the viability statement from an independent surveyor and which been compiled in accordance with relevant Royal Institute of Chartered Surveyors (RICS) guidance on viability in planning. Developer Obligations accepts the findings of the applicant's evidence that has been presented within the viability statement which is that any profit level is considered to be unachievable even with no developer obligation or affordable housing so it would be unlikely for the development to be fundable or to proceed in the current market. Following discussion between the planning service, developer obligations, affordable housing and the developer, the developers have offered up the provision of the equivalent of 4 units as a commuted sum which is equal to meeting 50% of the affordable housing policy if a commuted sum is accepted. As stated above, policy does provide for a lower level of affordable housing provision (than the standard 25% provision) and can also accept a commuted sum instead of on-site provision in exceptional circumstances such as viability. Notwithstanding the viability position, and the fact that the figures within the viability assessment make no provision for any affordable housing, in order to comply with policy on affordable housing, a commuted sum payment of 50% of the affordable housing requirement is an acceptable compromise in this case as it is unlikely any other developer would take this site on.
- 6.12 Developer obligations would have been sought for healthcare and sports and recreation but given the nature of the viability it is accepted they can be dispensed with in this instance to prioritise affordable housing which again accords with policy provisions for impact of viability. The commuted sum payment will be secured via a section S75 agreement which will also provide for a clawback mechanism to cover both affordable housing and developer obligations if the financial circumstances were to change.
- 6.13 Sight should not be lost of the fact that the land is allocated in the ALDP and the planning service seek to ensure that housing is delivered on the site particularly where we have a developer willing to take on a financially challenging site notwithstanding the viability issues.
- 6.14 Taking account of the fact that the relevant affordable housing and developer obligations policies make allowance for viability in residential developments, the commuted sum payment is considered to be acceptable and the development accords with NPF4 Policies 18 Infrastructure First and 16 Quality Homes and ALDP Policies H2 Affordable Housing and RD2 Developer Obligations.

Siting layout, density and design

- 6.15 NPF4 Policy 14 Design, quality and place and ALDP2023 Policy P1 Layout, siting and design are both applicable to the determination of this application. NPF4 supports proposals where they are consistent with the six qualities of successful places, these being, healthy, pleasant, connected, distinctive, sustainable and adaptable. ALDP2023 Policy P1 only supports development designs that demonstrate the six qualities of successful places, which include: that it is distinctive; safe and pleasant; welcoming; adaptable; efficient; and well connected. There is slightly different wording between ALDP2023 Policy P1 and NPF4 Policy 14, but both sets of policies seek to ensure high quality spaces where successful placemaking is embedded in proposals.
- 6.16 The shape and form of the site lends itself to a layout comprising the proposed 2 parallel streets and this characteristic follows on from the West Croft Close development to the south which broadly replicates similar layout, house types and plot sizes. The site is therefore fairly restricted by the nature of its size and shape but, overall, the density reflects the existing settlement pattern. There is a residential house mix incorporated and the external finishes comprising the white render with grey precast stone features, grey roof tiles and grey windows, doors, soffits and fascias will provide a modern contrast to the beige / grey finishes of the existing Cairn Close development. There are positive aspects incorporated within the development layout and design that include the following features:
- Landscaped areas on entrance to the development from the south along the full extent of the southernmost street frontage, thereby creating a welcoming approach.
 - The inclusion of a central area of open space which has seating, play equipment, and a centrally positioned circular meeting point.
 - The house types are laid out to provide varying street frontages that have the same house types at either end as book ends. The house designs reflect those within the adjoining residential development at Cairn Close.
 - Provision of connecting paths to the wider countryside.
 - Biodiversity enhancement measures through the incorporation wild flower planting and hibernacula along the length of the Doolie burn and within the site area (wildlife highways).
 - Hedging along boundaries bordering open space areas add further opportunity for biodiversity and create a soft edge to the respective garden grounds assisting in the creation of green space and a more welcoming environment.
- 6.17 The above measures all assist the integration of the development into the landscape and will have a positive impact in terms of providing a welcoming, healthy, and pleasant environment for the prospective occupiers of the houses.

