

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 21 August 2014. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Boulton, Corall, Cormie, Crockett (as substitute for Councillor Grant), Greig, Jaffrey, Lawrence, Jean Morrison MBE, Samarai, Thomson, Townson and Yuill (as substitute for Councillor Jennifer Stewart).

The agenda and reports associated with this minute can be found at:-  
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=2885&Ver=4>

**Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.**

### MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 24 JULY 2014

1. The Committee had before it the minute of its previous meeting of 24 July 2014.

#### **The Committee resolved:-**

- (i) with reference to article 4 of the minute, to note that in this instance, the representatives in attendance on the conservation site visits would be allowed to address members of the Committee to provide information on the sites; and
- (ii) to approve the minute as a correct record.

### **ABERDEEN LOCAL DEVELOPMENT PLAN SITE OP58, COUNTESSWELLS - 140438**

2. The Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee express a willingness to approve the application for a residential-led mixed use development, including approximately 3000 homes, employment, education, retail, leisure and community uses and associated new and upgraded access roads, landscaping and ancillary engineering works in respect of Aberdeen Local Development Plan Site OP58 – Countesswells, lying west of Hazlehead Park, planning reference 140438, but to withhold the issue of the consent document until the applicant had entered into a legal agreement with the Council to address the following matters:- the provision of 25% affordable housing on site in accordance with the Development Framework and including a range of delivery options, including contributions towards a gypsy traveller halting site; developer contributions towards primary education provision (one two stream and one three stream school) and a new secondary school plus serviced land for the foregoing; developer contributions towards

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community facilities, library, sports provision, playing fields and healthcare; developer contributions towards the Strategic Transport Fund; developer contributions towards mitigation on the local roads network together with the provision of mitigating infrastructure if necessary, following analysis of: existing and proposed junctions along Lang Stracht; Queens Road/Kings Gate; Springfield Road/Countesswells Road; Kirk Brae/A93 North Deeside Road; and, Friarsfield Road/Kirk Brae; and developer contributions towards the Core Paths Network, subject to the following conditions:-

- (1) That no development shall be undertaken in any phase unless a detailed phasing programme outlining the delivery of buildings, open space and roads infrastructure across the entire application site has been submitted to, and approved in writing by the planning authority via a formal 'Matters Specified in Conditions' application - in order to ensure development is progressively accompanied by appropriate associated infrastructure, and to inform the timescale for submission of further applications for 'Matters Specified in Conditions' specified in the planning authority's direction stated in this notice;
- (2) No development in connection with each respective block of the planning permission hereby approved shall take place until full details of the siting, design, external appearance and landscaping within the relevant phase of the development and the means of access serving the relevant block of development have been submitted to and approved in writing by the planning authority. The development shall then be implemented in complete accordance with the approved details, or those subsequently approved. Depending on the block, and unless otherwise agreed in writing with the planning authority, the MSC applications shall include:-
  - (i) a detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed datum point within the relevant block of development;
  - (ii) a detailed Drainage Plan for the relevant block of development, including full details of the proposed means of disposal of surface water from the relevant block of development, including how surface water run-off shall be addressed during construction, as well as incorporating the principles of pollution prevention and mitigation measures. The final location of SUDs, including ponds, should be appropriately positioned in accordance with an agreed flood risk assessment;
  - (iii) full details of the connection to the existing Scottish Water foul water drainage network for the relevant block of development;
  - (iv) details of all cut and fill operations in the relevant block of the development;
  - (v) the details of all roads, footpaths and cycleways throughout the relevant block of the development;
  - (vi) details of any screen walls/fencing to be provided within the relevant block of the development;
  - (vii) details of all landscaping, planting and screening associated with the relevant block of the development;
  - (viii) full details of the layout, siting, design and finish of all residential properties, throughout the relevant block of development;
  - (ix) full details of the layout, siting, design and finish of all non-residential properties throughout the relevant block of development. This shall include but is not limited to; community facilities, health centre, schools, commercial premises, energy centres, pumping stations, and water treatment works;
  - (xi) full details of all waste/recycling collection points, for residential and non-residential properties in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the

