

REPORT TO ABERDEENSHIRE COUNCIL – 23 NOVEMBER 2017

Reference No: APP/2017/0478

Full Planning Permission for Erection of 37 Dwellinghouses, Provision of Land for Future Affordable Housing, and Associated Landscaping and Infrastructure at Westhaven, Cairnbulg.

1. Purpose of Report

- 1.1 Full Council is able to consider this item in terms of Section B.9.1 of Part 2A List of Committee Powers and Section C.2.1b of Part 2C Planning Delegations of the Scheme of Governance as the application is for major development which, in the professional opinion of the Head of Planning and Building Standards, is a significant departure from the Development Plan and which therefore will be determined by Full Council following consultation with the relevant Area Committee.
- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this Report and their comments incorporated. They are satisfied that the report complies with the Scheme of Governance and relevant legislation.

2. Background and Proposal

- 2.1 The applications is for full planning permission for a residential development comprising 37 dwelling houses, the provision of land for future affordable housing, and associated landscaping and infrastructure at Westhaven, Cairnbulg.
- 2.2 The proposal comprises a mix of 3-5 bedroom detached single and two storey dwelling house types with open space provision, primarily in a central amenity area, with substantial landscape buffers. An area for future affordable housing development is shown to the northeast of the site measuring 0.747 acres which would accommodate 12 houses. This area would be transferred to the Council or a RSL as serviced land. The proposed houses would be connected to the public water supply and foul drainage systems with surface water disposed of via a Sustainable Urban Drainage System (SUDs).
- 2.3 The proposed site is located at the entrance to Cairnbulg to the north of Rathen Road, accessed from the B9017, and measures approximately 4.7 hectares and is currently in agricultural use. The site is bound by the settlement of Cairnbulg to the north and north east, a row of existing houses to the south east and agricultural fields to the north west and south west. The location plan and site layout is attached at **Appendix 1B and 1C** respectively.

- 2.4 The site lies outwith the settlement boundary of Cairnbulg and Inverallochy, within the Rural Housing Market Area as defined by the Aberdeenshire Local Development Plan (ALDP) 2017. The site lies within part of the wider coastal zone surrounding Cairnbulg and Inverallochy and is covered by additional landscape character designations including Special Landscape Area (SLA) – North East Aberdeenshire Coast Special Landscape Area, and the Dunes and Beaches from Fraserburgh to Peterhead Landscape Character Area, as defined within the ALDP. The Cairnbulg/Inverallochy Conservation Area extends from the coast and encompasses an area of open space south of Station Road, directly adjacent to the site.
- 2.5 The application was subject to a pre-determination hearing which was held on 31 August 2017 at Inverallochy Primary School with a site visit prior to the meeting. A report of the Pre-Determination Hearing is detailed in **Appendix 2** and the outcome of the Hearing at **Appendix 3**.

The following information is appended:

- **Appendix 1A:** Local Plan Extract (ALDP 2017)
- **Appendix 1B:** Location Plan
- **Appendix 1C:** Site Layout Plan
- **Appendix 1D:** House Types
- **Appendix 2:** Report of Pre-Determination Hearing 31 August 2017
- **Appendix 3:** Minute of Pre-Determination Hearing 31 August 2017
- **Appendix 4:** Report to Banff & Buchan Area Committee on 19 September 2017
- **Appendix 5:** Extract of Minute from 19 September 2017 Banff & Buchan Area Committee

- 2.6 The application is supported by a range of information including:
- Design Statement (Claymore Homes), dated 19 May 2017;
 - Drainage Assessment (GMC Survey), dated 19 May 2017;
 - PAC Report (Claymore Homes), dated 23 February 2017;
 - Ecological Survey Report (Landcare Northeast), dated 23 March 2017;
 - Transportation Statement (Jacobs), dated 23 May 2017;
 - Geo-environmental Desk Study and Ground Investigation (Green Cat Renewables), dated 23 May 2017.

3. Representations (Summary)

- 3.1 A total of 4 valid representations (4 supporting) have been received as defined in the Scheme of Governance. All issues raised have been considered.
- 3.2 The material issues raised in the representations are included in the Banff & Buchan Area Committee Report dated 4 September 2017 (**Appendix 4**)

4. Consultations

- 4.1 **Infrastructure Services (Built Heritage)** requested further information from the developer to explain how the development relates to the Cairnbulg Conservation Area. It was also advised that the developer incorporates elements of the local vernacular into the proposed house designs.
- 4.2 Following discussion with the developer, agreement was not reached to address the initial concerns.
- 4.3 It is noted that the proposal is of a typical design which fails to acknowledge and incorporate elements of the local vernacular associated with the settlement. It is considered that a scheme which fails to relate to the former fishing settlement would add to the routine post war development that has been constructed to the south of the conservation area. Given the sensitivity of the site on the edge of the conservation area, the Built Heritage Service do not support the proposal.
- 4.4 **Infrastructure Services (Contaminated Land)** are satisfied with the contents, conclusions, and recommendations of the Desk Study Report submitted with the application (Green Cat Renewables). Potential contamination associated with the former railway that bounded the site to the north is identified in the Report and an investigation of that area has been requested but has not been received to date.
- 4.5 **Infrastructure Services (Flood Prevention Unit)** are generally satisfied with the level of flood risk associated with the proposal as well as the proposed surface water drainage arrangements. It is noted that the application site lies outwith the medium likelihood flood extent of the SEPA Flood Map. The surface water drainage for the site is to utilise drainage systems for the road, roof and driveway drainage. It is noted that the connection point to the existing surface water sewer will require works outwith the red line boundary of the site and this must be included in the Scottish Water Technical Approval of the overall drainage system. No further comments were raised.
- 4.6 **Infrastructure Services (Landscape Services)** raised concerns with an area of soft landscaping to the rear of proposed plots 1-5. These were addressed by the applicant. A final consultation response is awaited from Landscape Services, however, it is understood that all concerns have been addressed.
- 4.7 The applicant is required to notify the Council of their preferred contractor who would be maintaining the landscaping in the future. The applicant has agreed to this requirement.
- 4.8 **Infrastructure Services (Housing Strategy)** support the proposal for the provision of 2 areas of land equating to 0.747 acres to accommodate 12 units, as required for the development, in the future. The affordable housing mix would include 4 x 1 bedroom flats, 4 x 2 bedroom flats, 4 x 3 bedroom houses for social rent.

- 4.9 This agreement is on the basis that the applicant provides the road to serve the future hall car park and access to the allotments and is to be secured through a Section 75 Legal Agreement. It is anticipated that the affordable housing contribution would be transferred to the Council or a RSL before completion of the 34th open market unit.
- 4.10 The proposal meets the housing need as identified by the Aberdeenshire Council waiting list 2017 and Housing Need and Demand Assessment 2011 and is in accordance with the affordable housing policy of the ALDP 2017.
- 4.11 **Infrastructure Services (Natural Heritage)** are content that there are no important habitats and no evidence of protected species on site. It is suggested that a check is made for ground nesting birds prior to work commencing, if in the bird breeding season.
- 4.12 The proposed landscaping scheme is comprised of predominantly native species with 35% evergreen species. The use of earth mounds takes account of the exposed coastal location and will provide some shelter where planting is unlikely to establish due to the exposure.
- 4.13 There is a record of a claimed right of way across this site from SE to NW, however, there is no information available other than a survey carried out by Scotways that could find no evidence of the route on the ground. However, the proposed layout provides good links through the site to the surrounding roads and adjoining old railway line. The proposed development would improve access provision for the wider settlement, especially the existing properties to the NE of the site.
- 4.14 **Infrastructure Services (Roads Development)** have no objection to the proposal subject to conditions. The proposed provision of 126 parking spaces is considered acceptable. The applicant has been informed that a traffic order will be needed for the relocation of the speed limit signs along the B9107 Rathen Road.
- 4.15 **Infrastructure Services (Planning Policy)** provided detailed comments regarding the key policies of the Local Development Plan 2017 in relation to the site. Of note is that the proposal lies outside the Cairnbulg and Inverallochy settlement boundary on land within the coastal zone. In relation to Policy R1: Special Rural Areas, it is not considered that the need for housing in the area has been demonstrated as the Housing Land Audit 2016 states that there is a sufficient supply of effective housing land to meet the needs of the Rural Housing Market Area. Unless there is a need to locate these houses in the coastal zone, the proposal is unlikely to satisfy Policy R1.
- 4.16 Cairnbulg and Inverallochy is not one of the identified villages in Appendix 4, nor does it meet any criteria in Policy RD2. If the application were to be supported, it should be considered as a significant departure to this policy due to the scale of the proposal.

- 4.17 Policy RD1: Providing Suitable Services outlines the key access, waste and waste water criteria that must be taken into account and addressed by all new development. It is noted that during pre-application discussions (ENQ/2017/0663), the potential for the site to provide a solution to the road access issues for allocated site R1 (new cemetery) and to a housing site (now removed from the LDP) was discussed. It is recommended that Roads Development confirm that the proposal would not prevent the development of site R1 and if it complies with this policy in terms of access. In addition, consultation responses to the Proposed Plan (2015), indicated an interest to develop land surrounding the application site. Although this area was not supported for development in the 2017 Plan, and given that this planning application is not allocated in the current Plan, this proposal must not create an impermeable barrier to potential future development, in case it is supported in the next LDP.
- 4.18 It is stated that the application is considered as premature, as proposals of this nature should be sought through a bid in the next LDP. No bid for development on this site was submitted during the call for sites stage during the development of the current LDP and neither was a representation submitted during the consultation for the Main Issues Report or the proposed LDP requesting the inclusion of the site.
- 4.19 The conclusion of the consultation response is that, unless other material considerations support a departure to the LDP, the proposal is contrary to policies R1 and R2. Depending on its impact on the local landscape and townscape, it could be contrary to policies P1, E2 and HE2 and potentially RD1 if it creates an impermeable barrier to developing on adjacent land, or affects access to site R1.
- 4.20 **Aberdeen City and Shire Strategic Development Planning Authority** have provided detailed comments regarding the proposed development against the SDP. It is noted that the site lies within the Rural Housing Market Area, in terms of the SDP's spatial strategy. In such areas the SDP sets a housing requirement and very generous housing allowances. The plan also anticipates a mix of housing opportunities where the scale and type of housing should meet local needs, with a particular focus on the provision of smaller homes but also improving the economy and the built and natural environment. The very generous scale of housing land required by the SDP has been made available in the Aberdeenshire Local Development Plan through identification of housing allocations in settlements and enabling policies for housing in the countryside.
- 4.21 In regards to the housing land supply, the 2017 Housing Land Audit was agreed with the house building industry earlier this year and was reported to the SDPA at its June meeting. This demonstrated a 5.6 year effective housing land supply in the RHMA, in excess of the requirement of Scottish Planning Policy (2014). Significant additional land is identified as effective for the period beyond year 5 in the RHMA and there are a wide range of currently 'constrained' sites which the council is working with partners to bring forward for development. The RHMA therefore has a very generous supply of

housing land throughout the area. It is considered that the supporting statement of the applicant is misleading as it suggests that the supply falls short of requirements.

- 4.22 Comments relating to the proposed house type are noted, particularly that the proposed application is heavily skewed towards larger properties and that no justification has been provided for this distribution which is some way from providing a broad mix of housing opportunities and the focus on smaller homes in the Local Growth and Diversification Area set out in the SDP.
- 4.23 Overall, the application is contrary to the Aberdeen City and Shire SDP as it is for housing outwith the settlement boundary in an area with a housing land supply in excess of the Plan requirements and where no justification has been provided for the low density housing mix which is heavily skewed towards larger properties.
- 4.24 **Business Services (Developer Obligations)** have agreed contributions towards affordable housing through the provision of fully serviced land equating to 0.747 acres. Contributions towards sport and recreation have been agreed towards playing fields within the Fraserburgh settlement area with healthcare contributions towards an extension to Finlayson Street Medical Practice. Contributions have also been agreed towards the waste and recycling bulking point at Mintlaw.
- 4.25 **Education and Children's Services (Learning Estates)** support the application as there is sufficient capacity in Inverallochy Primary School and Fraserburgh Academy for pupils generated from the application.
- 4.26 **Scottish Water** has no objection to the proposal as there is currently sufficient capacity in the Forehill Water Treatment Works and Fraserburgh Waste Water Treatment Works to service the proposal. The applicant has been informed that this does not confirm that the proposed development can currently be serviced and a formal application would be required if full planning permission is granted.
- 4.27 **SEPA** categorise any development under 50 houses to be of a 'local' scale in their consultation criteria. As such no comments have been provided and standing advice is referred to. There have been no site specific issues raised to date which would require further consultation.
- 4.28 **Invercairn Community Council** generally supports this proposal for various reasons including: increase in available properties within the village; properties being built in Cairnbulg rather than Inverallochy; re-centres the village and stops ribbon development; more attractive for families to move in to the community; increased school roll; potential for additional businesses to come to the village; alleviate parking issues on Rathen Road; improved access; potential improvements to public transport and road safety; does not affect the rest of the community; improvement to an undeveloped area adjacent to the village centre.

5. Relevant Planning Policies

5.1 Scottish Planning Policy

The aim of the Scottish Planning Policies is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning system guides the future development and use of land in cities, towns and rural areas in the long term public interest. The goal is a prosperous and socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

5.2 Aberdeen City and Shire Strategic Development Plan 2014

The purpose of this Plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. All parts of the Strategic Development Plan area will fall within either a strategic growth area or a local growth and diversification area. Some areas are also identified as regeneration priority areas. There are also general objectives identified. In summary, these cover promoting economic growth; promoting sustainable economic development which will reduce carbon dioxide production, adapt to the effects of climate change and limit the amount of non-renewable resources used; encouraging population growth; maintaining and improving the region's built, natural and cultural assets; promoting sustainable communities; and improving accessibility in developments.

- 5.3 In Local Growth areas (such as this) 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.

5.4 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.

5.5 The areas in need of regeneration are identified broadly in the Strategic Development Plan but are focused on the needs of existing communities. They include some of the coastal communities of north and south Aberdeenshire. Improving the economy, environmental quality, accessibility, employment opportunities and the competitiveness of business should play a particular role in these areas.

5.6 Aberdeenshire Local Development Plan 2017

- Policy R1: Special Rural Areas
- Policy R2: Housing and Employment Development Elsewhere in the Countryside
- Policy H1: Housing Land
- Policy H2: Affordable Housing
- Policy P1: Layout, Siting and Design
- Policy P2: Open Space and Access in New Development
- Policy P4: Hazardous and Potentially Polluting Developments and Contaminated Land
- Policy E1: Natural Heritage
- Policy E2: Landscape
- Policy HE2: Protecting Historic and Cultural Areas
- Policy C1: Using Resources in Buildings
- Policy C4: Flooding
- Policy RD1: Providing Suitable Services
- Policy RD2: Developers' Obligations

5.7 Other Material Considerations

None.

6. Principle Planning Issues (Summary)

6.1 The key issues in the consideration of this application are the principle of the proposal; potential impact on deliverability of allocated sites within the plan; impact on the coastal zone and special landscape area; potential impact on the neighbouring conservation area; and if sufficient access and servicing is proposed.

Principle of Residential Development

- 6.2 Policy H1: Housing Land supports development of housing on sites allocated for that purpose within the LDP and as shown in the settlement statements. The proposal site is not identified within the LDP 2017, no bid for development on the site was submitted during the call for sites stage during the development of the current LDP and neither was a representation submitted during the consultation of the Main Issues Report of the proposed LDP requesting inclusion of the site. The proposal therefore does not comply with Policy H1: Housing Land.
- 6.3 Policy R2: Housing and Employment Elsewhere in the Countryside, and Policy R1: Special Rural Areas, are also discussed in the Banff and Buchan Area Committee Report (**Appendix 4**). It was concluded that insufficient information has been submitted by the developer to demonstrate the requirement for siting the proposal within the coastal zone, the site is not allocated within the ALDP 2017, and it does not reflect small-scale development. As such, the proposal does not comply with the above policies and is not considered to be acceptable in principle by the Planning Service.

Housing Allocation within the Settlement

- 6.4 The applicant has stated within the Planning Statement that there are issues relating to access for the other allocated sites within the settlement and that the allocations for housing demonstrate the demand for housing within the settlement. The Local Development Plan extract which shows the allocated sites is appended as (**Appendix 1A**).
- 6.5 Full details and the latest known status of the allocated sites OP1 (85 homes) and OP2 (10 homes) within the ALDP 2017 Settlement Statement for Cairnbulg and Inverallochy is detailed in the Banff and Buchan Area Committee Report (**Appendix 4**).
- 6.6 Comments provided by the Planning Policy team state that the site OP1 is partially constrained as it is noted in the Housing Land Audit 2016 as being both effective and constrained and subsequently, does not justify the release of additional housing sites. The constraint on the site is understood to be in respect of ownership. Site OP2 (Fraser Crescent South) is currently underway and is understood to be nearing completion.
- 6.7 The Planning Service are therefore not convinced that there is sufficient evidence to justify the release of additional housing sites due to the current allocations within the Aberdeenshire Local Development Plan 2017.