Residential amenity

- 6.18 In considering residential amenity, there are two existing residential properties to the east (Harris House and Ohana). There are two proposed dwellings within the south east corner of the site that would back onto the southernmost dwelling (Harris House). However, there is an area of landscaping proposed that separates the rear garden grounds and the separation distance is such that there will be no privacy implications arising from windows on the proposed dwellings to existing rear garden ground. The northernmost dwelling (Ohana) backs onto the area accommodating the existing foul sewage treatment plant with associated landscaping thereby having no privacy implications. The frontages of existing dwellings along Cairn Close face northwards towards the site with an area of landscaping and public road separating the proposed development from the existing dwellings. The open space area within the existing residential development assists with creating an open aspect and green space between the developments which is welcomed.
- 6.19 The level of private garden ground within the proposed plot areas, are generous on all plots (the smallest of the plots comprising the semi-detached dwellings within the south east corner each have circa 140m²) and are considered to be appropriate to serve the needs of the prospective occupiers. Taking account of the above, the layout, siting, and design is considered to incorporate the principles of the six qualities of successful places and as such this element complies with NPF4 Policy 14 and ALDP 2023 Policy P1.

Landscaping, open space provision and biodiversity

- 6.20 In considering the landscaping regard is had to NPF4 Annex D - Six Qualities of Successful Places. Annex D recognises the contribution that quality landscaping and open space will bring in the promotion of healthy and active lifestyles by creating access to nature and greenspace. The integration of blue and green infrastructure and natural landscape features is also recognised in Annex D by creating pleasant spaces that are designed for positive social interactions. ALDP2023 Policy P1 Layout, siting, and design requires that development is safe, pleasant and distinctive and demonstrates the six qualities of successful placemaking. ALDP2023 Appendix 10 – Standards for Open Space notes that for developments of 5-49 units, that 120m² of open space should be provided per house and should provide contribution to existing play areas. All development on this scale is expected to provide natural and semi-natural greenspace, community woodlands, provision of green- blue corridors, and neighbourhood streets. In terms of biodiversity regard is had to NPF4 Policy 3 Biodiversity which seeks to ensure that biodiversity is enhanced and better connected including through strengthened nature networks and nature based solutions.
- 6.21 In this case, the ALDP settlement statement identifies specifically that *consideration should be given to the landscape impact of the development due to the site being open flat land in particular the visual impact when approaching Memsie from the north. Strategic landscape strips are required to be planted to the north and along the eastern boundaries of the site and an*

area for strategic planting is identified as P2 along the Doolie burn to the north of the site.

- 6.22 The total area of the landscaped areas within the development equate to 0.74 ha. The minimum landscaping required is 0.42 ha and whilst it is noted that the area for the treatment plant is included in the open space calculation, which may not be 100% useable given the underground installations associated with it, the development is considerably in excess of the minimum standards for open space which is welcomed. In addition to the landscaped areas within the application site boundary and to accord with the requirements stipulated within the ALDP settlement statement for Memsie, the developers proposed to landscape the buffer strip on the south side of the Doolie burn with wildflower planting and appropriate species of trees including Aspen, Alder, Hazel, and Willow. Tree planting is also proposed along the east side of the field to the north which would run parallel with the A981.
- 6.23 It is also proposed to install log piles near the burn for insects and reptiles and incorporate wildlife highways in all fencing throughout the development. The planting along the Doolie Burn and along the eastern boundary is in addition to a proposed tree planting immediately over the northern site boundary. The development also incorporates the provision of a formal path linking the site down to the location of the Doolie Burn and a series of cut paths within the land to the north to create a circular walking route. In line with the aims of Policy 3 of NPF4, the inclusion of the wildflower mix in the area to the north, trees and formation of log piles within the buffer strip will secure positive effects for biodiversity.
- 6.24 In terms of Policy 20 of the NPF4, the development incorporates measures to improve the existing blue- green infrastructure. Memsie has limited footpaths and connections to the wider countryside and therefore notwithstanding the fact that the cut paths will provide for short walks only, the inclusion of these aspects are seen as a positive step to improving the path network. Should a further phase come forward, further enhancement to the paths to the wider countryside should be sought. A phasing scheme has been submitted for the landscaping. The standard requirement for the provision of landscaping is for it to be carried out in the first planting season following commencement of development. In this case, the area of land to the north is to be used as a site compound area and therefore the planning service acknowledge the impracticalities of providing plantings adjacent to the northern site boundary in the first planting season. A phasing plan of the proposed landscaping has been submitted and within it the planting along the Doolie Burn and along the A981 would be installed prior to the completion of the 5th dwelling which will ensure that the tree planting which will create a soft edge to the development is implemented timeously. The phasing for the remaining landscaping within the northern portion of the site shall completed prior to the occupation of the 30th dwelling and this is accepted only on the basis that the strategic landscaping along the Doolie Burn and along the A981 is to be installed at an early stage. Relevant conditions shall be applied to ensure that the landscaping over the northern site boundary is carried out in accordance with the agreed landscaping phasing plan. The landscaping within the site shall be

subject to the standard landscaping condition that requires planting to be undertaken in the first planting season following commencement of development.