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Planning etc. (Scotland) Act 2006; (3) The landscaping details to be submitted pursuant to Condition 2 above shall include:- (i) existing and proposed finished ground levels relative to a fixed datum point; (ii) existing landscape features and vegetation to be retained; (iii) existing and proposed services including cables, pipelines and substations; (iv) the location of new trees, shrubs, hedges, grassed areas and water features; (v) a schedule of plants to comprise species, plant sizes and proposed numbers and density; (vi) the location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment; (vii) an indication of existing trees, shrubs and hedges to be removed; (viii) a Biodiversity Action Plan; (ix) a Management Plan detailing appropriate management measures for all watercourse buffer strips; (x) a programme for the completion and subsequent maintenance of the proposed landscaping. All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of each respective phase of the development or such other date as may be agreed in writing with the planning authority. Any planting which, within a period of 5 years from the completion of each phase of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted - in the interests of protecting trees and ensuring a satisfactory quality of environment; (4) The details to be submitted pursuant to Condition 2 for each respective block of the development shall show the proposed means of disposal of foul and surface water from the relevant block of the development within the form of a Sustainable Urban Drainage System and include a development impact assessment and detailed design and methodology statement. Unless otherwise agreed in writing by the planning authority, in consultation with SEPA, the development shall connect to the public sewer and the relevant block of the development shall not be occupied unless the agreed drainage system has been provided in its entirety and maintained thereafter throughout the lifetime of the consent in accordance with the approved maintenance scheme. The details required shall also include details of the future long term maintenance of the system covering matters such as:- (i) inspection regime relating to matters such as outlets/inlets; (ii) frequency and method of cleaning of filter trenches, removal of silt etc.; (iii) grass cutting (and weeding) regime for swales; (iv) means of access for future maintenance; (v) how to ensure that planting will not be undertaken over perforated pipes; (vi) details of the contact parties for future factoring/maintenance of the scheme to protect the water environment and help reduce flooding; (5) Prior to the commencement of any phase of development, as identified in the approved phasing plan required by condition 1, for each respective phase full details of the proposed street design for each block, which shall contain, but not be limited to, a parking strategy, road junctions and visibility splays, cycleway provision, gradients, level details, finishing/surfacing materials and crossing points, shall be provided for the further written approval of the planning authority in consultation with the Roads Authority. The development shall be carried out in complete accordance with such a plan and buildings shall not be occupied unless the

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streets and parking areas for the respective block are complete and available for use unless otherwise agreed in writing by the planning authority as part of an occupancy plan - in the interests of road safety; (6) Unless otherwise agreed in writing by the planning authority, no more than 300 residential units within the development shall be occupied until an upgraded Jessiefield roundabout, and connecting road into the application site has been constructed in complete accordance with a scheme to be submitted to, and approved in writing by, the planning authority - In the interests of road safety; (7) Prior to the opening of the AWPR, a scheme for the provision of a bus gate on Kirk Brae (C128C) close to the Kingswells roundabout shall be submitted to, and approved in writing by, the planning authority. Thereafter the scheme shall be implemented in complete accordance with the details as so agreed, unless other approved in writing by the planning authority - In the interests of road safety; (8) Unless otherwise agreed in writing by the planning authority, no more than 2000 residential units within the development shall be occupied until a further upgrade solution to the Jessiefield roundabout or an equivalent financial contribution, has been constructed in complete accordance with a scheme to be submitted to, and approved in writing by, the planning authority - In the interests of road safety; (9) That no development shall commence until details of an appropriate segregated cycle connection to the crossing on the A944 towards the Prime 4 Business Park, has been submitted to, and approved in writing by the planning authority. Thereafter the approved connection shall be provided in complete accordance with the details as so agreed - in the interests of road safety and sustainable transportation measures; (10) Prior to the occupancy of each block, parking spaces, surfaced in hard standing materials shall be provided within the site in accordance with the agreed parking strategy in accordance with the Council's Car Parking Standards, unless otherwise agreed in writing with the planning authority - in the interests of road safety; (11) That prior to the commencement of development, a Framework Travel Plan, setting out proposals for reducing dependency on the private car, shall be submitted to and approved in writing by the planning authority – in the interests of reducing travel by private car; (12) That no commercial / employment or residential element of the development shall be occupied unless there has been submitted to and approved in writing by the planning authority, a comprehensive Travel Plan for that part of the development, setting out proposals for reducing dependency on the private car. Each Travel Plan shall identify measures to be implemented, the system of management, monitoring, review and reporting, as well as the duration of the plan - in the interests of reducing travel by private car; (13) That no development shall take place within any individual block unless there has been submitted, to and approved in writing by, details identifying safe routes to schools within the proposed development. This shall include details of measures, including a timetable for implementation, required to help ensure safe travel to school and the measures shall be implemented fully in accordance with such a plan - in order to promote sustainable and safe travel; (14) That no dwellings shall be occupied until such time as a public transport strategy, including proposals for the provision of either new or extended bus services linking the development with the existing public transport network, and details of the phased