Layout, Siting and Design

- 6.8 Full consideration of the layout, siting and design is discussed in the Banff and Buchan Committee Report (**Appendix 4**). In regard to Policy P1: Layout, Siting and Design, the proposal is considered acceptable in itself, however, it is considered further below (paragraph 6.10) in relation to its proximity to the

Conservation Area. The scheme is considered to be acceptable, in residential amenity terms, by virtue of the position and orientation of houses and boundary/landscape treatment within the site and is not expected to raise any significant negative residential amenity implications for existing neighbouring houses.

- 6.9 The level of open space provision for a site comprising a major housing development is normally expected to equate to 40% of the development site. The proposal includes approximately 16,836m² of open space which equates to approximately 34.5% of the development. The layout and value of the open space is discussed in the Banff and Buchan Area Committee Report (**Appendix 4**). The proposal is not considered to comply with Policy R2: Open Space and Access in New Developments.

Built Heritage implications – Impact upon the Setting of the Cairnbulg/Inverallochy Conservation Area

- 6.10 The proposal site lies outwith and adjacent to the Cairnbulg/Inverallochy Conservation Area. Infrastructure Services (Built Heritage) do not support the proposal for the reason that the proposed development does not incorporate any elements of the local vernacular and fails to relate to the former fishing settlement and the subsequent progression of development.
- 6.11 As such, while the layout, siting and design of the proposal is considered acceptable in itself, in consideration against Policy HE2: Protecting Historic and Cultural Areas, and in the context of the adjacent conservation area, the Planning Service does not consider that the proposal complies with the requirements of this policy, due to the impact on the character of the conservation area.

Landscape and Visual Impact

- 6.12 Policy E2: Landscape supports development only where it does not cause unacceptable effects through its scale, location or design on key natural landscape elements, historic features or the composition or quality of the landscape character. Development should not otherwise significantly erode the characteristics of landscapes as defined in the Landscape Character Assessments produced by Scottish Natural Heritage (SNH), or that which has been identified as Special Landscape Area (SLA) of local importance. Developments located within the SLA will only be permitted if the qualifying interests are not being adversely affected or effects of the development are clearly outweighed by social, environmental or economic benefits of at least local importance.
- 6.13 The Banff and Buchan Area Committee Report (**Appendix 4**) details and discusses the designation and qualities that give rise to the Special Landscape Area. Having given due consideration to this issue, the Planning Service has reached the view that the setting of the proposed site appears as an extension to the existing settlement and would not erode the character of the landscape to an unacceptable extent. Although it is acknowledged that the

Planning Service do not consider the scheme to complement the vernacular heritage of the surroundings, the level of impact under the remit of the landscape scale is not considered significant on this site in part due to the size of the development site and its relationship with the settlement as a whole. Therefore, the proposal is considered to comply with Policy E2: Landscape.

Access and Servicing

- 6.14 Policy RD1: Providing Suitable Services only allows development that provides adequate road, waste management, water or waste water facilities, connections and treatment as appropriate. Infrastructure Services (Roads Development) raise no concerns with the proposal and are content with the levels of parking provided. Infrastructure Services (Natural Heritage) are also content with the proposed links throughout the development and the connectivity with the existing settlement. The proposal is not considered to cause an impermeable barrier to future development and sufficient linkages are proposed throughout as discussed in the Banff and Buchan Area Committee Report (**Appendix 4**).
- 6.15 In terms of water and waste water, new development is supported where there is sufficient capacity to connect to the public water supply and the public drainage network and surface water drainage can be adequately provided. The relevant consultees have confirmed that the proposal is acceptable in servicing terms, therefore the Planning Service consider that the proposal is acceptable in terms of access and servicing and complies with the relevant aspects of Policy RD 1: Providing Suitable Services.

Developer Obligations

- 6.16 Developer obligations have been agreed with the developer and are subject to a Section 75 Legal Agreement. This includes contributions towards affordable housing through the provision of fully serviced land equating to 0.747 acres. Contributions towards sport and recreation have been agreed towards playing fields within the Fraserburgh settlement area. Healthcare contributions towards an extension to Finlayson Street Medical Practice have also been agreed, along with contributions towards the waste and recycling bulking point at Mintlaw. The proposal complies with Policy RD 2: Developers' Obligations.

Affordable Housing

- 6.17 The provision of affordable housing has been agreed by Infrastructure Services (Housing Strategy) and would be delivered via the provision of two areas totalling 0.747 acres of land, to deliver a total of 12 units including a range of home sizes between 1 and 3 bedroom properties, to meet the affordable housing requirement of 25% for a development of this scale. The handover of this serviced, deliverable land would be undertaken prior to the completion of the 34th open market house plot. This will require to be the subject of a Section 75 Legal Agreement. The final details of the tenure of the

affordable housing would be established at the time of a formal application submitted by the Council or Registered Social Landlord.

- 6.18 The proposed area of serviced land for affordable housing lies to the eastern corner of the development. Details of the internal layout of the area would be subject to a separate planning application, however, the location of the serviced land is considered to be acceptable and well located to areas of open space and would allow suitable connection to the wider development and existing settlement. The proposal therefore complies with Policy H2: Affordable Housing.

Letters of Representation

- 6.19 A total of 4 valid letters of representation were submitted in support of the application. Various reasons were listed, including the potential benefits resulting from additional housing in the area, such as improvements to the entrance of the settlement, improvements to drainage in the area, increase in housing and accompanying benefits to the community, and good proximity to local amenities.
- 6.20 The Invercairn Community Council have also expressed support for the proposal listing various reasons including that the addition of houses to Cairnbulg would result in a visual improvement to the existing area, avoid ribbon development of the settlement whilst facilitating an increase to the population of the area with accompanying benefits to the school roll, public transport and attracting potential businesses to the area.

Conclusion

- 6.21 The Planning Service consider that the proposal does not wholly comply with the relevant policies of the Local Development Plan 2017, primarily as it is not a site allocated for housing and so it does not comply with Policy H1: Housing Land. Furthermore, the proposal does not reflect small-scale development, nor is Cairnbulg and Inverallochy allocated within Policy R2: Housing and Employment Development Elsewhere in the Countryside as a settlement with a need for housing allowing small-scale expansion.
- 6.22 The site lies outwith the settlement boundary of Cairnbulg and Inverallochy and therefore within the Coastal Zone as identified by Policy R1: Special Rural Areas. Insufficient evidence has been provided by the applicant to demonstrate that the development has to be located within the coastal zone and the Planning Service are of the opinion that sufficient land is allocated within the settlement to meet the required need for settlement and the Rural Housing Market Area.
- 6.23 Notwithstanding the above the proposal can be satisfactorily accessed and serviced and the scheme is considered acceptable in terms of layout, siting and design, with the exception of the potential adverse impact upon the setting of the adjacent Cairnbulg/Inverallochy Conservation area. The proposal is not considered to raise any significant adverse impacts in

residential amenity terms, and the level and arrangement of the public open space provision is considered to be well located and functional.

7. Area Committee Decision (Summary)

7.1 The application was considered at the Banff and Buchan Area Committee meeting of 19 September 2017. The Committee noted the recommendation from the Planning Service to refuse the application for the following reasons:

- 1) The proposal site is not allocated for housing within the Local Development Plan 2017, and therefore does not comply with Policy H1: Housing Land;
- 2) The proposal does not reflect small-scale development and therefore does not comply with Policy R2: Housing and Employment Development Elsewhere in the Countryside. Furthermore, the proposal does not comply with any of the criteria for development supported by this policy;
- 3) The proposal site is located within the coastal zone as defined in Policy R1: Special Rural Areas, and insufficient evidence has been provided to demonstrate the locational requirement for the development and it is the view of the Planning Service that there is sufficient housing allocated within the settlement to meet the local housing need

7.2. Having taken into consideration the recommendation from the Planning Service and views expressed by the applicant, the Community Council, and the local community at a Pre-Determination Hearing on 31 August 2017, the Banff and Buchan Area Committee **agreed** to recommend to Full Council that the application be delegated to the Head of Planning and Building Standards to approve subject to appropriate conditions.

7.3 The Committee's reasons for recommending approval of the application were that:

- 1) There was overwhelming support expressed by the local community;
- 2) Many benefits would be realised if the development went ahead;
- 3) Although the land was not currently in the LDP for housing, there was a very strong view that this should have been included and would be in the next LDP;
- 4) It was considered to be a small-scale development, appropriate for an infill site;
- 5) It would not have an adverse effect on either the coastal zone or the surrounding historic and cultural area and therefore complied with Policy HE2;
- 6) It would redress the imbalance between the two communities.

An extract of the Minute of the Banff and Buchan Area Committee is attached at **Appendix 5**.

8. Area Implications

- 8.1 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.

9. Equalities, Financial Implications and Risk

- 9.1 An Equality Impact Assessment is not required because the proposal does not have a differential impact on any of the protected characteristics.
- 9.2 There are no staffing and financial implications.
- 9.3 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 Local Development Plan unless material considerations justify a departure.

10. Sustainability Implications

- 10.1 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.

11. Departures, Notifications and Referrals

11.1 Strategic Development Plan Departures

Policy which states "in assessing development proposals, we will balance the importance given to each aim in coming to a decision, taking into account the spatial strategy, objectives and targets of the plan". Specific housing allowances are set for the AHMA local growth and diversification areas.

11.2 Local Development Plan Departures

Policy H1: Housing Land
Policy R1: Special Rural Areas
Policy R2: Housing and Employment Development Elsewhere in the Countryside
Policy HE2: Protecting Historic and Cultural Areas

- 11.3 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.

11.4 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.

12. Recommendation

12.1 REFUSE Full Planning Permission for the following reasons: -

- 1) The proposal site is not allocated for housing within the Aberdeenshire Local Development Plan 2017, and therefore does not comply with Policy H1: Housing Land.
- 2) The proposal does not reflect small-scale development and therefore does not comply with Policy R2: Housing and Employment Development Elsewhere in the Countryside as contained within the Aberdeenshire Local Development Plan 2017. Furthermore, the proposal does not comply with any of the criteria for development supported by this policy.
- 3) The proposal site is located within the coastal zone as defined in Policy R1: Special Rural Areas, as contained within the Aberdeenshire Local Development Plan 2017 and insufficient evidence has been provided to demonstrate the locational requirement for the development and it is the view of the Planning Service that there is sufficient housing allocated within the settlement to meet the local housing need.

Stephen Archer
Director of Infrastructure Services
Author of Report: Fiona Rendall
Report Date: 17 October 2017

**APPENDIX 1A
Local Plan Extract (ALDP 2017)**

CAIRNBULG AND INVERALLOCHY

Vision

The villages of Cairnbulg and Inverallochy lie adjacent to one another approximately 6km east of Fraserburgh within the Regeneration Priority Area. Historically both fishing villages, the harbour still remains to the northwest of the settlements, while Inverallochy Golf Course forms the eastern boundary. The coast at this point is part of an important geological site with good examples of rock exposures along the shore and a raised beach/ fossil cliff/sand dune complex which is important for breeding, overwintering and feeding birds. The older parts of the settlement are characterised by traditional buildings densely spaced, whereas more recent expansion of the settlement to the south and west is of more modern design.

Future development in the settlement should provide a choice of housing, while also attempting to adopt some of the characteristics of the old village to reaffirm the settlement's unique built fabric and attractive coastal setting.

Natural and Historic Environment

Cairnbulg to St Combs Coast Site of Special Scientific Interest (SSSI) and Cairnbulg to St Combs Local Natural Conservation Site (LNCS) are located to the north of the settlement.

To the south lies the remains of Cairnbulg Airfield, an archaeological site listed in the Sites and Monuments Record, which the settlements have encroached onto.

Settlement Features

<i>Protected Land</i>	
P1	To conserve the setting of Cairnbulg and Inverallochy.
P2	To conserve the play area and parkland as amenities for the village
P3	To conserve the playing field and recreation ground as amenities for the village
P4	Marks the proposed strategic landscaping required for sites OP1 and OP2.
P5	For education and recreation uses.
<i>Reserved Land</i>	
R1	For a new cemetery and a link road from Rathen Road.
<i>Other Designations</i>	
CA	Cairnbulg/ Inverallochy Conservation Area.

Flood Risk

- There is a risk of flooding from fields adjacent to sites OP1 and OP2. These are located adjacent to the Scottish Environment Protection Agency's indicative 1 in 200 year flood risk area, or has a small watercourse running through or adjacent to the site. A flood risk assessment will be required.

Services and Infrastructure

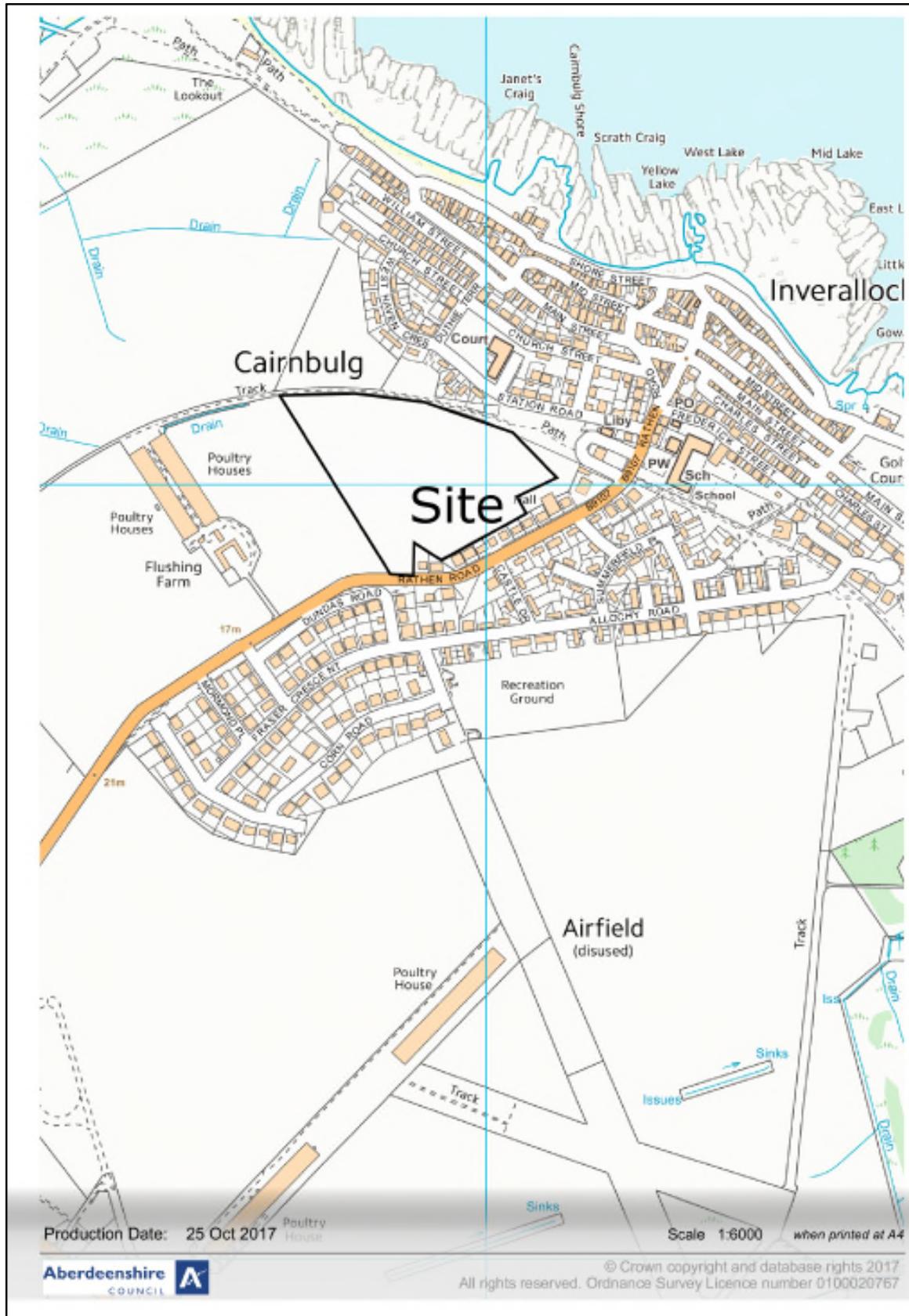
- Community facilities: All residential development may be required to contribute towards facilities that serve the community in Cairnbulg and Inverallochy, including the village hall and or towards facilities in the wider catchment area at Fraserburgh. These may be identified in the Community Plan or relevant Community Action Plan.

- Sports and recreation facilities: All residential development may be required to contribute to indoor and outdoor sports and learning facilities in Cairnbulg and Inverallochy or towards facilities in the wider catchment area at Fraserburgh. These may be identified in the Community Plan or relevant Community Action Plan.
- Health facilities: All residential development must contribute towards the extension of Saltoun Surgery or Finlayson Street Practice in Fraserburgh.