Transportation

- 6.25 In considering transportation matters, NPF4 Policy 18 Infrastructure First is applicable and requires that development proposals should provide for or contribute to infrastructure in line with identified as necessary as part of the ALDP allocation. NPF4 Policy 15 – Local living and 20 minute neighbourhoods is also applicable and requires that consideration is given to the level and quality of interconnectivity with the surrounding area and access to sustainable modes of transport which includes local public transport, and safe and high quality walking and cycling networks. ALDP Policy RD1 Providing Suitable Services is also applicable and states that we will allow development that provides adequate road, waste water management, water or waste water facilities, connections and treatment as appropriate. The policy also indicates that developers will need to provide or improve off site facilities, if the existing facilities will be placed under extra pressure that results in extra requirements. Policy 13 Sustainable Transport as defined within NPF4 requires that development will be supported where it can be demonstrated that the transport requirements generated have been considered in line with sustainable travel and that they provide safe links to local facilities, will be accessible by public transport, provide safe and secure cycle parking and charging facilities, safe crossings etc.
- 6.26 A number of representations have been received from residents of Cairn Close in relation to transport. These are predominantly concerning the fact that the vehicular access facilitating the site will be taken through the existing Cairn Close development and the concerns are mainly relating to the increased traffic causing congestion and having road safety implications and impacting the quality of life of existing home owners. Further concerns relate to the disruption to existing residents during the construction phase of the development and the potential impact that construction vehicles may have on the existing landscaped areas in Cairn Close for which the residents are paying a factor fee.
- 6.27 In the ALDP, it was identified that separate access from the A981 may be required to facilitate the development. However, a Road Access Summary report has been provided in support of the application which concludes that the existing access to the proposed development from the current residential development at Cairn Close (and in turn from Muir Road) accords with the Aberdeenshire Council guidance for road access. Roads Development are accepting of the access being taken off Cairn Close. There is an existing emergency access (currently serving Cairn Close) which connects to the A981 public road (between properties Harris House and Taigh) at the south east corner of the proposed site. In addition, there are offsite footpaths and bus stops proposed along both sides of the A981 with a pedestrian crossing point to serve the development. Roads Development are satisfied with the off-site improvements. Roads Development require that the infrastructure is

subject to Section 56 technical approval and is to be delivered prior to the occupancy of any dwellinghouse. This shall be subject of a planning condition. Roads Development have indicated the technical details of the Roads Construction Consent (RCC) with relevance to the proposed drainage are to be finalised to ensure adequacy and compliance with the relevant standards. This is a matter that will be covered under the RCC application and should not hold up the determination of the application. Subject to the requirements of Roads Development being applied as conditions/ informatives, the development is considered to accord with NPF4 Policy 18 and ALDP 2023 RD1.

- 6.28 With regards the issues in the letters of representation, Roads Development have not indicated any issues over road safety. In terms of the construction phase of development, the developers have advised that they are actively investigating the possibility of being able to take a temporary construction access directly off the A981 which would address the concerns of residents with construction traffic within the Cairn Close development. It is not uncommon for future phases of development to take construction access through the initial phase. Notwithstanding the fact that it is in the developer's interest to ensure that the construction phase causes minimal disruption to existing residents in the vicinity, reference to the management of Construction vehicles is made within the Design Statement and as such a Construction Traffic Management Plan shall be conditioned which will ensure the details are agreed by the Planning Service.
- 6.29 In terms of provision of sustainable travel and providing access to the wider path network. there are cycle stands proposed within the central area of open space and their implementation on site shall be covered by condition. The developers have submitted plans showing the cycle paths and core paths in the vicinity of the site. Whilst the development does not directly link into either, the development does facilitate these in the respect that they are making a contribution to sustainable travel and connections to the wider countryside by means of both walking and cycling in the proposed development.
- 6.30 Taking account of the above, the development complies with NPF4 Policy 15 – Local living and 20 minute neighbourhoods, Policy 13 Sustainable Transport and ALDP Policy RD1 Providing Suitable Services.