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implementation of the strategy, have been submitted to and approved by the planning authority. Thereafter the agreed strategy shall be implemented in full in accordance with such a scheme, unless otherwise agreed in writing with the planning authority - in the interests of encouraging the use of public transport;

(15) The proposed development shall be limited to Phase 1, comprising 1000 residential units; 1000 square metres GFA Class 4 office space; 2500 square metres GFA Class 1 retail space; and associated ancillary uses, for the period prior to the Aberdeen Western Peripheral Route being open to traffic, and the consequent removal of trunk road status for the A90 Anderson Drive - to limit the scale of the development to that considered within the supporting Transportation Assessment, in order to minimise the impact of development on the safety and free flow of traffic on the trunk road;

(16) That no commercial development within the block that includes the 'town centre' (including the 2500m<sup>2</sup> single unit of retail floorspace indicated in the approved Countesswells Development Framework) shall take place unless there has been submitted to and approved in writing by, the planning authority a Retail Impact Assessment (RIA) for the Town Centre. The RIA shall assess the proposed scale and mix of town centre uses (Class 1, 2, 3, 7 and 11) and any impact on nearby town, district and neighbourhood centres and the city centre, together with an assessment of the scale and mix of town centre uses that are required to meet the retail and leisure needs of Countesswells residents and adjacent residential communities. The Assessment should also demonstrate how town centre uses should be phased to ensure the vitality and vibrancy of the Town Centre. The precise level of retail and town centre uses shall be informed by the outcome of the RIA to ensure that there is no significant adverse impact on pre-existing centres - in order to ensure that the level of retail floorspace is appropriate to the size of settlement;

(17) No development in any individual block shall take place unless it is carried out in full accordance with a scheme to address any significant risks from contamination on the site that has been approved in writing by the planning authority. The scheme shall follow the procedures outlined in "Planning Advice Note 33 Development of Contaminated Land" and shall be conducted by a suitably qualified person in accordance with best practice as detailed in "BS10175 Investigation of Potentially Contaminated Sites - Code of Practice" and other best practice guidance and shall include: (i) an investigation to determine the nature and extent of contamination; (ii) a site specific risk assessment; (iii) a remediation plan to address any significant risks and ensure the site is fit for the use proposed; and (iv) verification protocols to demonstrate compliance with the remediation plan. No building(s) in the respective block shall be occupied unless (i) any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken and (ii) a report specifically relating to the building(s) has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out unless the planning authority has given written consent for a variation - to ensure that the site is suitable for use and fit for human occupation;

(18) Notwithstanding the indicative layout in figure 96 of the Design and Access Statement (110342\_das,

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Rev 140324), prior to the commencement of any works in any phase of the development, the location (NGR of source) and type (surface water or groundwater) of the Private Water Supplies serving BogskeAthy and Upper Kingshill shall be identified. Should they be groundwater fed and fall within 100m of roads, tracks or trenches or within 250 m of foundations as proposed within the development, a quantitative hydrogeological assessment shall be submitted and, where appropriate, a scheme of protection and/or mitigation shall be developed by the applicant and agreed with the planning authority in writing in consultation with SEPA. Once approved, the agreed scheme shall be implemented in full - in order to protect the water environment and its users;

(19) That no development in each independant block pursuant to this planning permission shall commence unless: (i) a detailed and finalised Construction Environment Management Plan including site specific construction method statements, measures to minimise the risk of sediment entering watercourses on the site, and the mechanism for compliance, for that block; and (ii) details of the SUDS scheme, its adoption and maintenance, in order to manage sediments and pollutants from construction and operation of the development have been submitted to and approved in writing by the planning authority in consultation with SEPA. The mitigation measures outlined in the CEMP shall be informed by the result of a full ground (water and soil) investigation study. All works on site must be undertaken in accordance with the approved CEMP unless otherwise agreed in writing with the planning authority - in order to prevent potential water pollution and to minimise the impacts of construction works on the environment;