Allocated Sites

OP1: South of Allochy	Allocation: 85 homes
<p>This site was previously allocated as site H2 in the 2012 LDP. Located on the southern edge of the settlements and on Cairnbulg Airfield, the development site is visible to those approaching from the south. For these reasons strategic landscaping should be planted along the southern boundary to minimise potential adverse impacts on the setting of the settlements and the adjacent archaeological site. The design of new housing should be sympathetic to the style of existing houses next to the site. It is expected that 21 affordable houses are provided on site by the developer, integrated into the design of the development which includes a mix of housing tenures.</p> <p>Vehicular access points off Allochy Road are likely to be the most appropriate. Offsite open space contributions to connect to and contribute towards the upgrading of the national coastal path, which is adopted as a core path, could be considered. A masterplan will be required to demonstrate integration with the existing settlements and to ensure strategic planting is provided along the southern boundary. A Flood Risk Assessment may be required.</p>	
OP2: Fraser Crescent South	Allocation: 10 homes
<p>This site was previously allocated as site H3 in the 2012 LDP for up to 12 houses. Development on this site has begun with planning permission granted for 10 houses. It is anticipated that 8 houses will be developed by 2017, with the remaining 2 between 2017 and 2022. Located on the southern edge of the settlements and on Cairnbulg Airfield, the development site is visible to those approaching from the south. For these reasons strategic landscaping should be planted along the southern boundary to minimise potential adverse impacts on the setting of the settlements and the archaeological site. A Flood Risk Assessment may be required.</p>	

**APPENDIX 1B
Location Plan**



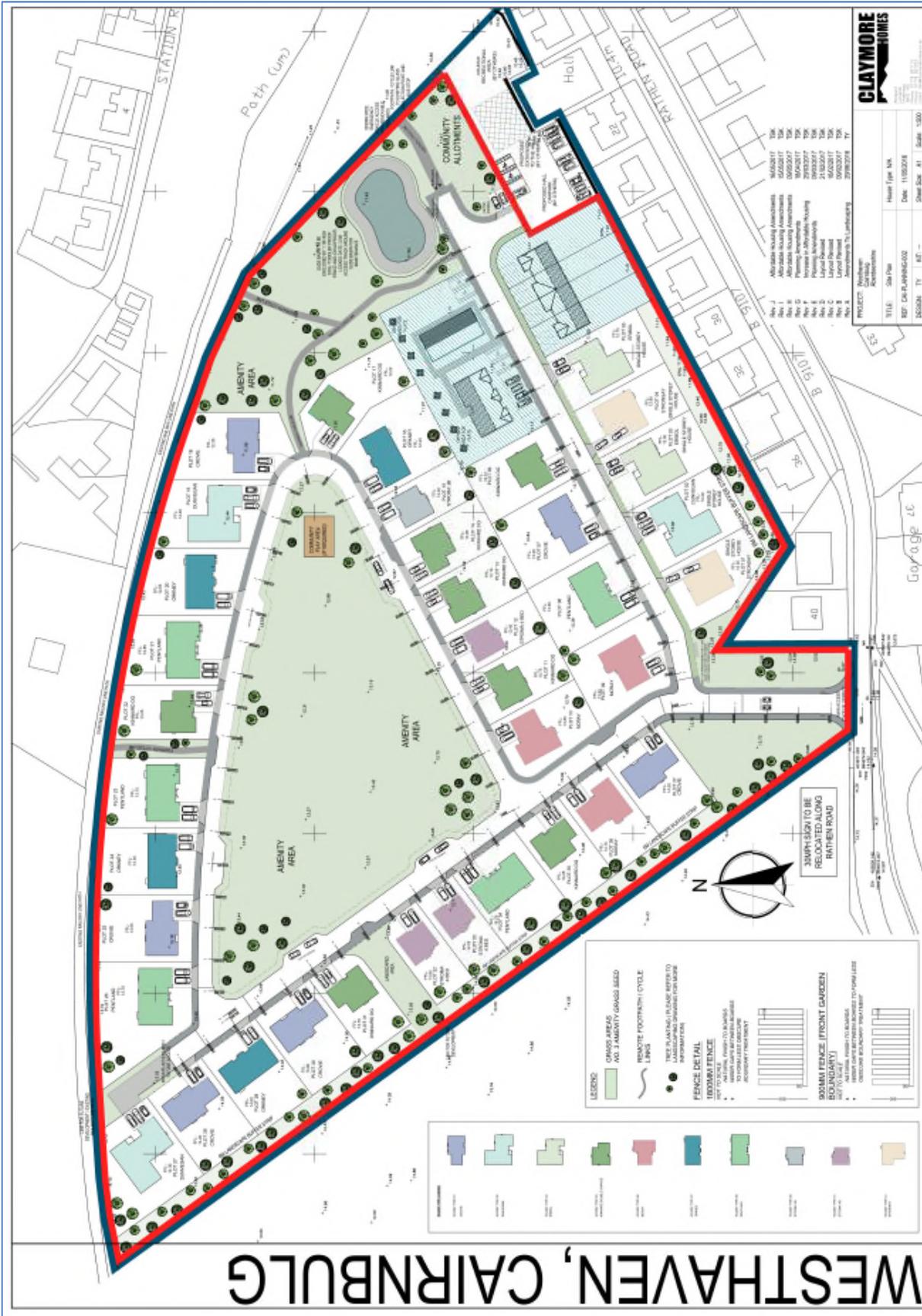
Production Date: 25 Oct 2017

Scale 1:6000 when printed at A4

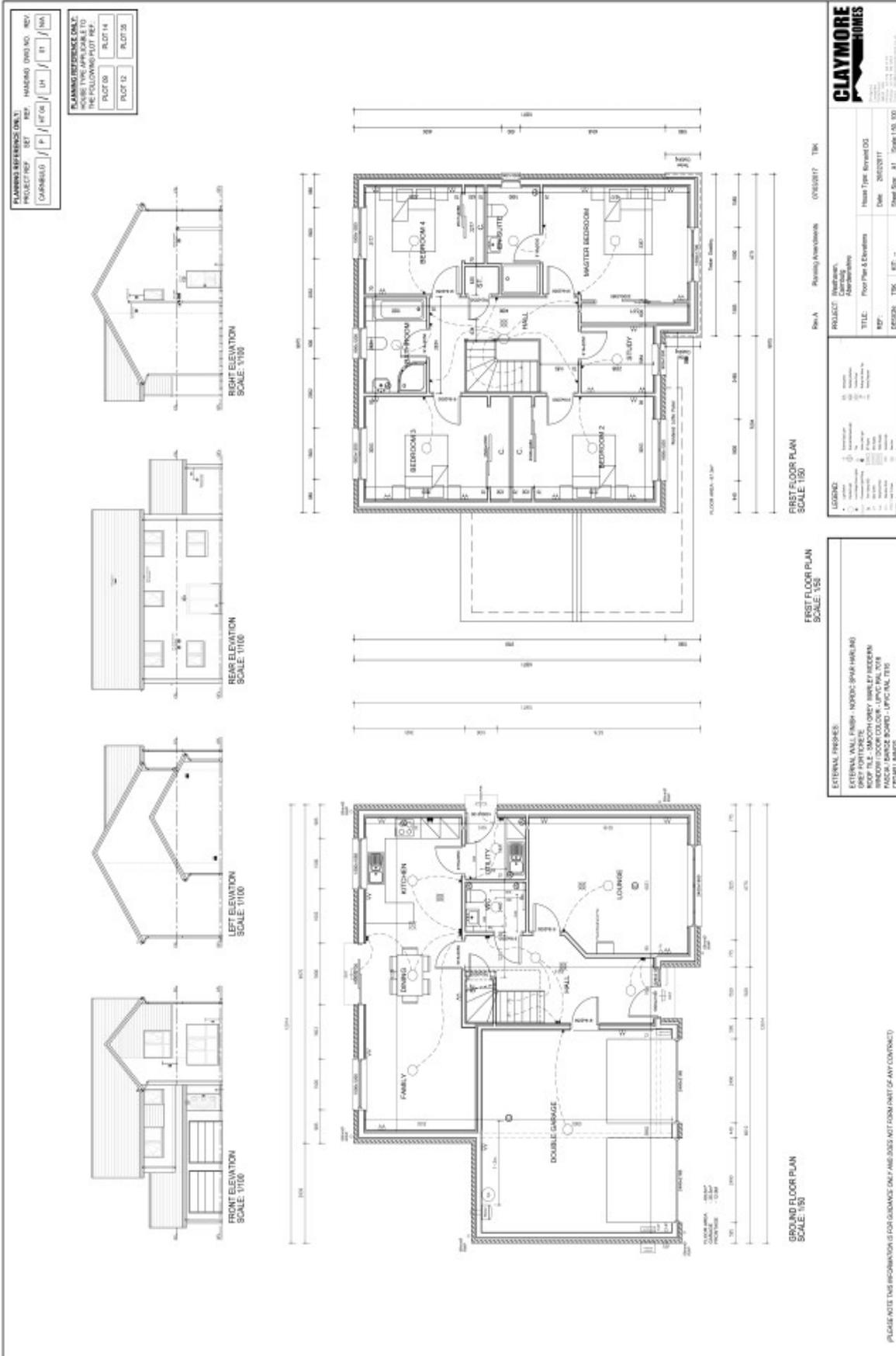


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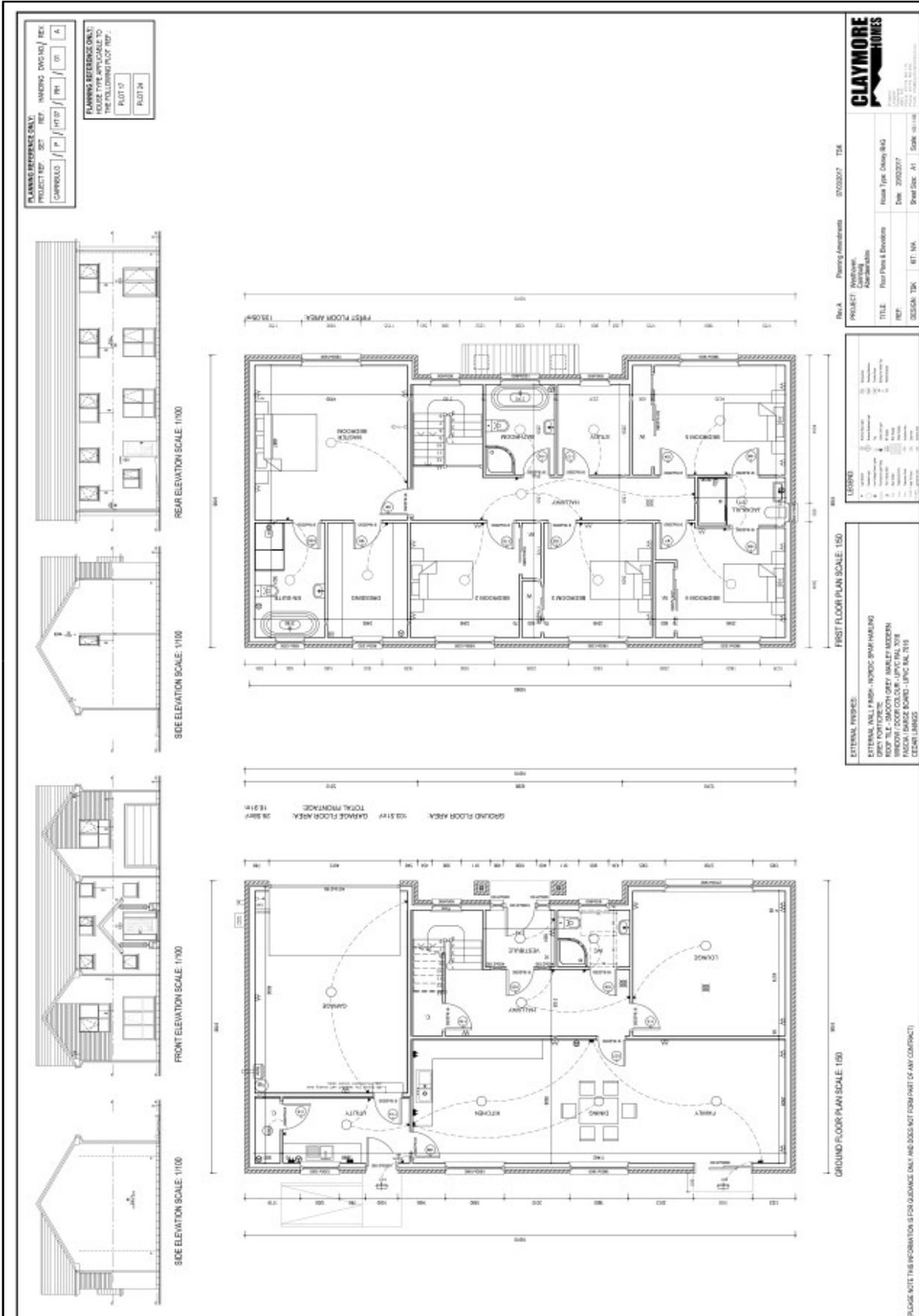
APPENDIX 1C
 Site Layout Plan



APPENDIX 1D
Kinnaird House Type

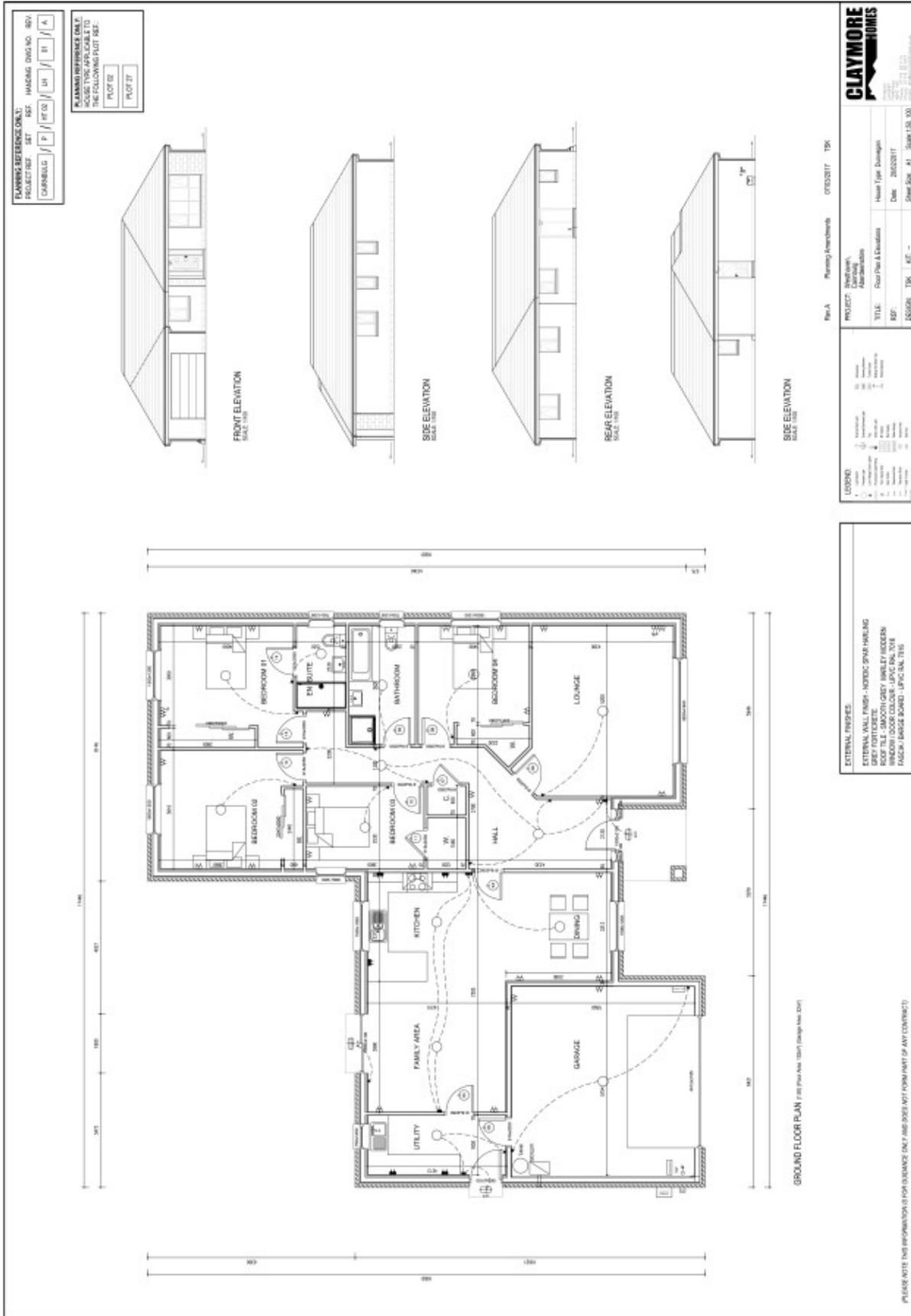


APPENDIX 1D Orkney House Type



(PLEASE NOTE THIS INFORMATION IS FOR GUIDANCE ONLY AND DOES NOT FORM PART OF ANY CONTRACT)

APPENDIX 1D Dunvegan House Type



1. Reason for Report

- 1.1 This report relates to a major planning application which requires a pre-determination hearing to be held. Under the Council's Scheme of Government this planning application requires to be determined by Full Council in terms of Section B.9.1 of Part 2A List of Committee Powers and Section C.2.1a of Part 2C Planning Delegations of the Scheme of Governance as the application is a major development and is a significant departure from the Development Plan.
- 1.2 This report summarises for Members the policy background, representations and main issues raised thus far during the consideration of the application prior to the Pre-Determination Hearing taking place. A further report seeking the preliminary views on the proposal shall be prepared for a future meeting of the Banff and Buchan Area Committee. Thereafter, the application shall be reported to the first subsequent meeting of the Full Council for determination. Minutes of the pre-determination hearing will be appended to both reports.