Flood risk and drainage

- 6.31 In considering this aspect of the proposal NPF4 Policy 22 Flood risk and water management, Policy 20 Blue and green infrastructure and ALDP policies C4 Flooding and RD1 Providing Suitable Services are applicable. NPF4 Policy 22 and ALDP Policy C4 seek to direct development to areas that are not at risk of flooding and that flood risk assessments will be required for development in the medium to high category of flood risk. In addition, both policies require that development proposals will manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of, and integrate with, proposed and existing blue - green infrastructure. NPF4 Policy 20 seeks to ensure that blue and green

infrastructure are an integral part of development layouts and are designed to deliver multiple functions such as flood prevention and water management. ALDP Policy RD1 states that we will allow development that provides adequate road, waste water management, water or waste water facilities, connections and treatment as appropriate.

- 6.32 Flooding within the site was raised as a concern in the representations. A Flood Statement was submitted which indicates that whilst the site is not identified within the SEPA flood maps as being at risk, the scale of the watercourses in the vicinity of the site falls below the threshold for them being included on SEPA's maps. There are 2 watercourses in the vicinity (Doolie Burn and unnamed ditch along western site boundary). The Flood Statement concludes that from the review of potential flood risk mechanisms, existing relative ground levels and predominant flow paths, that the site is not at risk of flooding. SEPA have no objections on flood risk grounds.
- 6.33 Concerns were also raised in the letters of representation over the proposed means of foul water disposal. It is claimed that the existing sewage treatment plant is not fit for being adopted by Scottish Water and there is no sustainable outfall as the Doolie Burn is constrained by a culvert. There are no public sewers available in the settlement to which the development can connect at present. However, there is an existing treatment plant that was installed as part of the phase 1 Cairn Close development. The drainage report confirms that the proposed means of foul drainage for the new dwellings will connect to a new gravity sewer which will connect to the existing and upgraded sewage treatment plant. Whilst the objection raises concerns on the treatment plant and the prospective outfall to the Doolie Burn, Scottish Water has confirmed that the existing plant will be upgraded and provided it is built to standards and specifications as set out in Sewers for Scotland (Version 4) and that it meets consents set out by SEPA, it will be adopted. It further confirms that the upgrade will be dealt with as part of the application/audit/facilitation process once the technical applications have been submitted to them. As Scottish Water are content with the proposed means of effluent disposal and that they have advised that the upgrade will allow the infrastructure to become adopted by them, the developer has provided sufficient information to show that there is a viable foul drainage solution to serve the development.
- 6.34 Flood Risk and Coast Protection asked for a full Drainage Impact Assessment to be undertaken and following the receipt of this asked for further test pits to be undertaken. The proposed means of surface water disposal from within the plots is via individual soakaways with the garden ground of each respective house. Road waters are proposed to be drained to a soakaway (18.5m x 28m x 0.5m deep) located to the north side of the sewage treatment plant. Flood Prevention are satisfied with the proposed means of surface water disposal, and it has no objections. A relevant condition shall be applied to ensure that the development is carried out in accordance with the agreed drainage details.
- 6.35 Given that investigations on both flood risk and drainage have been undertaken to demonstrate that the site can be adequately drained via

implementation of SUDS systems, the application is considered to comply with both NPF4 Policy 22 Flood risk and water management, Policy 20 Blue and green infrastructure and ALDP2023 Policy C4 Flooding and RD1 Providing Suitable Services in respect of flood risk and drainage matters.

Archaeology

- 6.36 In considering archaeology regard is had to NPF4 Policy 7 Historic assets and places and ALDP2023 Policy HE1 Protecting Listed Buildings, Scheduled Monuments and Archaeological Sites (including other historic buildings). Both sets of policies seek to ensure that our historic environment is protected and enhanced, and this includes archaeological sites. Since the submission of the application an archaeological evaluation has been undertaken. Confirmation from the archaeological contractor is awaited as to whether the applicant has signed contracts on the Post-Excavation Research Design (PERD). Given that at the time of writing this information is outstanding, a condition requesting a Written Scheme of Investigation (WSI) will be applied to the permission to ensure that archaeology is safeguarded throughout the construction phase as per Archaeology Service's original request. As such, the development will not have an adverse impact on assets.