(20) Prior to the commencement of any work in any block of the development, a detailed scheme for the protection and enhancement of the water environment shall be submitted to, and approved in writng by, the planning authority in consultation with SEPA. This shall include: (i) Confirmation of the location of all existing water bodies on site and demonstration of how they have been positively incorporated into the layout of the development, including appropriate buffer zones between the top of the bank of the watercourse and the development; (ii) full details relating to the realignment/deculverting of any watercourse on site including the Cults Burn. Any re-designed watercourses shall be designed to accommodate the 1 in 200 year flow from the whole catchment. This shall include a low flow channel designed to accommodate the 1 in 2 year flow set within a wider channel capable of conveying the 1 in 200 year flow. In addition, appropriate buffer zones shall be included between the edge of the wider channel (i.e. the extent of channel utilised during high flows) and the development; (iii) full details relating to any other proposed engineering activities in the water environment, including the location and type of any proposed watercourse crossings. Any proposed watercourse crossings shall be designed to accept the 1 in 200 year flow. All works on site must be undertaken in accordance with the approved scheme unless otherwise agreed in writing with the planning authority in consultation with SEPA - to protect and improve the water environment and to protect people and property from flood risk;

(21) That the development hereby approved shall be connected to the public waste water system in line with PAN 79 Water and Drainage. Any necessary upgrades to the public waste water system should be in place prior to the occupation of the

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phase of development requiring the upgrade - in order to ensure the appropriate connection is made to ensure satisfactory disposal of sewerage, and thereby maintain and improve standards of environmental quality, public health and amenity; (22) Development in any individual block shall not commence until a water efficiency statement to illustrate the measures proposed to incorporate water saving technology, has been submitted to and approved in writing by the planning authority. The measures contained therein shall thereafter be implemented, as approved - in order to ensure targets towards sustainability measures are met; (23) No development in any particular phase of the development hereby approved shall take place unless surveys for protected species (red squirrel / bats /badgers) for that phase have been carried out and submitted to and approved in writing by the planning authority. Thereafter no development shall take place within the relevant phase of the development unless detailed mitigation measures to safeguard any identified protected species have been submitted to and approved in writing by the planning authority. No development shall take place within the relevant phase unless the mitigation measures which have been agreed in writing by the planning authority are carried out in accordance with the agreed scheme - to ensure the protection of protected species; (24) That all works should be carried out in accordance with the approved Summary of Environmental Commitments containing within Chapter 18 of the Environmental Statement carried out by Ironside Farrar dated March 2014 - in order to ensure that appropriate mitigation measures are in place to minimise the environmental impacts of the development; (25) No development shall take place within any individual block until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority. The programme of archaeological work will include all necessary post-excavation and publications; (26) No demolition of any traditional farmstead buildings or development shall take place prior to a photographic survey being undertaken by the developer and approved by the planning authority. All elevations, both internal and external, together with the setting of the farmstead, and any unusual feature/s, shall be photographed and clearly annotated on a plan. Photographs, which should be digital on cd, shall be clearly marked with place name for identification, national grid reference and planning reference and deposited in the local Sites and Monuments Record – in order to ensure a historic record of the building; (27) That no development within any individual block shall not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full - to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'; (28) Development in any individual block shall not commence until a bird hazard management plan has been submitted to and approved in writing by the planning authority. The submitted plan shall include details of any flat/shallow

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pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with the Advice Note 8 'Potential Bird Hazards from Building Design'. The Bird Hazard Management Plan shall be implemented, as approved, on completion of the development and shall remain in force for the life of the buildings. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the planning authority - it is necessary to manage the site in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Aberdeen Airport; (29) That no development in any individual block shall take place unless a plan showing those trees to be removed and those to be retained and a scheme for the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the planning authority and any such scheme as may have been approved has been implemented - in order to ensure adequate protection for the trees on site during the construction of the development; (30) That no part of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) in any individual block has been submitted to and approved in writing by the planning authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the planning authority has given prior written approval for a variation - in order to preserve the character and visual amenity of the area.