2. Background and Proposal

- 2.1 Full planning permission is sought for the erection of 37 dwellinghouses, provision of land for future affordable housing, and associated landscaping and infrastructure at Westhaven, Cairnbulg.

Site Description

- 2.2 The proposed site is located at the entrance to Cairnbulg to the north of Rathen Road and measures approximately 4.7 hectares. The site is bound by the settlement of Cairnbulg to the north and north east, a row of existing houses to the south east and agricultural fields to the north west and south west. The site is currently an agricultural field with a minor gradient from north west to south east. Beyond the settlement of Cairnbulg and Inverallochy, the surrounding area is largely agricultural. The site is accessed from the B9107, approximately 900m from the B9033 which leads from Fraserburgh to St Combs.

Site Designations

- 2.3 The site lies outwith the settlement boundary of Cairnbulg and Inverallochy, within the Rural Housing Market Area as defined by the Local Development Plan (ALDP) 2017. The site lies within the coastal zone which covers the majority of the coast of Aberdeenshire. Specifically, in the area surrounding Cairnbulg and Inverallochy, the coastal zone extends to the north west and south east of the settlement but excludes the settlement itself, and extends to the B9033.
- 2.4 The site is identified as a Special Landscape Area known as the North East Aberdeenshire Coast Special Landscape Area as defined in the ALDP 2017. The site also lies within the Dunes and Beaches from Fraserburgh to Peterhead Landscape Character Area.

- 2.5 The Cairnbulg/Inverallochy Conservation Area extends from the coast and encompasses an area of open space south of Station Road, directly adjacent to the site.

Proposal

- 2.6 The proposal consists of the erection of 7 detached dwellinghouses of 1 or 2 storeys and between 3-5 bedrooms. These are summarised by house type below.

House Name	Height	No. bedrooms	No. overall
Stroma 3 Bed	2 Storey	3	1
Stronsay	2 Storey	3	2
TOTAL 3 BEDROOM HOUSES			3
Crovie		4	6
Dunvegan	Single	4	3
Eribol	Single	4	2
Kinnaird DG	2 Storey	4	8
Moray	2Storey	4	3
Stroma 4 Bed	2 Storey	4	3
TOTAL 4 BEDROOM HOUSES			25
Orkney	2 Storey	5	4
Pentland	2 Storey	5	5
TOTAL 5 BEDROOM HOUSES			9

- 2.7 The proposed materials include Nordic spar harling with cedar linings, grey forticrete, Marley Modern roof tiles, grey windows, doors and fascias. Boundary fencing is proposed to the front gardens to a height of 0.9m with other boundaries throughout the development to a height of 1.8m.
- 2.8 Proposed vehicular access to the development is from Rathen Road to the west of an existing dwellinghouse. A 6m-wide core road would surround an area of open space with a secondary road providing access to 9 of the houses and an area for future affordable housing which terminates to the rear of the church hall on Rathen Road. A footway is proposed on one side of the core road with shared surfaces throughout. Two foot and cycle ways are proposed at the north east of the site to connect to the settlement and existing path network.
- 2.9 Parking throughout the site is to be provided as 2 spaces per dwelling up to 3 bedrooms, with 3 spaces per dwelling for more than 3 bedroom dwellings. Visitor parking for 12 cars is provided in five locations surrounding the central open space area.
- 2.10 Within the proposed development a total of 34.5% open space is proposed, primarily in a central amenity area with additional amenity area to the north east of the site including the SUDs basin, paths and an area for community allotments. A play area is proposed towards the east of the central open space area to provide a range of play equipment.

- 2.11 A landscaping scheme has been provided for the site and includes a planting and maintenance schedule for the first five years of the development. This is to be provided and maintained in perpetuity by a third party and is the responsibility of the developer. A 6m landscape strip is proposed along the north west boundary of the site. A 6m landscape strip is also proposed to the rear of the existing houses on Rathen Road to be comprised of mixed woodland species maintained at a height of 1.5m.
- 2.12 The proposed houses are to be connected to the public water supply. A sustainable urban drainage system (SUDs) is proposed for the road, roof and driveway drainage which discharge to a detention basin with secondary treatment for road drainage. Foul water drainage for the site is to be connected to the public sewer network.
- 2.13 An indicative phasing plan has been submitted which shows a 4 sub-phase build out within the site. Phase 1 includes the creation of the SUDs basin and access road with development of the site to progress in an anticlockwise direction around the central open space area.
- 2.14 An area for future affordable housing development is shown to the north east of the site measuring 0.747 acres which would accommodate 12 homes. This area would be transferred to the Council or a RSL as serviced land and would include the provision of the road leading towards the SUDs basin with a T-shaped turning area.
- 2.15 An area beyond the site boundary, but within ownership of the applicant, is located at the north east corner of the site, to the rear of the Church Hall on Rathen Road. It should be noted that no works are proposed on this area of land as part of this application.
- 2.16 Supporting information has been submitted with the application and includes:
- Design Statement (Claymore Homes);
 - Drainage Assessment (GMC Survey);
 - PAC Report (Claymore Homes);
 - Ecological Survey Report (Landcare Northeast);
 - Transportation Statement (Jacobs);
 - Geo-environmental Desk Study and Ground Investigation (Green Cat Renewables).

Site History

- 2.17 ENQ/2017/0527 – Environmental Impact Assessment (EIA) Screening Request (No EIA Required: 07/04/17)
- ENQ/2016/1307 – Proposal of application notice for the erection of 49 Houses (Submitted: 15/06/16, Agreed as submitted: 26/08/16)
- ENQ/2016/0663 – Erection of 59 dwellinghouses (Major applications meeting: 21/04/16)

- 2.18 The proposal was discussed at the Major Applications Meeting of 21/04/16. Various technical consultees provided comments and it was confirmed the principle of development was not acceptable and that it would likely be viewed as a significant departure to the ALDP 2012.

3. Representations

- 3.1 A total of 4 valid representations (4 supporting) have been received as defined in the Scheme of Delegation. All issues raised have been considered. The letters raise the following material issues:
- Need for additional housing to increase number of residents in the settlement;
 - Improve the drainage in the area;
 - Provide greater housing options within the settlement;
 - Increase in housing would support the local community e.g. school roll and businesses;
 - Would improve the entrance to the settlement;
 - Balance the new housing provision between Inverallochy and Cairnbulg;
 - Balance the appearance of the settlements of Inverallochy and Cairnbulg;
 - Improvement to the appearance of the field which is currently overrun;
 - Good proximity to local amenities.

4. Consultations

- 4.1 **Infrastructure Services (Built Heritage)** have requested further information from the developer to explain how the development relates to the Cairnbulg Conservation Area. It is also advised that the developer incorporate elements of the local vernacular into the proposed house designs.

It is noted that the proposal is of a typical design which fails to acknowledge and incorporate elements of the local vernacular associated with the settlement. It is considered that a scheme which fails to relate to the former fishing settlement would add to the routine post war development that has been constructed to the south of the conservation area.

- 4.2 **Infrastructure Services (Contaminated Land)** are satisfied with the contents, conclusions, and recommendations of the desk study report submitted with the application (Green Cat Renewables). Potential contamination associated with the former railway that bounded the site to the north is identified in the report and an investigation of that area has been requested but has not been received to date.
- 4.3 **Infrastructure Services (Flood Prevention Unit)** are generally satisfied with the level of flood risk associated with the proposal as well as the proposed surface water drainage arrangements. It is noted that the application site lies outwith the medium likelihood flood extent of the SEPA Flood Map. The surface water drainage for the site is to utilise drainage systems for the road, roof and driveway drainage. It is noted that the connection point to the existing

surface water sewer will require works outwith the red line boundary of the site and this must be included in the Scottish Water Technical Approval of the overall drainage system. No further comments were raised.

- 4.4 **Infrastructure Services (Landscape Services)** raised concerns with an area of soft landscaping to the rear of proposed plots 1-5 which were addressed by the applicant. A final consultation response is awaited from Landscape Services however, it is understood that all concerns have been addressed.
- 4.5 The applicant is required to notify the Council of their preferred contractor which would be maintaining the landscaping in the future. The applicant has agreed to this requirement.
- 4.6 **Infrastructure Services (Housing Strategy)** support the proposal for the provision of 2 areas of land equating to 0.747 acres to accommodate 12 units as required for the development, in the future. The affordable housing mix would include 4 x 1 bedroom flats, 4 x 2 bedroom flats, 4 x 3 bedroom houses for social rent.
- 4.7 This agreement is on the basis that the applicant provides the road to serve the future hall car park and access to the allotments and is to be secured through a Section 75 legal agreement. It is anticipated that the affordable housing contribution would be transferred to the Council or a RSL before completion of the 34th open market unit.
- 4.8 The proposal meets the housing need as identified by the Aberdeenshire Council waiting list 2017 and Housing Need and Demand Assessment 2011 and is in accordance with the affordable housing policy of the ALDP 2017.
- 4.9 **Infrastructure Services (Natural Heritage)** are content that there are no important habitats and no evidence of protected species on site. It is suggested that a check is made for ground nesting birds prior to work commencing, if in the bird breeding season.
- 4.10 The proposed landscaping scheme is comprised of predominantly native species with 35% evergreen species. The use of earth mounds takes account of the exposed coastal location and will provide some shelter where planting is unlikely to establish due to the exposure.
- 4.11 There is a record of a claimed right of way across this site from SE to NW, however there is no information available other than a survey carried out by Scotways that could find no evidence of the route on the ground. However, the proposed layout provides good links through the site to the surrounding roads and adjoining old railway line. The proposed development would improve access provision for the wider settlement, especially the existing properties to the NE of the site.
- 4.12 **Infrastructure Services (Roads Development)** have no objection to the proposal subject to conditions. The proposed provision of 126 parking spaces is considered acceptable. The applicant has been informed that a traffic order

will be needed for the relocation of the speed limit signs along the B9107 Rathen Road.

- 4.13 **Infrastructure Services (Planning Policy)** provided detailed comments regarding the key policies of the Local Development Plan 2017 in relation to the site. Of note is that the proposal lies outside the Cairnbulg and Inverallochy settlement boundary on land within the coastal zone. In relation to Policy R1: Special Rural Areas, it is not considered that the need for housing in the area has been demonstrated as the Housing Land Audit 2016 states that there is a sufficient supply of effective housing land to meet the needs of the Rural Housing Market Area. Unless there is a need to locate these houses in the coastal zone, the proposal is unlikely to satisfy Policy R1.
- 4.14 Cairnbulg and Inverallochy is not one of the identified villages in Appendix 4, nor does it meet any criteria in Policy RD2. If the application were to be supported, it should be considered as a significant departure to this policy due to the scale of the proposal.
- 4.15 Policy RD1: Providing Suitable Services outlines the key access, waste and waste water criteria that must be taken into account and addressed by all new development. It is noted that during pre-application discussions (ENQ/2017/0663), the potential for the site to provide a solution to the road access issues for allocated site R1 (new cemetery) and to a housing site (now removed from the LDP) was discussed. It is recommended that Roads Development confirm that the proposal would not prevent the development of site R1 and if it complies with this policy in terms of access. In addition, consultation responses to the Proposed Plan (2015), indicated an interest to develop land surrounding the application site. Although this area was not supported for development in the 2017 Plan, and given that this planning application is not allocated in the current Plan, this proposal must not create an impermeable barrier to potential future development, in case it is supported in the next LDP.
- 4.16 It is stated that the application is considered as premature, as proposals of this nature should be sought through a bid in the next LDP. No bid for development on this site was submitted during the call for sites stage during the development of the current LDP and neither was a representation submitted during the consultation for the Main Issues Report or the proposed LDP requesting the inclusion of the site.
- 4.17 The conclusion of the consultation response is that, unless other material considerations support a departure to the LDP, the proposal is contrary to policies R1 and R2. Depending on its impact on the local landscape and townscape, it could be contrary to policies P1, E2 and HE2 and potentially RD1 if it creates an impermeable barrier to developing on adjacent land, or affects access to site R1.
- 4.18 **Business Services (Developer Obligations)** have agreed contributions towards affordable housing through the provision of fully serviced land equating to 0.747 acres. Contributions towards sport and recreation have

been agreed towards playing fields within the Fraserburgh settlement area with healthcare contributions towards an extension to Finlayson Street Medical Practice. Contributions have also been agreed towards the waste and recycling bulking point at Mintlaw.

- 4.19 **Education and Children's Services (Learning Estates)** support the application as there is sufficient capacity in Inverallochy Primary School and Fraserburgh Academy for pupils generated from the application.
- 4.20 **Scottish Water** has no objection to the proposal as there is currently sufficient capacity in the Forehill Water Treatment Works and Fraserburgh Waste Water Treatment Works to service the proposal. The applicant has been informed that this does not confirm that the proposed development can currently be serviced and a formal application would be required if full planning permission is granted.
- 4.21 **SEPA** categorise any development under 50 houses to be of a 'local' scale in their consultation criteria. As such no comments have been provided and standing advice is referred to. There have been no site specific issues raised to date which would require further consultation.
- 4.22 **Invercairn Community Council** generally supports this proposal for various reasons including: increase in available properties within the village; properties being built in Cairnbulg rather than Inverallochy; re-centres the village and stops ribbon development; more attractive for families to move in to the community; increased school roll; potential for additional businesses to come to the village; alleviate parking issues on Rathen Road; improved access; potential improvements to public transport and road safety; does not affect the rest of the community; improvement to an undeveloped area adjacent to the village centre.

5. Relevant Planning Policies

5.1 Scottish Planning Policy

The aim of the Scottish Planning Policies is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning

system guides the future development and use of land in cities, towns and rural areas in the long term public interest. The goal is a prosperous and socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

5.2 Aberdeen City and Shire Strategic Development Plan 2014

The purpose of this Plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. All parts of the Strategic Development Plan area will fall within either a strategic growth area or a local growth and diversification area. Some areas are also identified as regeneration priority areas. There are also general objectives identified. In summary, these cover promoting economic growth; promoting sustainable economic development which will reduce carbon dioxide production, adapt to the effects of climate change and limit the amount of non-renewable resources used; encouraging population growth; maintaining and improving the region's built, natural and cultural assets; promoting sustainable communities; and improving accessibility in developments.

5.3 In Local Growth areas (such as this) 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.

5.4 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.

5.5 The areas in need of regeneration are identified broadly in the Strategic Development Plan but are focused on the needs of existing communities. They include some of the coastal communities of north and south Aberdeenshire. Improving the economy, environmental quality, accessibility, employment opportunities and the competitiveness of business should play a particular role in these areas.

5.6 Aberdeenshire Local Development Plan 2017

Policy R1: Special Rural Areas

- Policy R2: Housing and Employment Development Elsewhere in the Countryside
- Policy H1: Housing Land
- Policy H2: Affordable Housing
- Policy P1: Layout, Siting and Design
- Policy P2: Open Space and Access in New Development
- Policy P4: Hazardous and Potentially Polluting Developments and Contaminated Land
- Policy E1: Natural Heritage
- Policy E2: Landscape
- Policy HE2: Protecting Historic and Cultural Areas
- Policy C1: Using Resources in Buildings
- Policy C4: Flooding
- Policy RD1: Providing Suitable Services
- Policy RD2: Developers' Obligations

5.7 Other Material Considerations

Members will need to consider whether the proposal raises any issues in relation to differential impacts on the protected characteristics of peoples identified in the Equalities Act.

6. Discussion

- 6.1 The key issues in the consideration of this application are the principle of the proposal; potential impact on deliverability of allocated sites within the plan; potential impact on the coastal zone and special landscape area; potential impact on the neighbouring conservation area; and that sufficient access and servicing is proposed.