Other matters raised in the letters of representation

- 6.37 Concerns over education capacity are not founded. Whilst the ALDP identified an issue with limited school capacity at Rathen Primary, this has changed with increased capacity in the school, so the site is no longer required to contribute towards primary education infrastructure provision. No contributions for education were sought in the original developer obligations package and the Education Service raise no objections.

Principle

- 6.38 On the basis that the development demonstrates that all matters comply the respective policies on layout, siting, and design and technical considerations have been addressed, the principle of providing extra units above and beyond the allocated number in the Settlement Statement is acceptable in this case and the development is considered to accord with Policy H1 of the ALDP and Policy 16 of NPF4.

Conclusion

- 6.39 There are exceptional circumstances attached to this development, namely that the developers have demonstrated by the submission of a viability statement that the site is unviable. The Planning Service are accepting of the viability statement and its findings. Notwithstanding the viability position and in order to comply with policy on provision of affordable housing, the developer has committed to providing a commuted payment towards the provision of affordable housing within the catchment area. The level of contribution is accepted by the Planning Service and given the exceptional circumstances surrounding this case, the proposal is considered to comply with both

Developer Obligations and Affordable housing policy. It should be stressed that the position taken by the Planning Service on these matters is exceptional on the grounds of the particular circumstances pertaining to this site and the challenges in delivering this allocated housing site and it should in no way be seen as setting a precedent.

- 6.40 The proposal meets the requirements of the Settlement Statement and demonstrates a reasonable site layout that comprises many positive features of good placemaking. This is especially with regards to the provision of open space, off site pedestrian links and bus stop provision, biodiversity measures and the planting within the buffer strip along the burn and adjacent to the A981. All technical matters have been demonstrated and their implementation on site are either integral to the development or can be covered by application of relevant planning conditions.
- 6.41 The Planning Service is now in a position to support this application in line with relevant policies contained within both the NPF4 and the ALDP2023. The erection of 35 houses is considered to comply with policy, as outlined above. The Planning Service are satisfied that the proposal will be appropriately designed, and laid out and be of a compatible scale, nature, and finish to the properties adjacent. The site can be suitably accessed and serviced and will have no detrimental impact on the local amenity or character of Memsie. Therefore, the application is recommended for approval, subject to conditions.

7. Area Implications

- 7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community Plan.

8. Implications and Risk

- 8.1 An integrated impact assessment is not required because the granting or refusing of the application will not have a differential impact on the protected characteristics of the applicant or any third parties.
- 8.2 There are no staffing and financial implications nor financial implications.
- 8.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.
- 8.4 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to, and wholly integral with, the planning process against the policies of which it has been measured.

9. Departures, Notifications and Referrals

9.1 Development Plan Departures

None

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

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

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

10. Recommendation

10.1 That authority to GRANT be delegated to the Head of Planning and Economy subject to:-

- 1. Section 75 to secure commuted sum payment for affordable housing and to incorporate a clawback mechanism in the event that the financial circumstances change;**
- 2. And subject to the following conditions:-**

01. In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended) this planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development is begun within that period.

Reason: Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

02. That prior to the occupation of the 5th dwellinghouse within the development hereby approved the agreed off site infrastructure improvements have been installed in accordance with the approved plans and are completed and available for public use. The offsite infrastructure comprises the following:

- extended footways along both the A981 and B9032;
- bus stop provision on either side of the A981 public road; and
- the pedestrian crossing point.

Any variation to the timing of the implementation of the works shall require to be subject of the prior formal agreement in writing by the Planning Authority.

Reason: To ensure that the development meets the NPF4 requirements of providing access to sustainable modes of transport and amenity and to ensure that the offsite infrastructure is implemented timeously.

03. That unless otherwise agreed in writing, all soft and hard landscaping within the application site boundary shall be carried out in accordance with the approved planting scheme as detailed on drawing Landscape Proposals Phase 2 – Planting Plan reference CH M2 100.22 SL-02 REV E dated 8th November 2022. The landscaping shall be implemented in the first planting season following commencement of development within each respective residential phase (as detailed on Phasing plan WCP-WIP-07 REV E) and thereafter the landscaping shall be maintained in accordance with the agreed 5-year Landscaping Maintenance Regime (Jan 2024). The hard landscaping includes, but is not limited to, the provision of the play equipment, cycle stands and seating within the public open space areas.