**DIRECTION UNDER SECTION 59 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997:**

that the subsection (2)(a)(i) of section 59 shall apply as respects the permission with the substitution for the period of 3 years referred to in that subsection of 15 years, as is considered appropriate by the planning authority in this instance on the basis of the scale of the allocation. The provisions of section 59(2) shall therefore be read as follows; that this planning permission in principle shall lapse unless a further application or applications for approval of the matters specified in all condition(s) attached to this grant of planning permission in principle across the entire site has been made before whichever is the latest of the following;

- (i) the expiration of 15 years from the date of this grant of planning permission in principle;
- (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval of matters specified in conditions was refused;
- (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed;

- pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

**INFORMATIVE 1**

That this planning permission in principle shall lapse on the expiration of 2 years from the approval of matters specified in conditions being obtained (or, in the case of approval of different matters on different dates, from the requisite

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approval for the last such matter being obtained) unless the development to which the permission relates is begun before that expiration – in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

**INFORMATIVE 2**

For the avoidance of doubt, the term 'phase' within any condition shall refer to the phases as have been approved under the terms of Condition 1 of the planning permission in principle hereby approved.

**INFORMATIVE 3**

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

**INFORMATIVE 4**

It is advisable that the developer contact the Council's Waste Aware Team to discuss the appropriate waste storage and uplift arrangements for the residential developments.

**INFORMATIVE 5**

In the event that during construction, crantage or scaffolding is required, then their use must be subject to separate consultation with Aberdeen International Airport (AIA). We would like to draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome - in the interests of aircraft safety and the operation of Aberdeen Airport.

At this juncture, Councillor Boulton, expressed disappointment that there was no school capacity information from the Education, Culture and Sport service contained within the report and moved as a procedural motion, seconded by Councillor Greig, that the Committee did not consider the application on this day.

On a division, there voted:- for the procedural motion (7) – the Vice Convener; and Councillors Boulton, Greig, Jaffrey, Samarai, Thomson and Yuill; against the procedural motion (7) – the Convener; and Councillors Corall, Cormie, Crockett, Lawrence, Jean Morrison and Townson.

There being an equality of votes, in accordance with Standing Order 15(5), the Convener exercised his casting vote against the procedural motion. The Committee, therefore, proceeded to determine the application this day.

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The Committee then heard from Mr Paul Williamson, Senior Planner, Mr Tom Rogers, Team Leader (Roads Projects), and Mr Euan Couperwhite, Infrastructure and Assets Programme Manager, in relation to the application.

Mr Couperwhite advised that officers from the Education, Culture and Sport Directorate were actively involved with the Developer Contributions team, as well as the developer itself. The first new primary school would only be viable with 120 to 150 pupils, and Mr Couperwhite explained that until this level of occupation was reached, the children would be educated at the former Braeside School. Until the new secondary school was in place, officers were comfortable that there was sufficient capacity at Hazlehead Academy to accommodate pupils in the short to medium term. Transport costs would form part of discussions with the developers and solicitors. Mr Couperwhite advised that the occupancy figures were 500 houses for the first primary, and 1400 for the second primary school. The Education, Culture and Sport Service would work closely with the developers to ensure that the first primary school would be started at the appropriate time. The Committee heard that until there were sufficient numbers in the new development to fill a class at Braeside School, the children would initially be accommodated at Airyhall Primary School. Mr Couperwhite explained that the consultation on the zoning for the new Countesswells development would be undertaken between October and December, and advised that this would also identify Braeside as an interim school which would negate the need to re-consult when that building was no longer in use. The detailed information from the Education, Culture and Sport Service is appended to this minute.

The Committee asked further questions of officers. As part of the discussion, Councillor Yuill asked if any traffic calming measures were needed on Countesswells Road when it was being utilised as the initial route for construction traffic, and it was agreed that any information on this matter could be emailed separately to Members.

The Convener moved, seconded by Councillor Cormie:-

That the Committee express a willingness to approve the application, in accordance with the recommendation contained with the report.

Councillor Boulton moved as an amendment, seconded by Councillor Thomson:-

That the application be refused on the grounds that the surrounding roads infrastructure was currently unable to support the proposed development, and due to concerns over school capacity as a result of the proposed development.

On a division, there voted:- for the motion (7) – the Convener; and Councillors Corall, Cormie, Crockett, Lawrence, Jean Morrison and Townson; for the amendment (7) – the Vice Convener; and Councillors Boulton, Greig, Jaffrey, Samarai, Thomson and Yuill.

There being an equality of votes, in terms of Standing Order 15(5) the Convener exercised his casting vote in favour of the motion.