Principle of Proposal

- 6.2 Policy R1: Special Rural Areas restricts housing and employment development opportunities in the greenbelt and coastal zone to reflect the special nature of these areas. Development is only supported where it is essential and cannot be located elsewhere. In the coastal zone, development must require a coastal location, and the social and economic benefits must outweigh any adverse environmental impact or it must be the redevelopment of an existing building, or within the curtilage of an existing building. In any case there must be no coalescence of coastal developments or significant adverse impacts on natural coastal processes or habitats.
- 6.3 The coastal zone surrounding Cairnbulg and Inverallochy covers the area from the coast to the B9033, excluding the area within the settlement boundary as identified within the LDP 2017. No supporting information has been provided by the applicant in relation to this policy and the necessity for being located in the coastal zone. The consultation response from the Council's Planning Policy team states that it must be demonstrated that there is a need to be located within the coastal zone. It is considered that there is a

sufficient supply of effective housing land to meet the needs of the Rural Housing Market Area, as set out in the Housing Land Audit 2016.

- 6.4 Although the proposal site lies within the countryside, it is also within the coastal zone and therefore Policy R2: Housing and Employment Development Elsewhere in the Countryside would not wholly apply. This policy supports small-scale development of no more than three houses when it meets one of several criteria including where:
- It would be appropriate in the greenbelt; or
 - It would involve the refurbishment or replacement, on the same site, of an existing house or disused building; or
 - It would involve remediation of redundant brownfield land opportunities; or
 - It is for small-scale growth of settlements where a particular need has been identified; or
 - It is for retirement succession of a viable farm holding; or
 - It is for small-scale employment proposals; or
 - It is a small-scale addition to an existing cluster or group of at least five houses.
 - In all cases, siting and design of any new development will be a primary consideration.
- 6.5 The proposal for 37 houses is not classified as small-scale development under the Local Development Plan and the proposal does not comply with any of the above criteria. It should be noted that Cairnbulg and Inverallochy is not identified as a settlement within Appendix 4 of the LDP 2017 and therefore small-scale growth of no more than 3 houses within 200m of the settlement boundary is not promoted in this case.

Housing Land Allocations

- 6.6 Policy H1: Housing Land supports development of housing on sites allocated for that purpose within the LDP and as shown in the settlement statements. The proposal site is not identified within the LDP 2017, no bid for development on the site was submitted during the call for sites stage during the development of the current LDP and neither was a representation submitted during the consultation of the Main Issues Report of the proposed LDP requesting inclusion of the site. The Council's Planning Policy team state that the application should be considered as premature, as proposals of this nature should be sought through a bid in the next LDP.
- 6.7 The vision for the settlement, as set out in the LDP Settlement Statement is that future development should provide choice of housing, while also attempting to adopt some of the characteristics of the old village to reaffirm the settlement's unique built fabric and attractive coastal setting. In terms of housing land within the settlements of Cairnbulg and Inverallochy, there are currently two sites allocated for housing within the LDP 2017: OP1 South of Allochy (85 homes) and OP2 Fraser Crescent South (10 homes).

- 6.8 The applicant has stated within the Planning Statement that there are issues relating to access for the other allocated sites within the settlement and that the allocations for housing demonstrate the demand for housing within the settlement.
- 6.9 The Action Programme for the ALDP 2017, updated in July 2017, states that development on a masterplan for the OP1 South of Allochy site (previously H2 in the LDP 2012), is ongoing and that work is actively being undertaken to progress the site. To date pre-application discussions have been held with Development Management and the developer to progress the site. Comments provided by the Council's Planning Policy team state that site OP1 is partially constrained as it is noted in the Housing Land Audit 2016 as being both effective and constrained and subsequently, does not justify the release of additional housing sites.
- 6.10 Construction on the site OP2 Fraser Crescent South is currently underway and is understood to be nearing completion.

Layout, Siting and Design

- 6.11 Policy P1: Layout, Siting and Design only supports development designs that demonstrate the six qualities of successful places, which includes that it is distinctive; safe and pleasant; welcoming; adaptable; efficient and well connected.
- 6.12 As the proposal is for a major development due to the area of more than 2 hectares, but of less than 50 houses, a masterplan was not required as the site is not allocated for development within the LDP 2017.
- 6.13 The proposal site lies at the entrance to the settlement of Cairnbulg. The site entrance, off of Rathen Road, includes a grassed area with 6m landscape buffer along the north west boundary. Within the site, the layout is generally centred around an area of open space with houses overlooking the area and a second core road to the north east of the site. It must be assessed whether the proposal would have an impact on the setting of the existing settlement and if the layout, siting and design is acceptable.
- 6.14 Policy P2: Open Space and Access in New Development requires all new development to be accompanied by adequate public open space appropriate to the standards shown in the Aberdeenshire Parks and Open Space Strategy; i.e. safe, welcoming, distinctive, well connected and accessible. It is generally expected that 40% of each major development site is provided as good quality open space, taking into consideration the location, function and characteristics of the proposed site. For proposals on allocated land less than 50 homes, at least 120m² of public open space per home must be provided.
- 6.15 The proposal site is under 50 houses with a total of 37 homes proposed, however, due to the area of the site which exceeds 2ha, it is considered as a major application under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The site is not allocated and

therefore the requirement for public open space is taken to be the former requirement of the policy at around 40% of the total development area.

- 6.16 The proposal includes approximately 16,836m² of open space which equates to approximately 34.5% of open space for the development. The majority of the open space is provided in a central area which includes a play area, tree planting and other soft landscaping features. Other areas of open space include the entrance area which includes tree planting; two landscaping strips at the boundaries of the site; an area to the north east of the site which includes two footpaths and the SUDs basin; and a footpath link to the north.

Built Heritage

- 6.17 Policy HE2: Protecting Historic and Cultural areas only supports development that would preserve or enhance the character or appearance of a conservation area. This applies both to developments within the conservation area and proposals outwith that would affect its setting.
- 6.18 The proposal site lies outwith and adjacent to the Cairnbulg/Inverallochy Conservation Area. Infrastructure Services (Built Heritage) have requested further information to demonstrate how the proposal relates to the Cairnbulg Conservation Area. This has not been submitted to date, however, discussions have been undertaken with the developer and design changes are being considered at the time of writing. Concerns have been raised by Built Heritage that the proposed development does not incorporate any elements of the local vernacular and fails to relate to the former fishing settlement and the subsequent progression of development.

Landscape and Visual Impact

- 6.19 Policy E2: Landscape supports development only where it does not cause unacceptable effects through its scale, location or design on key natural landscape elements, historic features or the composition or quality of the landscape character. Development should not otherwise significantly erode the characteristics of landscapes as defined in the Landscape Character Assessments produced by SNH, or that which has been identified as Special Landscape Area (SLA) of local importance. Developments located within the SLA will only be permitted if the qualifying interests are not being adversely affected or effects of the development are clearly outweighed by social, environmental or economic benefits of at least local importance.
- 6.20 The site has been identified as the North East Aberdeenshire Coast SLA of the ALDP 2017. This SLA is stated within Supplementary Guidance 9a: Special Landscape Areas as a strip of coastal farmland which is unified by its east-facing orientation onto the North Sea and wide sandy beaches backed by extensive dynamic dune systems with some outcrops of rugged cliffs. The traditional fishing villages within the SLA, including Cairnbulg and Inverallochy, have a strong relationship with the coast and are nestled into the sheltered landform.

- 6.21 Supplementary Guidance 9a lists various aspects and features of this landscape which are stated to be considered worthy of recognition and includes elements of the built and natural environment, including the siting and orientation of buildings such as those seen in Inverallochy which is expressly stated as worthy of recognition. Management recommendations which relate to settlements are listed within the SG 9a and include:
- Emphasis should be to maintain the focus of development within existing coastal settlements in order to retain the character of the coastal area;
 - Development within settlements should be of scale and style that respects and complements their coastal character. The effects of development along the coastal edge and within the hinterland adjacent to the SLA should be carefully considered;
 - Landscape and visual impacts of proposed developments in and around the edge of coastal settlements should be clearly set out in a coastal character assessment, so as to ensure that any impacts (both positive and negative) can be determined;
 - The siting and orientation of buildings can be highly distinctive. Siting and design should be carefully considered to ensure development respects the vernacular heritage and sense of place felt in coastal settlements.
- 6.22 The proposal site lies outwith the settlement boundary of Cairnbulg and Inverallochy and its location would act as a 'gateway' to Cairnbulg and Inverallochy.

Access and Servicing

- 6.23 Policy RD1: Providing Suitable Services only allows development that provides adequate road, waste management, water or waste water facilities, connections and treatment as appropriate.
- 6.24 In terms of access to new development, new development is supported where it is well-related to existing developments, is in accordance with the national 'Designing Street' and does not create an impermeable barrier to further development; is close to existing public transport services; includes provision for access by all users; is designed to an agreed standard and causes minimal impact on the character of the site and surrounding area; and are designed to the satisfaction of the Council's Roads Development department.
- 6.25 The proposal includes a single access from Rathen Road with an internal network of core roads, foot and cycle ways, rural style paths with connectivity to the existing settlement at two points to the north and potential links for future development at a further two points. Consultation with Infrastructure Services (Roads Development) raised no concerns with the proposal and are content with the levels of parking provided. Infrastructure Services (Natural Heritage) are also content with the proposed links throughout the development and the connectivity with the existing settlement.

- 6.26 This policy requires that new development does not cause an impermeable barrier to further development. The northern boundary of the site lies adjacent to the old railway line, currently used as a path. Discussions with Infrastructure Services (Roads Development) have indicated that at present there are no significant concerns regarding future access to the R1 as there is a link to the north west corner of the site however, there are no detailed proposals available for the R1 site which is not currently being taken forward. It should also be noted that the potential link is indicated on the proposed plans as a private access and would not be adopted by the Council. The R1 site in the ALDP 2017 was previously allocated for housing in the ALDP 2012 and was subsequently removed.
- 6.27 In terms of water and waste water, new development is supported where there is sufficient capacity to connect to the public water supply and the public drainage network. A consultation response from Scottish Water has been received with no objection to the proposal confirming that there is currently sufficient capacity at the Forehill Water Treatment Works and the Fraserburgh Waste Water Treatment Works to serve the proposal.
- 6.28 In terms of surface water drainage, Policy RD1 requires the use of an integrated Sustainable Drainage System which avoids pollution and flooding. A drainage assessment has been provided by the agent and Infrastructure Services (Flood Prevention Unit) have confirmed that the proposed measures of a SUDs basin with separate systems for road, roof and driveway drainage, including a secondary treatment for road drainage, are acceptable.

Letters of Representation

- 6.29 A total of 4 valid letters of representation were submitted in support of the application. Various reasons were listed including the potential benefits resulting from additional housing in the area including improvements to the entrance of the settlement, improvements to drainage in the area, increase in housing and accompanying benefits to the community and good proximity to local amenities.
- 6.30 The Invercairn Community Council have also expressed support for the proposal listing various reasons including that the addition of houses to Cairnbulg would result in a visual improvement to the existing area, avoid ribbon development of the settlement whilst facilitating an increase to the population of the area with accompanying benefits to the school roll, public transport and attracting potential businesses to the area.

Summary

- 6.31 In conclusion, the purpose of the Pre-Determination Hearing is to outline the main issues to allow consideration of the impact of the proposed housing development of 37 houses, land for future affordable housing and associated landscaping and infrastructure at Cairnbulg.

- 6.32 Members will need to consider the proposal in relation to the principle of the development which is not currently allocated for housing in the Local Development Plan 2017 nor complies with Policy R2 which relates to housing in the countryside or Policy R1 due to its location in the coastal zone. It will be for Members to decide if there are any significant material considerations in relation to the issues outlined above which would merit support as a departure. Consideration must also be given to the technical issues outlined in relation to the site itself, its location in the coastal zone and Special Landscape area and the proximity to the Conservation Area.

7. Departures, Notifications and Referrals

7.1 Strategic Development Plan Departures

Policy which states “in assessing development proposals, we will balance the importance given to each aim in coming to a decision, taking into account the spatial strategy, objectives and targets of the plan.” Specific housing allowances are set for the AHMA local growth and diversification areas.

7.2 Local Plan Departures

Policy H1: Housing Land
Policy R1: Special Rural Areas
Policy R2: Housing and Employment Development Elsewhere in the Countryside
Policy HE2: Protecting Historic and Cultural Areas

8. Next Stages

- 8.1 Following the Pre-Determination Hearing a report will be put forward to a future meeting of the Banff and Buchan Area Committee with an officer recommendation. The Area Committee will be given an opportunity to express a preliminary view on the proposed development, which will then be reported to a subsequent meeting of the Full Council for a final decision.**

**Stephen Archer
Director of Infrastructure Services
Author of Report: Fiona Rendall
Report Date: 16 August 2017**

APPENDIX 3
Minute of Pre-Determination Hearing 31st August 2017

Note of Pre-Determination Hearing

Erection of 37 Dwellinghouses, Provision of Land for Future Affordable Housing and Associated Landscaping and Infrastructure at Westhaven, Cairnbulg (APP/2017/0478)

Thursday 31 August 2017 at 6.30pm in Inverallochy School

The Hearing was conducted in accordance with Appendix F of Part 2C of the Aberdeenshire Council Scheme of Governance.

Approximately 20 members of the general public were in attendance.

Present:	Councillor M Roy (Chair)	Banff and District
	Councillor C Buchan	Fraserburgh and District
	Councillor R Cassie	Troup
	Councillor A Evison	North Kincardine
	Councillor A Forsyth	Turriff and District
	Councillor G Reynolds	Banff and District
	Councillor D Robertson	Stonehaven and Lower Deeside
	Councillor I Taylor	Turriff and District
	Councillor B Topping	Fraserburgh and District
Council Officers:	Margaret-Jane Cardno	Area Manager
	Fiona Stewart	Senior Solicitor
	Mairi Stewart	Planning Manager
	Jim Martin	Senior Planning Officer
	Fiona Rendall	Planner
	David Naismith	Principal Engineer
	Liz Farquhar	Committee Officer
Applicant:	Mr John Smith	Claymore Homes
Speakers:	Mr Mark Hinde	Cairnbulg Assembly of God
	Mr David Gammack	Invercairn Community Council

Chairman, Councillor Roy, introduced himself and welcomed everyone to the hearing.

1. DECLARATION OF MEMBERS' INTERESTS

The Chairman asked Members if they had any interests to declare in terms of the Councillors' Code of Conduct.

Councillor Topping stated that he was a member of the Scottish Strategic Planning Authority (SDPA). He had sought legal advice and understood that no declaration of interest was necessary.

Councillor Buchan stated that he was a substitute on the SDPA but, as with Councillor Topping above, no declaration of interest was deemed necessary.

2. RESOLUTION – STATEMENT OF EQUALITIES

In making decisions on the following items of business, the Committee **agreed**, in terms of Section 149 of the Equality Act, 2010:-

1. to have due regard to the need to:-
 - (a) eliminate discrimination, harassment and victimisation;
 - (b) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
 - (c) foster good relations between those who share a protected characteristic and persons who do not share it.
2. where an Equality Impact Assessment was provided, to consider its contents and take those into account when reaching their decision.

3. PRE-DETERMINATION HEARING PROCESS

The Chairman explained the hearing procedures and it was reiterated that:

- no decision would be made at this meeting,
- a report, incorporating the notes of the Hearing would be presented to a meeting of the Banff and Buchan Area Committee on 19 September 2017, and
- the Area Committee would forward its view on the application to Full Council for its consideration and Full Council would then determine the application.

The Chairman advised that two requests to speak had been submitted in advance of the meeting and asked whether any other consultees or members of the public, who had previously submitted a valid written representation, wished to speak.

No intimations were made.

4. REFERENCE NO APP/2017/0478

FULL PLANNING PERMISSION FOR ERECTION OF 37 DWELLINGHOUSES, PROVISION OF LAND FOR FUTURE AFFORDABLE HOUSING AND ASSOCIATED LANDSCAPING AND INFRASTRUCTURE AT WESTHAVEN, CAIRNBULG

A site visit was held prior to the hearing and a PowerPoint presentation was provided during the hearing which included plans and photographs of the site.

1. The Chairman introduced the Senior Planner, Jim Martin and who provided the following information:

Mr Martin explained that the Pre-Determination Hearing had been called because the proposed development constituted a major application and it was also contrary to the valid Local Development Plan (LDP).

The proposal was for full planning permission for the erection of 37 dwellinghouses, provision of land for future affordable housing and associated landscaping and infrastructure at Westhaven, Cairnbulg.

The proposal included a varied range of house types and sizes, open spaces and affordable houses and there would be a significant buffer zone between the new development and the existing houses.

The application site measured approximately 4.7 hectares and was currently in agricultural use. The application lay outwith the settlement boundary of Cairnbulg and Inverallochy. The proposed development would connect to the mains drainage and water supply but, as it was outwith the settlement boundary, it was not in accordance with the LDP.

Four letters of representation had been received, all of which were in support of the application.

Consultees, although having a few concerns, had no adverse comments to make.