For the avoidance of doubt, any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged, or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all soft and hard landscaping works shall thereafter be permanently retained.

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

04. That unless otherwise agreed in writing with the Planning Authority, all landscaping proposals outwith the application site boundary as detailed on the approved plan titled Landscape Proposals Phase 2 – Open Space Planting Plan reference CH M2 100.22 SL-03 REV E shall be carried out in accordance with the details contained therein. The timing for implementation of the agreed landscaping in this area shall accord with the timing as detailed within the landscape phasing plan Reference WCP-WIP-LAND-PH dated 30 Jan 2024. The landscaping shall thereafter be maintained in accordance with the agreed 5 year Landscaping Maintenance Regime (Jan 2024). For the avoidance of doubt, any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all soft and hard landscaping works shall thereafter be permanently retained.

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

05. No individual dwellinghouse hereby approved shall be erected unless an Energy Statement applicable to that dwellinghouse has been submitted to, and approved in writing by, the Planning Authority. The Energy Statement shall include the following items:
- a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development;
 - b) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy C1 of the Aberdeenshire Local Development Plan 2023.

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

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and Policy C1 of the Aberdeenshire Local Development Plan 2023.

06. No dwellinghouse hereby approved shall be occupied unless its driveway and parking area has been provided and surfaced in accordance with the details shown on the approved plans. Once provided, all parking areas shall thereafter be permanently retained as such.

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

07. The proposed development shall be connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply without the separate express grant of planning permission by the Planning Authority.

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

08. No dwellinghouse hereby approved shall be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plans and the Drainage Statement V.6 by Cameron and Ross dated Feb 2024. Foul and surface water drainage systems shall be permanently retained thereafter in accordance with the approved maintenance scheme.

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

09. No works in connection with the development hereby approved shall commence unless an archaeological Written Scheme of Investigation (WSI)

has been submitted to, and approved in writing by, the Planning Authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the Written Scheme of Investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis, the development hereby approved shall not be brought into use unless a post 1 excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to, and approved in writing by, the Planning Authority. The PERD shall be carried out in complete accordance with the approved details.

Reason: To safeguard and record the archaeological potential of the area.

10. No works in connection with the development hereby approved shall commence unless a Construction Traffic Management Plan (CTMP) has been submitted to, and approved in writing by, the Planning Authority. The development shall be carried out in complete accordance with the approved CTMP.

Reason: In the interests of road safety and to avoid degradation of the road and bridge network.

11. No development shall commence unless details of the proposed seating and play equipment within the open space areas have been submitted for the written approval of the Planning Authority. The approved play equipment and seating shall thereafter be installed in accordance with the approved details and in accordance with the timing as specified within the agreed phasing plan (as per condition 2 above).

Reason: To ensure the timeous implementation of play equipment and seating within the open space areas in the interests of amenity.

12. That no development shall commence unless detailed plans of the following biodiversity enhancement measures have been submitted for the written approval of the Planning Authority:

- The hibernacula including locations
- The wildlife highways including locations

The details shall include details of the timing of implementation of the above measures and the agreed measures shall thereafter be implemented in accordance with the approved plans and within the agreed timeframes.

Reason: To ensure the timeous implementation of agreed measures in the interests of ensuring biodiversity enhancement.

13. No development shall commence unless full details of the proposed formal path connecting the development to the Doolie Burn have been submitted for the written approval of the Planning Authority. The approved path shall thereafter be implemented on site in accordance with the approved details and in its entirety. The path shall be completed and made available for public use in accordance with the timings as detailed within the landscape phasing plan Reference WCP-WIP-LAND-PH dated 30 Jan 2024.

Reason: To ensure the timeous implementation of the formal path within the open space area to provide access to the wider countryside in the interests of amenity.

10.2 Reason for Decision

The Planning Authority considers that the application is for a development that is in accordance with both National Planning Framework 4 and the Aberdeenshire Local Development Plan 2023. The proposal encompasses many features of good placemaking, and the development will be appropriately designed, laid out and be of a compatible scale, nature, and finish to the properties adjacent. The site can be suitably accessed and serviced and will have no detrimental impact on the local amenity or character of Memsie.

For noting:-

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

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

Alan Wood
Director of Environment and Infrastructure Services
Author of Report: Lindsey Geddes
Report Date: 29 February 2024