**The Committee resolved:-**  
to adopt the motion.

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**In terms of Standing Order 36(3), Councillor Boulton intimated she wished the matter to be referred to full Council in order for a final decision to be taken. Councillor Boulton was supported by Councillors Greig, Samarai, Thomson and Yuill in this regard.**

### **39 ROSEMOUNT VIADUCT - 140863**

**3.** The Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee approve the application for change of use from Class 1 (hairdressing salon) to Class 3 (coffee shop) in respect of the property at 39 Rosemount Viaduct, Aberdeen, subject to the following conditions:-

(1) That no cooking/frying operations or hot food preparation shall be carried out on the premises other than the re-heating of pre-cooked produce by means of a microwave oven, unless the planning authority has given prior written approval for a variation - in order to prevent the creation of nuisance by the release of odours; (2) That the use hereby granted planning permission shall not take place unless a scheme showing the proposed means of filtering, extracting and dispersing cooking fumes from the premises has been submitted to and approved in writing by the planning authority and that the said scheme has been implemented in full and is ready for operation – in order to preserve the amenity of the neighbourhood; (3) That service deliveries/uplifts to and from the premises be restricted to occur only between the hours of 7.00am - 7.00pm Monday to Saturday and 10.00am - 4.00pm Sundays - in order to preserve the amenity of the neighbourhood; (4) That the use hereby granted planning permission shall not take place unless provision has been made within the application site for refuse storage and recycling in accordance with a scheme which has been submitted to and approved in writing by the planning authority – in order to preserve the amenity of the neighbourhood and in the interests of public health; (5) That the hours of operation of the proposed cafe shall be restricted to 8.00 am until 10.00 pm, unless the planning authority has given prior written approval for a variation - in order to preserve the amenity of residents in the adjacent properties.

### **INFORMATIVES**

The applicant should contact Mr Jim Arnott (Tel: 01224 489272) of the Council's Cleansing Client Section in order to discuss the number and size of bins required and the proposed location of the bin storage area.

### **The Committee resolved:-**

to approve the recommendation.

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**LAND SOUTH OF SHIELHILL ROAD, MUNDURNO, DUBFORD - 131851**

4. The Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee express a willingness to approve the application in respect of the erection of 99 No. houses with associated car parking, landscaping and drainage at the land south of Shielhill Road, Mundurno, Dubford, but to withhold the issue of the consent document until the issue of the consent document until the applicant had entered into a legal agreement with the Council to secure developer contributions, off site road infrastructure improvements, development contributions to the Strategic Transport Fund, and on site affordable housing, all as requested by the roads and developer contributions consultees; and until the applicant has demonstrated that the land required to secure the provision of the path and road links required to connect with the development located outwith the site to the west is within their control, by means such as entering into a legal agreement with the adjacent landowner(s); subject to the following conditions:-

(1) No development, including land raising, or temporary construction works / site compounds, shall take place within the functional flood plain as shown on figure 3.4 of the flood risk assessment by Envirocentre, dated December 2013. Finished floor levels for all properties shall be a minimum of 600mm above the design flood level as reported in table 3.2 of that flood risk assessment. No development shall take place pursuant to this permission unless a detailed plan showing finished ground levels and floor levels for each property within the development has been submitted to and approved in writing by the planning authority - In order to minimise the risk of flooding; (2) No development shall take place pursuant to this permission unless a plan indicating a 6m buffer strip adjacent to all watercourses has been submitted to and approved in writing by the planning authority. This buffer strip shall be maintained free of development and construction activity during the construction and implementation of the development. No construction activity or development shall take place within it without the written agreement of the planning authority – in order to protect water quality and ecology; (3) No development shall take place pursuant to this planning permission unless a site specific environmental management plan has been submitted to and approved in writing by the planning authority. This shall include site specific details for the protection of the watercourses including detailed site plans showing protection and mitigation proposals - in order to protect water quality and ecology; (4) No development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the planning authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained; (5) That no development pursuant to this planning permission shall commence unless a detailed site specific construction method statement for the site has been submitted to and approved in writing by the planning authority. The method

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statement must address the temporary measures proposed to deal with surface water run-off during construction and prior to the operation of the final SUDS. Such statement shall be implemented in full for the duration of works on the site - in order to prevent potential water pollution;

(6) That no development shall take place unless there has been submitted to and agreed in writing by the planning authority a scheme for provision of footpath and cycle connection to the site from Denmore Road. Thereafter none of the dwellings shall be occupied unless the said foot / cycle path has been implemented in full, unless otherwise agreed in writing with the planning authority - in the interests of pedestrian / cycle connection and sustainable development;