The proposal was contrary to:

Policy R1 "Special Rural Areas" which restricts housing and employment development opportunities in the greenbelt and coastal zone to reflect the special nature of these areas.

Policy R2 "Housing and Employment Development Elsewhere in the Countryside" which only supports appropriate small scale development in the coastal zone.

It could also be seen to conflict with Policies P1, E2, HE2 and RD1.

Copies of the policies can be accessed from the Council's website.

The settlement statement for Cairnbulg and Inverallochy shows the existence of two other sites which have been allocated for residential development and this may have a bearing on the recommendation that the planning officer will be required to make.

- Site OP1 – There has been interest in this in the past but it is partially constrained by access issues.
- Site OP2 – This is currently being developed.
- There was a third site which was supported by the planning officer but, as this was refused by Committee, it has now been removed from the current LDP.

As a consequence of this, Members will need to consider the proposal in relation to the principle of the development which is not currently allocated for housing in the Local Development Plan 2017 nor complies with Policy R2 which relates to housing in the countryside or Policy R1 due to its location in the coastal zone. It will be for Members to decide if there are any significant material considerations which would merit support as a departure. Consideration must also be given to the technical issues in relation to

the site itself, its location in the coastal zone and Special Landscape area, and the proximity to the Conservation Area.

Officers in Built Heritage, while not objecting to the proposed development have recognised that the boundary with the conservation area is very close to the boundary of the proposed site.

Questions

Councillor Topping asked about a site which was earmarked as an expansion to the cemetery but was reassured that there was land available next to the current cemetery which could be used instead.

Councillor Forsyth asked about the concerns that the Built Heritage officers had and Mr Martin explained that they wanted to ensure that the proposed development would not have an adverse effect on the conservation area, some of which could be seen if approached from the west.

Councillor Buchan asked for the definition of “settlement” as to whether it meant the two villages together or just Cairnbulg. Mr Martin said that when “settlement” was used, he was referring to the two conjoined villages.

2. The Chairman introduced the applicant, Mr John Smith whose statement is summarised below:

Mr Smith explained that the company (Claymore Homes) had initially purchased the land as a long term investment with a view to developing it in the next LDP period. There had been a great deal of interest so he had hoped that it would be possible to bring this forward into the current period. There had been a great deal of support and 18 people had already expressed an interest in buying houses.

There would be many community benefits as a result of the proposed development including 12 affordable houses, community allotments for people who did not have gardens in the village, developer contributions, land gifted to the Assembly of God to use as a car park, lowering of speed limits, land available for other projects.

Mr Smith said that there were two paragraphs in the report which were not factually correct. These were:

Paragraph 2.4 – “...The site also lies within the Dunes and Beaches from Fraserburgh to Peterhead Landscape Character Area.

Mr Smith disputed this statement.

Paragraph 4.11 “There is a record of a claimed right of way across this site from SE to NW, however there is no information available other than a survey carried out by Scotways that could find no evidence of the route on the ground. However, the proposed layout provides good links through the site to the surrounding roads and adjoining old railway line.”

Mr Smith said that there was no evidence of a right of way, and Paragraph 4.11 goes on to say that:

“The proposed development would improve access provision for the wider settlement, especially the existing properties to the NE of the site.”

In regard to Heritage concerns, Mr Smith said that this had not been raised until two weeks ago and nobody whom he had spoken to wanted “old style” houses any more. The site is adjacent to existing modern houses and the proposal leaves an extensive buffer between the existing houses and the proposed new houses. During a recent meeting with Heritage officers, he had been told that six months ago this problem would not have arisen but the new LDP had raised barriers that had not existed in the previous LDP.

Mr Smith believed that the site had had a previous application but this had not been taken up. It was likely that a bid for housing on this site in the next LDP would be successful.

Mr Smith finished by saying that he believed that there was a strong desire, across the whole community, for this development to take place.

There were no questions to Mr Smith raised by Members so the Chairman thanked him for his presentation.

3. The Chairman introduced Mr David Gammack, representing Invercairn Community Council, whose statement is summarised below:

Mr Gammack said that he spoke on behalf of the Community Council but that the Community Council had consulted with the wider community and had not come across any local concerns or objections to the proposal, indeed they welcomed the planned development.

Mr Gammack said that the proposed development, should it go ahead, would bring many benefits to the community. It would increase the available properties in the village, It was an ideal location for housing and more houses on the Cairnbulg side would help to redress the imbalance between the two communities. The Community Council had supported the idea of this for the last 20 years and this could be evidenced by previous minutes from Community Council meetings and the Community Action Plan, etc.

Aberdeenshire Community Councils and the Council itself would be, in December, beginning discussions to influence the next LDP.

The proposed development would attract new families, help to increase the school roll, attract businesses which would in turn help the economy and increase jobs. It would help to alleviate parking problems especially outside the Assembly of God hall as parking can be dangerous there. The speed limit would be reduced to 20mph across all streets. It could increase the frequency of public transport. It would enhance an area which was currently under-developed. There would be improved pedestrian walkways.

In terms of the type of properties, there had not been a single expression of concern about the impact on the conservation area. Whilst Invercairn CC acknowledged that some of the residents may not be fully in favour of the proposal, he did believe that the CC’s view represented the majority.

Mr Gammack finished by asking the Members to vote in favour of the development when the application was submitted to Full Council.

Questions

Councillor Taylor asked for clarification on the location of the improved parking and Mr Gammack confirmed that it would be behind the Assembly of God hall.

There were no further questions so the Chairman thanked Mr Gammack for his presentation.

4. The Chairman introduced Mr Mark Hinde, Pastor of the Assembly of God, whose statement is summarised below.

Mr Hinde said that the Assembly of God hall was on the boundary of the proposed development. Church members were in support of the development. In January 2016, the church, along with many other buildings, had suffered some flood damage. This was caused by water running off the field and this would not continue to happen if the proposed development were to go ahead.

If the development did go ahead, Claymore Homes would gift an area of land which would allow the church to build a car park and this would help to alleviate some current traffic problems. The hall is used most days for many different activities such as mother & toddler groups, breakfast clubs, coffee mornings, women's groups, etc., in addition to the usual church services and groups. The proposed development would allow the church to offer even more activities and events to the community.

New housing would mean more people/families which would help the village, economically and educationally and would bring balance to the two sides of the village. It would enhance the entrance to the villages, by making it more attractive. Currently, the field is unkempt and unattractive. The older houses are not obvious, only white Council houses can be seen, so the conservation area is not really evident as you drive in. The proposed development will improve the look of the village as well as tidy up the field. The local people are in support of the development.

Mr Hinde finished by asking the Members to vote in favour of the development when the application was submitted to Full Council.

As there were no further questions, the Chairman thanked Mr Hinde for his presentation.

5. The Chairman asked the Councillors, speakers, and wider audience if they were satisfied with the way in which the Hearing had been conducted and all indicated that they were.
6. The Chairman reminded those present that an officer's report would be considered at a meeting of the Banff and Buchan Area Committee on 19 September 2017 and that a note of this Hearing would be appended to the report. Thereafter, the Area Committee would give its recommendations to Full Council which would determine the application.

The Chairman thanked everyone present for their attendance and closed the Hearing.

APPENDIX 4
Report to Banff and Buchan Area Committee 19th September 2017

Aberdeenshire
COUNCIL



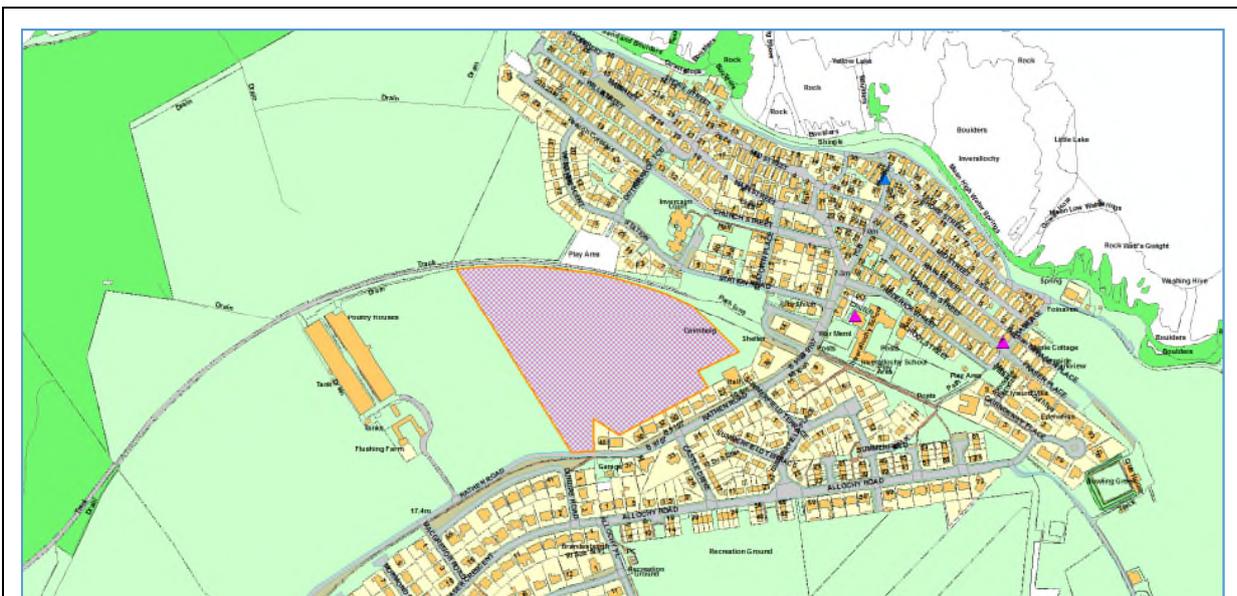
Infrastructure Services

Report To Banff & Buchan Area Committee – 19 September 2017

Reference No: APP/2017/0478

Full Planning Permission for Erection of 37 Dwellinghouses, Provision of Land for Future Affordable Housing, and Associated Landscaping and Infrastructure at Westhaven, Cairnbulg

Applicant:	Claymore Homes
Agent:	Claymore Homes
Grid Ref:	E: 403912 N: 865000
Ward No. and Name:	W03 - Fraserburgh And District
Application Type:	Full Planning Permission
Representations	4
Consultations	14
Relevant Proposals Map Designations:	Aberdeenshire Local Development Plan 2017
Complies with Development Plans:	No
Main Recommendation	Provide A View for the Consideration of Full Council



NOT TO SCALE

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1. Reason for Report

- 1.1 The Committee is able to consider this item in terms of Section B.9.1 of Part 2A List of Committee Powers and Section C.2.1b of Part 2C Planning Delegations of the Scheme of Governance as the application is for major development which in the professional opinion of the Head of Planning and Building Standards is a significant departure from the Development Plan and which therefore will be determined by Full Council following consultation with the relevant Area Committee.
- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

2. Background and Proposal

- 2.1 Full planning permission is sought for the erection of 37 dwellinghouses, provision of land for future affordable housing, and associated landscaping and infrastructure at Westhaven, Cairnbulg.

Site Description

- 2.2 The proposed site is located at the entrance to Cairnbulg to the north of Rathen Road and measures approximately 4.7 hectares. The site is bound by the settlement of Cairnbulg to the north and north east, a row of existing houses to the south east and agricultural fields to the north west and south west. The site is currently an agricultural field with a minor gradient from north west to south east. Beyond the settlement of Cairnbulg and Inverallochy, the surrounding area is largely agricultural. The site is accessed from the B9107, approximately 900m from the B9033 which leads from Fraserburgh to St Combs. Site location, layout and indicative phasing plans are attached as Appendices 2 & 3 to this report.

Site Designations

- 2.3 The site lies outwith the settlement boundary of Cairnbulg and Inverallochy, within the Rural Housing Market Area as defined by the Local Development Plan (ALDP) 2017. The site lies within the coastal zone which covers the majority of the coast of Aberdeenshire. Specifically, in the area surrounding Cairnbulg and Inverallochy, the coastal zone extends to the north west and south east of the settlement but excludes the settlement itself, and extends to the B9033.
- 2.4 The site is identified as a Special Landscape Area known as the North East Aberdeenshire Coast Special Landscape Area as defined in the ALDP 2017. The site also lies within the Dunes and Beaches from Fraserburgh to Peterhead Landscape Character Area.
- 2.5 The Cairnbulg/Inverallochy Conservation Area extends from the coast and encompasses an area of open space south of Station Road, directly adjacent to the site.

Proposal

- 2.6 The proposal consists of the erection of 37 detached dwellinghouses of 1 or 2 storeys and between 3-5 bedrooms. These are summarised by house type below.

House Name	Height	No. bedrooms	No. overall
Stroma 3 Bed	2 Storey	3	1
Stronsay	2 Storey	3	2
TOTAL 3 BEDROOM HOUSES			3
Crovie		4	6
Dunvegan	Single	4	3
Eribol	Single	4	2
Kinnaird DG	2 Storey	4	8
Moray	2 Storey	4	3
Stroma 4 Bed	2 Storey	4	3
TOTAL 4 BEDROOM HOUSES			25
Orkney	2 Storey	5	4
Pentland	2 Storey	5	5
TOTAL 5 BEDROOM HOUSES			9

- 2.7 The proposed materials include Nordic spar harling with cedar linings, grey forticrete, Marley Modern roof tiles, grey windows, doors and fascias. Boundary fencing is proposed to the front gardens to a height of 0.9m with other boundaries throughout the development to a height of 1.8m. Elevational details of the houses are shown in Appendices 4A to 4D of this report.
- 2.8 Proposed vehicular access to the development is from Rathen Road to the west of an existing dwellinghouse. A 6m-wide core road would surround an area of open space with a secondary road providing access to 9 of the houses and an area for future affordable housing which terminates to the rear of the church hall on Rathen Road. A footway is proposed on one side of the core road with shared surfaces throughout. Two foot and cycle ways are proposed at the north east of the site to connect to the settlement and existing path network.
- 2.9 Parking throughout the site is to be provided as 2 spaces per dwelling up to 3 bedrooms, with 3 spaces per dwelling for more than 3 bedroom dwellings. Visitor parking for 12 cars is provided in five locations surrounding the central open space area.
- 2.10 Within the proposed development a total of 34.5% open space is proposed, primarily in a central amenity area with additional amenity area to the north east of the site including the SUDs basin, paths and an area for community allotments. A play area is proposed towards the east of the central open space area to provide a range of play equipment.
- 2.11 A landscaping scheme has been provided for the site and includes a planting and maintenance schedule for the first five years of the development. This is to be provided and maintained in perpetuity by a third party and is the

responsibility of the developer. A 6m landscape strip is proposed along the north west boundary of the site. A 6m landscape strip is also proposed to the rear of the existing houses on Rathen Road to be comprised of mixed woodland species maintained at a height of 1.5m.

- 2.12 The proposed houses are to be connected to the public water supply. A sustainable urban drainage system (SUDs) is proposed for the road, roof and driveway drainage which discharge to a detention basin with secondary treatment for road drainage. Foul water drainage for the site is to be connected to the public sewer network.
- 2.13 An indicative phasing plan has been submitted which shows a 4 sub-phase build out within the site. Phase 1 includes the creation of the SUDs basin and access road with development of the site to progress in an anticlockwise direction around the central open space area.
- 2.14 An area for future affordable housing development is shown to the north east of the site measuring 0.747 acres which would accommodate 12 homes. This area would be transferred to the Council or a RSL as serviced land and would include the provision of the road leading towards the SUDs basin with a T-shaped turning area.
- 2.15 An area beyond the site boundary, but within ownership of the applicant, is located at the north east corner of the site, to the rear of the Church Hall on Rathen Road. It should be noted that no works are proposed on this area of land as part of this application.
- 2.16 Supporting information has been submitted with the application and includes:
- Design Statement (Claymore Homes);
 - Drainage Assessment (GMC Survey);
 - PAC Report (Claymore Homes);
 - Ecological Survey Report (Landcare Northeast);
 - Transportation Statement (Jacobs);
 - Geo-environmental Desk Study and Ground Investigation (Green Cat Renewables).

Site History

- 2.17 The application was subject to a pre-determination hearing which was held at 6.30pm on 31 August 2017 at Inverallochy Primary School and site visit prior to the meeting at 5.45pm. A report of the pre-determination hearing can be found in Appendix 1.
- 2.18 ENQ/2017/0527 – Environmental Impact Assessment (EIA) Screening Request (No EIA Required: 07/04/17)
- ENQ/2016/1307 – Proposal of application notice for the erection of 49 Houses (Submitted: 15/06/16, Agreed as submitted: 26/08/16)
- ENQ/2016/0663 – Erection of 59 dwellinghouses (Major applications meeting: 21/04/16)

- 2.19 The proposal was discussed at the Major Applications Meeting of 21/04/16. Various technical consultees provided comments and it was confirmed the principle of development was not acceptable and that it would likely be viewed as a significant departure to the ALDP 2012.

3. Representations

- 3.1 A total of 4 valid representations (4 supporting) have been received as defined in the Scheme of Delegation. All issues raised have been considered. The letters raise the following material issues:
- Need for additional housing to increase number of residents in the settlement;
 - Improve the drainage in the area;
 - Provide greater housing options within the settlement;
 - Increase in housing would support the local community e.g. school roll and businesses;
 - Would improve the entrance to the settlement;
 - Balance the new housing provision between Inverallochy and Cairnbulg;
 - Balance the appearance of the settlements of Inverallochy and Cairnbulg;
 - Improvement to the appearance of the field which is currently overrun;
 - Good proximity to local amenities.

4. Consultations

- 4.1 **Infrastructure Services (Built Heritage)** requested further information from the developer to explain how the development relates to the Cairnbulg Conservation Area. It was also advised that the developer incorporate elements of the local vernacular into the proposed house designs.
- 4.2 Following discussion with the developer, agreement was not reached to address the initial concerns.
- 4.3 It is noted that the proposal is of a typical design which fails to acknowledge and incorporate elements of the local vernacular associated with the settlement. It is considered that a scheme which fails to relate to the former fishing settlement would add to the routine post war development that has been constructed to the south of the conservation area. Given the sensitivity of the site on the edge of the conservation area, the Built Heritage service do not support the proposal.
- 4.4 **Infrastructure Services (Contaminated Land)** are satisfied with the contents, conclusions, and recommendations of the desk study report submitted with the application (Green Cat Renewables). Potential contamination associated with the former railway that bounded the site to the north is identified in the report and an investigation of that area has been requested but has not been received to date.

- 4.5 **Infrastructure Services (Flood Prevention Unit)** are generally satisfied with the level of flood risk associated with the proposal as well as the proposed surface water drainage arrangements. It is noted that the application site lies outwith the medium likelihood flood extent of the SEPA Flood Map. The surface water drainage for the site is to utilise drainage systems for the road, roof and driveway drainage. It is noted that the connection point to the existing surface water sewer will require works outwith the red line boundary of the site and this must be included in the Scottish Water Technical Approval of the overall drainage system. No further comments were raised.
- 4.6 **Infrastructure Services (Landscape Services)** raised concerns with an area of soft landscaping to the rear of proposed plots 1-5 which were addressed by the applicant. A final consultation response is awaited from Landscape Services however, it is understood that all concerns have been addressed.
- 4.7 The applicant is required to notify the Council of their preferred contractor which would be maintaining the landscaping in the future. The applicant has agreed to this requirement.
- 4.8 **Infrastructure Services (Housing Strategy)** support the proposal for the provision of 2 areas of land equating to 0.747 acres to accommodate 12 units as required for the development, in the future. The affordable housing mix would include 4 x 1 bedroom flats, 4 x 2 bedroom flats, 4 x 3 bedroom houses for social rent.
- 4.9 This agreement is on the basis that the applicant provides the road to serve the future hall car park and access to the allotments and is to be secured through a Section 75 legal agreement. It is anticipated that the affordable housing contribution would be transferred to the Council or a RSL before completion of the 34th open market unit.
- 4.10 The proposal meets the housing need as identified by the Aberdeenshire Council waiting list 2017 and Housing Need and Demand Assessment 2011 and is in accordance with the affordable housing policy of the ALDP 2017.
- 4.11 **Infrastructure Services (Natural Heritage)** are content that there are no important habitats and no evidence of protected species on site. It is suggested that a check is made for ground nesting birds prior to work commencing, if in the bird breeding season.
- 4.12 The proposed landscaping scheme is comprised of predominantly native species with 35% evergreen species. The use of earth mounds takes account of the exposed coastal location and will provide some shelter where planting is unlikely to establish due to the exposure.
- 4.13 There is a record of a claimed right of way across this site from SE to NW, however there is no information available other than a survey carried out by Scotways that could find no evidence of the route on the ground. However, the proposed layout provides good links through the site to the surrounding roads and adjoining old railway line. The proposed development would improve access provision for the wider settlement, especially the existing properties to the NE of the site.

- 4.14 **Infrastructure Services (Roads Development)** have no objection to the proposal subject to conditions. The proposed provision of 126 parking spaces is considered acceptable. The applicant has been informed that a traffic order will be needed for the relocation of the speed limit signs along the B9107 Rathen Road.
- 4.15 **Infrastructure Services (Planning Policy)** provided detailed comments regarding the key policies of the Local Development Plan 2017 in relation to the site. Of note is that the proposal lies outside the Cairnbulg and Inverallochy settlement boundary on land within the coastal zone. In relation to Policy R1: Special Rural Areas, it is not considered that the need for housing in the area has been demonstrated as the Housing Land Audit 2016 states that there is a sufficient supply of effective housing land to meet the needs of the Rural Housing Market Area. Unless there is a need to locate these houses in the coastal zone, the proposal is unlikely to satisfy Policy R1.
- 4.16 Cairnbulg and Inverallochy is not one of the identified villages in Appendix 4, nor does it meet any criteria in Policy RD2. If the application were to be supported, it should be considered as a significant departure to this policy due to the scale of the proposal.
- 4.17 Policy RD1: Providing Suitable Services outlines the key access, waste and waste water criteria that must be taken into account and addressed by all new development. It is noted that during pre-application discussions (ENQ/2017/0663), the potential for the site to provide a solution to the road access issues for allocated site R1 (new cemetery) and to a housing site (now removed from the LDP) was discussed. It is recommended that Roads Development confirm that the proposal would not prevent the development of site R1 and if it complies with this policy in terms of access. In addition, consultation responses to the Proposed Plan (2015), indicated an interest to develop land surrounding the application site. Although this area was not supported for development in the 2017 Plan, and given that this planning application is not allocated in the current Plan, this proposal must not create an impermeable barrier to potential future development, in case it is supported in the next LDP.
- 4.18 It is stated that the application is considered as premature, as proposals of this nature should be sought through a bid in the next LDP. No bid for development on this site was submitted during the call for sites stage during the development of the current LDP and neither was a representation submitted during the consultation for the Main Issues Report or the proposed LDP requesting the inclusion of the site.
- 4.19 The conclusion of the consultation response is that, unless other material considerations support a departure to the LDP, the proposal is contrary to policies R1 and R2. Depending on its impact on the local landscape and townscape, it could be contrary to policies P1, E2 and HE2 and potentially RD1 if it creates an impermeable barrier to developing on adjacent land, or affects access to site R1.

- 4.20 **Aberdeen City and Shire Strategic Development Planning Authority** have provided detailed comments regarding the proposed development against the SDP. It is noted that the site lies within the Rural Housing Market Area, in terms of the SDP's spatial strategy. In such areas the SDP sets a housing requirement and very generous housing allowances. The plan also anticipates a mix of housing opportunities where the scale and type of housing should meet local needs, with a particular focus on the provision of smaller homes but also improving the economy and the built and natural environment. The very generous scale of housing land required by the SDP has been made available in the Aberdeenshire Local Development Plan through identification of housing allocations in settlements and enabling policies for housing in the countryside.
- 4.21 In regards to the housing land supply, the 2017 Housing Land Audit was agreed with the house building industry earlier this year and was reported to the SDPA at its June meeting. This demonstrated a 5.6 year effective housing land supply in the RHMA, in excess of the requirement of Scottish Planning Policy (2014). Significant additional land is identified as effective for the period beyond year 5 in the RHMA and there are a wide range of currently 'constrained' sites which the council is working with partners to bring forward for development. The RHMA therefore has a very generous supply of housing land throughout the area. It is considered that the supporting statement of the applicant is misleading as it suggests that the supply falls short of requirements.
- 4.22 Comments relating to the proposed house type are noted, particularly that the proposed application is heavily skewed towards larger properties and that no justification has been provided for this distribution which is some way from providing a broad mix of housing opportunities and the focus on smaller homes in the Local Growth and Diversification Area set out in the SDP.
- 4.23 Overall, the application is contrary to the Aberdeen City and Shire SDP as it is for housing outwith the settlement boundary in an area with a housing land supply in excess of the plan requirements and where no justification has been provided for the low density housing mix which is heavily skewed towards larger properties.
- 4.24 **Business Services (Developer Obligations)** have agreed contributions towards affordable housing through the provision of fully serviced land equating to 0.747 acres. Contributions towards sport and recreation have been agreed towards playing fields within the Fraserburgh settlement area with healthcare contributions towards an extension to Finlayson Street Medical Practice. Contributions have also been agreed towards the waste and recycling bulking point at Mintlaw.
- 4.25 **Education and Children's Services (Learning Estates)** support the application as there is sufficient capacity in Inverallochy Primary School and Fraserburgh Academy for pupils generated from the application.
- 4.26 **Scottish Water** has no objection to the proposal as there is currently sufficient capacity in the Forehill Water Treatment Works and Fraserburgh Waste Water Treatment Works to service the proposal. The applicant has

been informed that this does not confirm that the proposed development can currently be serviced and a formal application would be required if full planning permission is granted.

- 4.27 **SEPA** categorise any development under 50 houses to be of a 'local' scale in their consultation criteria. As such no comments have been provided and standing advice is referred to. There have been no site specific issues raised to date which would require further consultation.
- 4.28 **Invercairn Community Council** generally supports this proposal for various reasons including: increase in available properties within the village; properties being built in Cairnbulg rather than Inverallochy; re-centres the village and stops ribbon development; more attractive for families to move in to the community; increased school roll; potential for additional businesses to come to the village; alleviate parking issues on Rathen Road; improved access; potential improvements to public transport and road safety; does not affect the rest of the community; improvement to an undeveloped area adjacent to the village centre.

5. Relevant Planning Policies

5.1 Scottish Planning Policy

The aim of the Scottish Planning Policies is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning system guides the future development and use of land in cities, towns and rural areas in the long term public interest. The goal is a prosperous and socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

5.2 Aberdeen City and Shire Strategic Development Plan 2014

The purpose of this Plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. All parts of the Strategic Development Plan area will fall within either a strategic growth area or a local growth and diversification area. Some areas are also identified as regeneration priority areas. There are also general objectives identified. In summary, these cover promoting economic growth; promoting sustainable economic development which will reduce carbon dioxide production, adapt to

the effects of climate change and limit the amount of non-renewable resources used; encouraging population growth; maintaining and improving the region's built, natural and cultural assets; promoting sustainable communities; and improving accessibility in developments.

- 5.3 In Local Growth areas (such as this) 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.
- 5.4 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 region's 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.
- 5.5 The areas in need of regeneration are identified broadly in the Strategic Development Plan but are focused on the needs of existing communities. They include some of the coastal communities of north and south Aberdeenshire. Improving the economy, environmental quality, accessibility, employment opportunities and the competitiveness of business should play a particular role in these areas.
- 5.6 Aberdeenshire Local Development Plan 2017

Policy R1:	Special Rural Areas
Policy R2:	Housing and Employment Development Elsewhere in the Countryside
Policy H1:	Housing Land
Policy H2:	Affordable Housing
Policy P1:	Layout, Siting and Design
Policy P2:	Open Space and Access in New Development
Policy P4:	Hazardous and Potentially Polluting Developments and Contaminated Land
Policy E1:	Natural Heritage
Policy E2:	Landscape
Policy HE2:	Protecting Historic and Cultural Areas
Policy C1:	Using Resources in Buildings
Policy C4:	Flooding
Policy RD1:	Providing Suitable Services
Policy RD2:	Developers' Obligations

5.7 Other Material Considerations

None.

6. Discussion

- 6.1 The key issues in the consideration of this application are the principle of the proposal; potential impact on deliverability of allocated sites within the plan; impact on the coastal zone and special landscape area; potential impact on the neighbouring conservation area; and if sufficient access and servicing is proposed.

Principle of Proposal

- 6.2 Policy H1: Housing Land supports development of housing on sites allocated for that purpose within the LDP and as shown in the settlement statements. The proposal site is not identified within the LDP 2017, no bid for development on the site was submitted during the call for sites stage during the development of the current LDP and neither was a representation submitted during the consultation of the Main Issues Report of the proposed LDP requesting inclusion of the site. The proposal therefore does not comply with Policy H1: Housing Land.

- 6.3 Although the proposal site lies within the countryside, it is also within the coastal zone and therefore Policy R2: Housing and Employment Development Elsewhere in the Countryside would not wholly apply. This policy supports small-scale development of no more than three houses when it meets one of several criteria including where:

- It would be appropriate in the greenbelt; or
- It would involve the refurbishment or replacement, on the same site, of an existing house or disused building; or
- It would involve remediation of redundant brownfield land opportunities; or
- It is for small-scale growth of settlements where a particular need has been identified; or
- It is for retirement succession of a viable farm holding; or
- It is for small-scale employment proposals; or
- It is a small-scale addition to an existing cluster or group of at least five houses.

In all cases, siting and design of any new development will be a primary consideration.

- 6.4 The proposal for 37 houses is not classified as small-scale development under the Local Development Plan and the proposal does not comply with any of the above criteria. It should be noted that Cairnbulg and Inverallochy is not identified as a settlement within Appendix 4 of the LDP 2017 and therefore small-scale growth of no more than 3 houses within 200m of the settlement boundary is not promoted in this case. The proposal does not comply with Policy P2: Housing and Employment Development Elsewhere in the Countryside.

- 6.5 Policy R1: Special Rural Areas restricts housing and employment development opportunities in the greenbelt and coastal zone to reflect the special nature of these areas. Development is only supported where it is essential and cannot be located elsewhere. In the coastal zone, development must require a coastal location, and the social and economic benefits must outweigh any adverse environmental impact or it must be the redevelopment of an existing building, or within the curtilage of an existing building. In any case there must be no coalescence of coastal developments or significant adverse impacts on natural coastal processes or habitats.
- 6.6 The coastal zone surrounding Cairnbulg and Inverallochy covers the area from the coast to the B9033, excluding the area within the settlement boundary as identified within the LDP 2017. No supporting information has been provided by the applicant in relation to this policy and the necessity for being located in the coastal zone. Although any extension to the settlement of Cairnbulg and Inverallochy would require a coastal location, it is considered that there is a sufficient supply of effective housing land allocated within the settlement and housing development of the scale proposed should be directed to these areas. It is noted that Cairnbulg and Inverallochy is considered as a single settlement in the Local Development Plan, however, locally it is understood to be two distinct settlements. It is considered that there is a sufficient supply of effective housing land to meet the needs of the Rural Housing Market Area. As such, the proposal is not considered to comply with Policy R1: Special Rural Areas.
- 6.7 Overall, insufficient information has been received to demonstrate the requirement for siting the proposal within the coastal zone, the site is not allocated for housing within the Aberdeenshire Local Development Plan 2017 and it does not reflect small-scale development. As such, the principle of the proposal does not comply with Policy H1: Housing Land, Policy R2: Housing and Employment Development Elsewhere in the Countryside, and Policy R1: Special Rural Areas.

Housing allocation within the settlement

- 6.8 The applicant has stated within the Planning Statement that there are issues relating to access for the other allocated sites within the settlement and that the allocations for housing demonstrate the demand for housing within the settlement.
- 6.9 The vision for the settlement, as set out in the LDP Settlement Statement is that future development should provide choice of housing, while also attempting to adopt some of the characteristics of the old village to reaffirm the settlement's unique built fabric and attractive coastal setting. In terms of housing land within the settlements of Cairnbulg and Inverallochy, there are currently two sites allocated for housing within the LDP 2017: OP1 South of Allochy (85 homes) and OP2 Fraser Crescent South (10 homes).
- 6.10 The Action Programme for the ALDP 2017, updated in July 2017, states that development of a masterplan for the OP1 South of Allochy site (previously H2

in the LDP 2012), is ongoing and that work is actively being undertaken to progress the site. To date pre-application discussions have been held with Development Management and the developer to progress the site.

- 6.11 Construction on the site OP2 Fraser Crescent South is currently underway and is understood to be nearing completion.
- 6.12 Comments provided by the Planning Policy team state that the site OP1 is partially constrained as it is noted in the Housing Land Audit 2016 as being both effective and constrained and subsequently, does not justify the release of additional housing sites.
- 6.13 The Planning Service therefore consider that there is insufficient evidence to justify the release of additional housing sites due to the current allocations within the Local Development Plan 2017.