(7) That no development shall take place unless a scheme for the provision of proposed footpath / cycle links, together with associated bridge crossings over the burn of Mundurno, to connect the proposed dwellings with the adjacent housing development under construction to the west of the site, has been submitted to and approved in writing by the planning authority, or planning permission has been secured for such links. Thereafter none of the dwellings shall be occupied unless the said foot / cycle path has been implemented in full - in the interests of pedestrian / cycle connection and sustainable development;

(8) That no development shall take place unless a scheme for the provision of a secondary emergency access route, together with associated bridge crossing over the burn of Mundurno, to connect the proposed dwellings with the adjacent housing development under construction to the west of the site, has been submitted to and approved in writing by the planning authority or planning permission has been secured for such link. No more than 50 dwelling houses shall be occupied unless the proposed emergency access road and bridge link as detailed has been the approved details and is fully operational - in the interest of public safety and provision of secondary emergency access;

(9) That no development shall take place within the application site, other than with the agreement of the planning authority, unless the applicant has secured the implementation of a programme of archaeological work which shall include post-excavation and publication work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority - in the interests of protecting / recording items of historical importance as may exist within the application site;

(10) That no development pursuant to this planning permission shall take place, nor shall any part of the development hereby approved be occupied, unless there has been submitted to and approved in writing by the planning authority, a detailed scheme of site and plot boundary enclosures for the entire development hereby granted planning permission. The dwellings hereby granted planning permission shall not be occupied unless the required boundaries have been implemented in full, unless the planning authority has agreed to vary such requirements - in order to preserve the amenity of the neighbourhood and protect the approach to the city;

(11) That no dwellings hereby granted planning permission shall be occupied unless the areas of public open space (softscape, excluding private gardens, as identified on Drawing No.294/ P3 of the plans hereby approved, or such other drawing as may be subsequently approved) have been laid out in accordance with a scheme which shall be submitted to and approved in writing by the planning authority. No

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development pursuant to this planning permission shall take place unless such a scheme detailing the manner in which the open space is to be phased, managed and maintained has been submitted to and approved in writing by the planning authority. Such scheme shall include provision for a play area comprising at least five items of play equipment and a safety surface - in order to preserve the amenity of the neighbourhood; (12) That no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing landscape features on the land, and details of any to be retained, together with measures for the protection and translocation of the northern march orchids within the site in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area; (13) That all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area; (14) That no dwelling hereby granted planning permission shall be occupied; unless a Childrens' Play Area is completed, laid out and equipped as a play area in accordance with a scheme that has been approved in writing for the purpose by the planning authority, unless the planning authority has given prior written approval for a variation. The said area shall not thereafter be used for any purpose other than as a Play Area - in order to ensure the timeous provision of play facilities; (15) That the dwellings hereby approved shall not be occupied unless provision has been made within the site for the off-street parking of motor vehicles in complete accordance with Plan No.A5143/P12C, or such other scheme as may be subsequently approved in writing by the planning authority - in the interests of road safety and the free flow of traffic; (16) that the building hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full - to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'; (17) The dwellings hereby approved shall not be occupied unless the required noise mitigation measures, as detailed in the approved noise assessment and shown on drawing no. A5143/P02N, have been implemented in full, unless the planning authority has given prior written approval for a variation - in the interests of residential amenity.

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**INFORMATIVES**

The developer is advised that no dwelling should be occupied unless there has been submitted to and approved in writing by the Council a detailed Residential Travel Plan, which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and encourages other transport modes- in order to encourage more sustainable forms of travel to / from the development. Please contact the Council's Transport Strategy Planner on 523327.

The applicant is advised that giant hogweed is present within the site and is advised to contact SNH and SEPA if further information is required in relation to the responsibilities of the landowner / developer regarding management and eradication of this invasive and potentially hazardous plant species.

**The Committee resolved:-**

to approve the recommendation.

**LAND NORTH OF AIRYHALL HOUSE, CRAIGTON ROAD, PITFODELS - 131354**

5. The Convener advised that revised site plans had been submitted in relation to the application, and as such, he proposed that either a site visit be undertaken prior to the Committee taking a decision on the application, or that the item be deferred to allow the new plans to be assessed.

**The Committee resolved:-**

to defer the application to allow the revised site plans to be assessed.

**PLANNING DIGEST - EPI/14/232**

6. The Committee had before it a report by the Director of Enterprise, Planning and Infrastructure which advised of an appeal which had been upheld by the Scottish Government in relation to Bishops Court, 29 Albyn Place (131464).