Layout, Siting and Design

- 6.14 Policy P1: Layout, Siting and Design only supports development designs that demonstrate the six qualities of successful places, which includes that it is distinctive; safe and pleasant; welcoming; adaptable; efficient and well connected.
- 6.15 As the proposal is for a major development due to the area of more than 2 hectares, but of less than 50 houses, a masterplan was not required under this policy as the site is not allocated for development within the ALDP 2017.
- 6.16 The proposal site lies at the entrance to the settlement of Cairnbulg. The site entrance, off of Rathen Road, includes a grassed area with 6m landscape buffer along the north west boundary. Within the site, the layout is generally centred around an area of open space with houses overlooking the area and a second core road to the north east of the site. It is considered that the proposal would have the potential to impact on the setting of the existing settlement, however, the proposed landscaping would minimise this impact. The general layout of the site is considered to be acceptable due to the provision of a central area of open space with houses overlooking this area.
- 6.17 A variety of house types are proposed which includes 3-5 bedrooms of 1 or 2 storeys, all of which are detached. Although it is acknowledged that the mix of housing could be further enhanced by the inclusion of 2 bedroom houses and semi-detached or terraced properties, the proposed housing mix is considered, on balance, to be acceptable in this case due to the large scale of the site in relation to the proposed house numbers and the number of house types offered which provides variation throughout the site. An indicative phasing plan has been provided which further indicates a mix of house sizes in order of delivery which is considered acceptable.
- 6.18 The proposed design and finishes for the dwellinghouses are generally considered acceptable for the development. It should be noted this is discussed further below in relation to the proximity to the Conservation Area. The proposed layout provides an acceptable area of private garden ground for each plot. There are no significant concerns with overshadowing or

overlooking within the proposed development due to the plot sizes, orientation, distance from house windows to plot boundaries and the proposed boundary treatments. Specifically, in consideration of the closest existing dwellinghouses to the development on Rathen Road, the proposed distances from the houses to those existing is sufficient to avoid any overshadowing or overlooking. Furthermore, a 6m landscape buffer is proposed to the rear of the existing houses. A landscaping plan indicates that this is to be planting maintained to a height of 1.5m.

- 6.19 Overall, the proposal is considered acceptable in terms of layout, siting and design and complies with Policy P1: Layout, siting and design.
- 6.20 Policy P2: Open Space and Access in New Development requires all new development to be accompanied by adequate public open space appropriate to the standards shown in the Aberdeenshire Parks and Open Space Strategy; i.e. safe, welcoming, distinctive, well-connected and accessible. It is generally expected that 40% of each major development site is provided as good quality open space, taking into consideration the location, function and characteristics of the proposed site. For proposals on allocated land less than 50 homes, at least 120m² of public open space per home must be provided.
- 6.21 The proposal site is under 50 houses with a total of 37 homes proposed; however, due to the area of the site which exceeds 2ha, it is considered as a major application under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The site is not allocated and therefore the requirement for public open space is taken to be the former requirement of the policy at around 40% of the total development area.
- 6.22 The proposal includes approximately 16,836m² of open space which equates to approximately 34.5% of open space for the development, including the requirement for open space needed for the future affordable housing land. The majority of the open space is provided in a central area which includes a play area, tree planting, and other soft landscaping features. Other areas of open space include the entrance area which includes tree planting; two landscaping strips at the boundaries of the site; an area to the north east of the site which includes two footpaths and the SUDs basin; and a footpath link to the north. Consultation with Infrastructure Services (Natural Heritage) and Infrastructure Services (Landscape Services) has raised no concerns with the proposed landscaping plan. Delivery of the landscaping would be required through condition to ensure it is provided prior to the completion of the site and is maintained in perpetuity. Confirmation has been received by the agent that the landscaping and its maintenance is to be provided by a third party and further details regarding specific equipment and timescales for delivery would be required through condition. As the proposed open space is lower than the 40% required by Policy P2: Open Space and Access in New Developments, the proposal does not comply with this aspect of the policy.

Built Heritage

- 6.23 Policy HE2: Protecting Historic and Cultural Areas only supports development that would preserve or enhance the character or appearance of a

conservation area. This applies both to developments within the conservation area and proposals outwith that would affect its setting.

- 6.24 The proposal site lies outwith and adjacent to the Cairnbulg/Inverallochy Conservation Area. Infrastructure Services (Built Heritage) requested further information to demonstrate how the proposal relates to the Cairnbulg/Inverallochy Conservation Area. Discussions with the applicant were undertaken, however, these did not address the initial concerns raised. As such, Infrastructure Services (Built Heritage) do not support the proposal for the reason that proposed development does not incorporate any elements of the local vernacular and fails to relate to the former fishing settlement and the subsequent progression of development.
- 6.25 As such, although the layout, siting and design of the proposal is considered acceptable in itself, in consideration against Policy HE2: Protecting Historic and Cultural Areas, the impact on the character of the conservation area is not considered acceptable and does not comply with the requirements of the policy.

Landscape and Visual Impact

- 6.26 Policy E2: Landscape supports development only where it does not cause unacceptable effects through its scale, location or design on key natural landscape elements, historic features or the composition or quality of the landscape character. Development should not otherwise significantly erode the characteristics of landscapes as defined in the Landscape Character Assessments produced by SNH, or that which has been identified as Special Landscape Area (SLA) of local importance. Developments located within the SLA will only be permitted if the qualifying interests are not being adversely affected or effects of the development are clearly outweighed by social, environmental or economic benefits of at least local importance.
- 6.27 The site lies within the Dunes and Beaches from Fraserburgh to Peterhead Landscape Character Area and has been identified as the North East Aberdeenshire Coast SLA of the ALDP 2017. This SLA is stated within Supplementary Guidance 9a: Special Landscape Areas as a strip of coastal farmland which is unified by its east-facing orientation onto the North Sea and wide sandy beaches backed by extensive dynamic dune systems with some outcrops of rugged cliffs. The traditional fishing villages within the SLA, including Cairnbulg and Inverallochy, have a strong relationship with the coast and are nestled into the sheltered landform.
- 6.28 Supplementary Guidance 9a lists various aspects and features of this landscape which are stated to be considered worthy of recognition and includes elements of the built and natural environment, including the siting and orientation of buildings such as those seen in Inverallochy which is expressly stated as worthy of recognition. Management recommendations which relate to settlements are listed within the SG 9a and include:
- Emphasis should be to maintain the focus of development within existing coastal settlements in order to retain the character of the coastal area;

- Development within settlements should be of scale and style that respects and complements their coastal character. The effects of development along the coastal edge and within the hinterland adjacent to the SLA should be carefully considered;
- Landscape and visual impacts of proposed developments in and around the edge of coastal settlements should be clearly set out in a coastal character assessment, so as to ensure that any impacts (both positive and negative) can be determined;

The siting and orientation of buildings can be highly distinctive. Siting and design should be carefully considered to ensure development respects the vernacular heritage and sense of place felt in coastal settlements.

- 6.29 The proposal has the potential to impact on the characteristics of the Special Landscape Area. Specifically, as listed above, Cairnbulg and Inverallochy is mentioned in regard to its built heritage and relationship with the coast which is also evidenced by the Consultation Area designation, discussed above. The proposal site lies outwith the settlement boundary and would act as a 'gateway' to the settlement. In relation to the management recommendations listed above, no supporting information has been provided by the applicant to demonstrate how the proposal would impact the setting of the settlement. However, following a site visit, it is considered that the siting of the proposal appears as an extension to the existing settlement and would not erode the character of the landscape to an unacceptable extent. Although it is acknowledged that the site is not found to complement the vernacular heritage of the site, the extent of this impact, on a landscape scale, is not considered significant on this site in part due to the size of the development site and its relationship with the settlement as a whole.
- 6.30 Therefore, the proposal is considered to comply with Policy E2: Landscape.

Access and Servicing

- 6.31 Policy RD1: Providing Suitable Services only allows development that provides adequate road, waste management, water or waste water facilities, connections and treatment as appropriate.
- 6.32 In terms of access to new development, new development is supported where it is well-related to existing developments, is in accordance with the national 'Designing Street' and does not create an impermeable barrier to further development; is close to existing public transport services; includes provision for access by all users; is designed to an agreed standard and causes minimal impact on the character of the site and surrounding area; and is designed to the satisfaction of the Council's Roads Development department.
- 6.33 The proposal includes a single access from Rathen Road with an internal network of core roads, foot and cycle ways, rural style paths with connectivity to the existing settlement at two points to the north and potential links for future development at a further two points. Consultation with Infrastructure Services (Roads Development) raised no concerns with the proposal and are content with the levels of parking provided. Infrastructure Services (Natural Heritage) are also content with the proposed links throughout the development and the connectivity with the existing settlement. The proposed

new accesses to and within the site are considered acceptable and the proposal complies with Policy RD 1: Providing Suitable Services.

- 6.34 This policy requires that new development does not cause an impermeable barrier to further development. The northern boundary of the site lies adjacent to the old railway line, currently used as a path and site R1 which is allocated for a new cemetery and a link from Rathen Road, lies to the north of the site. Discussions with Infrastructure Services (Roads Development) have indicated that at present there are no significant concerns regarding future access to the R1 as there is a link to the north west corner of the site, however, there are no detailed proposals available for the R1 site which is not currently being taken forward. It should also be noted that the potential link is indicated on the proposed plans as a private access and would not be adopted by the Council. Therefore, at present the proposal has the potential to provide suitable links to the R1 site and does not conflict with this aspect of Policy RD 1: Providing Suitable Services.
- 6.35 In terms of water and waste water, new development is supported where there is sufficient capacity to connect to the public water supply and the public drainage network. A consultation response from Scottish Water has been received with no objection to the proposal confirming that there is currently sufficient capacity at the Forehill Water Treatment Works and the Fraserburgh Waste Water Treatment Works to serve the proposal.
- 6.36 In terms of surface water drainage, Policy RD1 requires the use of an integrated Sustainable Drainage System which avoids pollution and flooding. A drainage assessment has been provided by the agent and Infrastructure Services (Flood Prevention Unit) have confirmed that the proposed measures of a SUDs basin with separate systems for road, roof and driveway drainage, including a secondary treatment for road drainage, are acceptable.
- 6.37 It has been demonstrated that this proposal can therefore be adequately served by the public water, waste water network and surface drainage systems.
- 6.38 Overall, the proposal is acceptable in terms of access and servicing and complies with the relevant aspects of Policy RD 1: Providing Suitable Services.

Developer obligations

- 6.39 Developer obligations have been agreed with the developer and are subject to a Section 75 Legal Agreement. This includes contributions towards affordable housing through the provision of fully serviced land equating to 0.747 acres. Contributions towards sport and recreation have been agreed towards playing fields within the Fraserburgh settlement area with healthcare contributions towards an extension to Finlayson Street Medical Practice have also been agreed, along with contributions towards the waste and recycling bulking point at Mintlaw. The proposal complies with Policy RD 2: Developers' Obligations.

Affordable housing

- 6.40 The provision of affordable housing has been agreed through consultation with Infrastructure Services (Housing Strategy) and is to be delivered through the provision of two areas totalling 0.747 acres of land to deliver a total of 12 units including a range of home sizes between 1 and 3 bedroom properties to meet the affordable housing requirement of 25% for any development of this scale. Handover of this serviced, deliverable land would be undertaken prior to the completion of the 34th open market house plot. It is likely that the tenure of the affordable housing would be social rent, however, this would be established at the time of a formal application submitted by the Council or Registered Social Landlord.
- 6.41 The proposed area of serviced land for affordable housing lies to the eastern corner of the development. Details of the internal layout of the area would be subject to a further application, however, the location of the serviced land is considered to be acceptable and well located to areas of open space and would allow suitable connection to the wider development and existing settlement. The proposal therefore complies with Policy H2: Affordable Housing.

Letters of Representation

- 6.42 A total of 4 valid letters of representation were submitted in support of the application. Various reasons were listed, including the potential benefits resulting from additional housing in the area, such as improvements to the entrance of the settlement, improvements to drainage in the area, increase in housing and accompanying benefits to the community, and good proximity to local amenities.
- 6.43 The Invercairn Community Council have also expressed support for the proposal listing various reasons including that the addition of houses to Cairnbulg would result in a visual improvement to the existing area, avoid ribbon development of the settlement whilst facilitating an increase to the population of the area with accompanying benefits to the school roll, public transport and attracting potential businesses to the area.

Summary

- 6.44 In conclusion, the proposal does not comply with the relevant policies of the Local Development Plan 2017, primarily as it is not a site allocated for housing and so it does not comply with Policy H1: Housing Land.
- 6.45 Furthermore, the proposal does not reflect small-scale development, nor is Cairnbulg and Inverallochy allocated within Policy R2: Housing and Employment Development Elsewhere in the Countryside as a settlement with a need for housing allowing small-scale expansion.
- 6.46 The site lies outwith the settlement boundary of Cairnbulg and Inverallochy and therefore within the Coastal Zone as identified by Policy R1: Special Rural Areas. Insufficient evidence has been provided by the applicant to demonstrate that the development has to be located within the coastal zone

and the Planning Service are of the opinion that sufficient land is allocated within the settlement to meet the required need for settlement and the Rural Housing Market Area.

- 6.47 Notwithstanding the above the proposal is considered acceptable in terms of layout, siting and design; its relationship to the existing settlement with the exception of its impact on the conservation area; that there are no significant impacts in terms of amenity to existing neighbouring properties or those proposed; the proposed public open space is generally considered to be well located and functional, however, it does fall short of the 40% requirement; and the development has been demonstrated to be capable of being adequately serviced.
- 6.48 Therefore, for the reasons listed above and primarily due to the fact the site is not allocated for housing within the Local Development Plan 2017, the application is recommended for refusal.

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, Staffing and Financial Implications

- 8.1 An equality impact assessment is not required because the proposal does not have a differential impact on any of the protected characteristics.
- 8.2 There are no staffing and financial implications
- 8.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the Planning Authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Local Development Plan unless material considerations justify a departure.

9. Sustainability Implications

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

10. Departures, Notifications and Referrals

10.1 Strategic Development Plan Departures

Policy which states "in assessing development proposals, we will balance the importance given to each aim in coming to a decision, taking into account the spatial strategy, objectives and targets of the plan". Specific housing allowances are set for the AHMA local growth and diversification areas.

10.2 Local Development Plan Departures

- Policy H1: Housing Land
- Policy R1: Special Rural Areas
- Policy R2: Housing and Employment Development Elsewhere in the Countryside
- Policy HE2: Protecting Historic and Cultural Areas

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 provide a view to Aberdeenshire Council for its consideration when determining the application and note that the recommendation of the Planning Service is to refuse Full Planning Permission.

11.2 Reason for Decision

- 1) The proposal site is not allocated for housing within the Local Development Plan 2017, and therefore does not comply with Policy H1: Housing Land.
- 2) The proposal does not reflect small-scale development and therefore does not comply with Policy R2: Housing and Employment Development Elsewhere in the Countryside. Furthermore, the proposal does not comply with any of the criteria for development supported by this policy.
- 3) The proposal site is located within the coastal zone as defined in Policy R1: Special Rural Areas, and insufficient evidence has been provided to demonstrate the locational requirement for the development and it is the view of the Planning Service that there is sufficient housing allocated within the settlement to meet the local housing need.

Stephen Archer
Director of Infrastructure Services
Author of Report: Fiona Rendall
Report Date: 04 September 2017

APPENDIX 5
Extract of Minute of 19 September 2017 Banff and Buchan Area Committee

13D REFERENCE NO APP/2017/0478

**FULL PLANNING PERMISSION FOR ERECTION OF 37 DWELLINGHOUSES,
PROVISION OF LAND FOR FUTURE AFFORDABLE HOUSING, AND ASSOCIATED
LANDSCAPING AND INFRASTRUCTURE AT WESTHAVEN, CAIRNBULG**

Applicant: Claymore Homes

A report dated 05 September 2017 from the Director of Infrastructure Services had been circulated to ask the Committee to provide a view to Aberdeenshire Council for its consideration when determine the planning application.

The Committee heard Ms Tiffany Kelly, applicant's agent, in support of the application.

Thereafter, the Committee:

1. **noted** the recommendation from the Planning Service to refuse the application for the following reasons,
 - 1) The proposal site is not allocated for housing within the Local Development Plan 2017, and therefore does not comply with Policy H1: Housing Land.
 - 2) The proposal does not reflect small-scale development and therefore does not comply with Policy R2: Housing and Employment Development Elsewhere in the Countryside. Furthermore, the proposal does not comply with any of the criteria for development supported by this policy.
 - 3) The proposal site is located within the coastal zone as defined in Policy R1: Special Rural Areas, and insufficient evidence has been provided to demonstrate the locational requirement for the development and it is the view of the Planning Service that there is sufficient housing allocated within the settlement to meet the local housing need, and
2. having taken into consideration the recommendation from the Planning Service and views expressed by the applicant, the Community Council and the local community at a Pre-Determination Hearing on 31 August 2017, **agreed** to recommend to Full Council that the application be delegated to the Head of Planning and Building Standards to approve on appropriate conditions.

The Committee's reasons for recommending approval of the application were that:

1. there was overwhelming support expressed by the local community;
2. many benefits would be realised if the development went ahead,
3. although the land was not currently in the LDP for housing, there was a very strong view that this should have been included and would be in the next LDP;
4. it was considered to be a small-scale development, appropriate for an infill site,
5. it would not have an adverse effect on either the coastal zone or the surrounding historic and cultural area and therefore complied with Policy HE2,
6. it would redress the imbalance between the two communities.