The report also set out the proposed new procedure to be adopted in respect of the new Pre-Application Forum which was to be established following the publication of 'Guidance on the Role of Councillors in Pre-Application Procedures' by the Scottish Government, in conjunction with the Commissioner on Ethical Standards in Public Life, and COSLA.

**The Committee resolved:-**

- (i) to note the outcome of the appeal; and
- (ii) to note the procedure to be adopted in terms of the new Pre-Application Forum.

- **RAMSAY MILNE, Convener.**

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**COUNTESSWELLS DEVELOPMENT (140438) - EDUCATION COMMENTS**

**1. DEVELOPER CONTRIBUTION**

Negotiations are on-going with the developer and high level agreement has been reached that 2 primary schools and 50% of a secondary school will be required from the Countesswells development. The contribution includes serviced land and the capital cost of construction which will be indexed linked to the Building

**2. TIMESCALE FOR NEW SCHOOLS**

**Primary School**

Based on the housing build programme and the expected yield per house of 0.35 pupils it is anticipated that the first primary school will be required to be completed and open by August 2017. The second primary school is required by 2019/20.

Year	2014/ 15	2015/ 16	2016/ 17	2017/ 18	2018/ 19	2019/ 20	2020/ 21	2021/ 22
<b>Pupils from Countesswells</b>	<b>0</b>	<b>29</b>	<b>98</b>	<b>186</b>	<b>287</b>	<b>388</b>	<b>486</b>	<b>584</b>

The projected pupil roll figures are based on the rate of house building specified by the developer. Should the actual development proceed at a lower rate, the numbers of pupils projected to arrive in the early year of the development would be lower than currently projected. It has been agreed with the developer that a review of pupil numbers arriving from the development will be conducted every 6 months. This will provide detailed information on when the school build is required, however Education, Culture and Sport planning has assumed the first primary school is needed for August 2017.

**Secondary School**

The area for the development lies within the zone of Hazlehead Academy and Cults Academy. The table below highlights the total projected additional roll of pupils who will come from the Countesswells development. It is recommended that a new secondary school is constructed for August 2020/21.

Year	2014/ 15	2015/ 16	2016/ 17	2017/ 18	2018/ 19	2019/ 20	2020/ 21	2021/ 22
<b>Pupils from Countesswells</b>	<b>0</b>	<b>11</b>	<b>40</b>	<b>82</b>	<b>133</b>	<b>191</b>	<b>251</b>	<b>316</b>

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### 3. INTERIM ARRANGEMENTS

#### Primary School

For Primary education the Countesswells development is split between the zones for Cults School and Airyhall School. The majority of the development area is within the Airyhall zone.

Until there is a requirement for a new primary school in 2017/18 in Countesswells, pupils will attend primary education which will be managed by Airyhall School, which has a capacity of 360 pupils. Based on the projected pupil rolls of 2013, and taking account of the Countesswells development, the following numbers of pupils are anticipated in the next 5 years. In addition to Airyhall, there are 9 classrooms and 2 General Purpose areas in Braeside School which is intended to be utilised to accommodate pupils in the short term before a new school building is completed.

Year	2014/ 15	2015/ 16	2016/ 17	2017/ 18	2018/ 19	2019/ 20	2020/ 21	2021/ 22
<b>Total Pupil Numbers</b>	<b>349</b>	<b>401</b>	<b>477</b>	<b>581</b>	<b>673</b>	<b>770</b>	<b>864</b>	<b>952</b>
<b>Excluding pupils from Countesswells</b>	<b>349</b>	<b>372</b>	<b>379</b>	<b>395</b>	<b>387</b>	<b>382</b>	<b>378</b>	<b>368</b>

#### Secondary

The area for the development lies within the zone of Hazlehead Academy. The school has a capacity of 1,008 pupils and the table below highlights the projected roll and those pupils within that roll who are expected to arrive from the Countesswells development.

Year	2014/ 15	2015/ 16	2016/ 17	2017/ 18	2018/ 19	2019/ 20	2020/ 21	2021/ 22
<b>Total Pupil Numbers</b>	<b>817</b>	<b>811</b>	<b>826</b>	<b>884</b>	<b>969</b>	<b>1,047</b>	<b>1,142</b>	<b>1,251</b>
<b>Excluding pupils from Countesswells</b>	<b>817</b>	<b>800</b>	<b>786</b>	<b>802</b>	<b>836</b>	<b>856</b>	<b>891</b>	<b>935</b>