

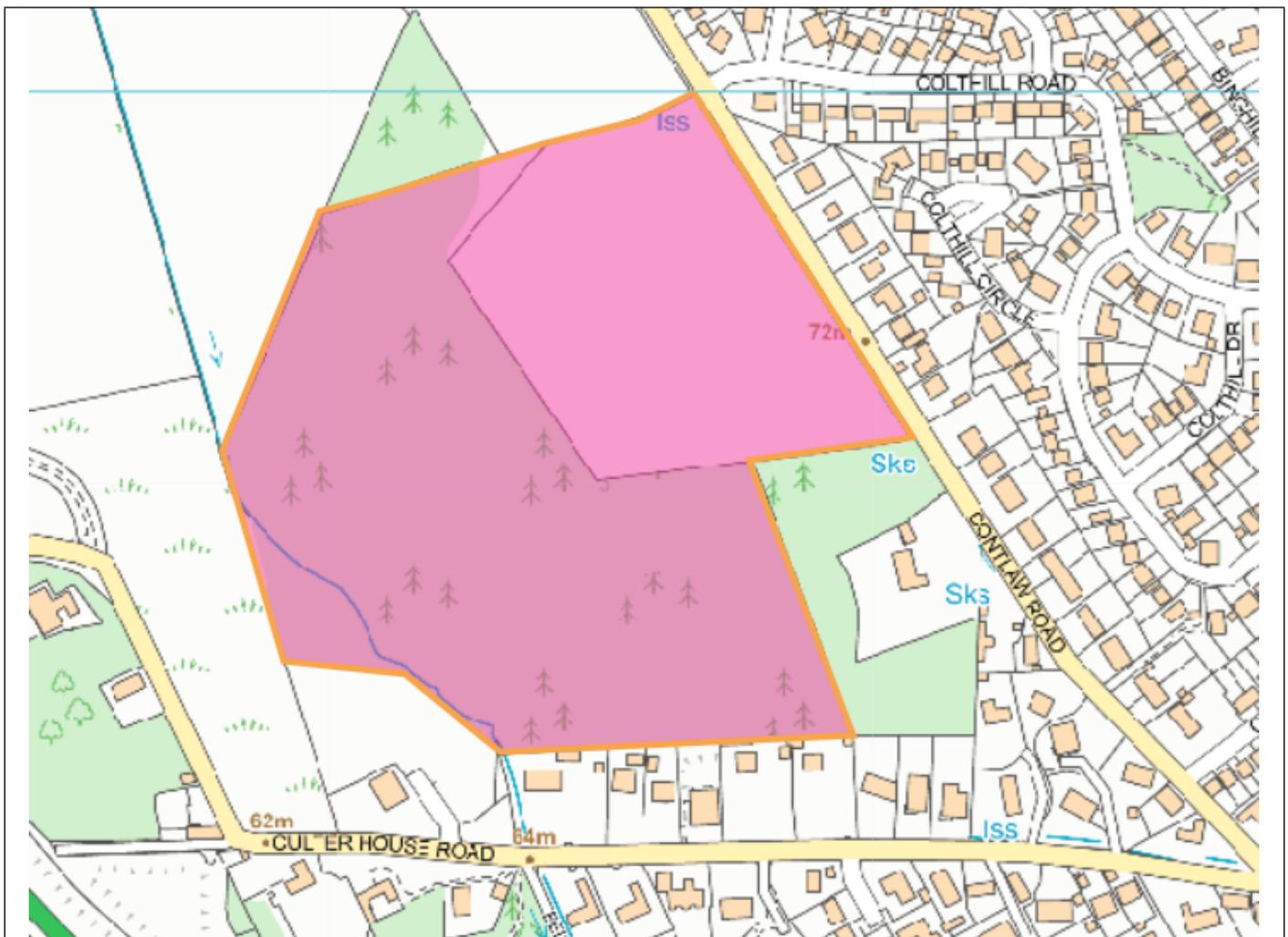


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 15 August 2019**

<b>Site Address:</b>	Land At Contlaw Road, Milltimber , Aberdeen , AB13 0EJ
<b>Application Description:</b>	Residential development comprising of 30 dwelling houses with associated infrastructure, open space and landscaping
<b>Application Ref:</b>	190409/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	13 March 2019
<b>Applicant:</b>	Stewart Milne Homes North
<b>Ward:</b>	Lower Deeside
<b>Community Council:</b>	Cults, Bieldside And Milltimber
<b>Case Officer:</b>	Alex Ferguson



## **RECOMMENDATION**

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Approve subject to conditions and conclusion of a legal agreement

## **APPLICATION BACKGROUND**

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### **Site Description**

A 12.2Ha allocated development site (Opportunity Site OP112 in the Aberdeen Local Development Plan) located on the western side of Contlaw Road, at the western edge of Milltimber. It comprises two distinct parts: 1. c.4ha of primarily grassland in the north-eastern corner, fronting Contlaw Road; and 2. c.8ha of established woodland to the south-west. To the north is further woodland and open fields; west is Opportunity Site 113; south is Opportunity Site 46 and several dwellings on Culter House Road. The Aberdeen Western Peripheral Route (AWPR) runs on a north-south axis approximately 300m to the west. The landform generally falls south to the River Dee, although the internal topography varies.

Area 1 sees the vast majority of proposed works and has an established line of trees and a small burn along its eastern edge with Contlaw Road. Otherwise, there are some significant changes in level, with a large plateau in the southwestern corner sitting several metres above the height of Contlaw Road. A second burn runs through the western edge of Area 2.

### **Relevant Planning History**

The site is allocated as: a residential area; Green Space Network; and Opportunity Site 112 (OP112) in the 2017 Aberdeen Local Development Plan (ALDP) – identifying OP112 for 10 houses. Previously, the 2012 ALDP zoning was as Green Belt and Green Space Network land.

## **APPLICATION DESCRIPTION**

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### **Description of Proposal**

The erection of 30 2-storey dwellings (22 detached and 8 semi-detached) and the formation of internal roads, footpaths and ancillary hard and soft landscaping within Area 1. Vehicular access would be off Contlaw Road, in the north-eastern corner.

There would be eleven different house types, all with dual pitched-roofs and with various embellishments. The mix of finishing materials include: Fyfestone, brick, render and concrete roof tiles.

The mix would be as follows:

- 2 x 2 beds
- 6 x 3 beds
- 4 x 4 beds
- 18 x 5 beds

Landscaping is proposed across the development, supplementing retention of the woodland to the west and the tree belt on the eastern edge. Further tree and hedge planting is also proposed within plots.

Paths would be provided through and around the site, linking with the existing path network on Contlaw Road, via pedestrian crossings. A core path connection would provide access across the woodland to the west, forming part of aspirational Core Path AP4. A SUDS basin is proposed to be formed in the south-eastern corner of the site.

## Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PO1O22BZLSF00>

- Landscape & Visual Appraisal
- Drainage Assessment
- Flood Risk Assessment
- Geo-Environmental Interpretative Report
- Archaeological Assessment
- Transport Statement
- Tree Survey Report
- Draft Construction Environment Management Plan
- National Vegetation Classification
- Wetland Hydrogeological Risk Assessment
- Design & Access Statement
- Phase 1 Habitat and Protected Species Survey
- Potential Bat Roost Features Survey
- Badger Survey (Confidential)
- Breeding Bird Survey (Confidential)
- Tree Survey Report
- PAC Report
- Landscape Proposals
- Woodland Management Plan
- Planning Statement

## Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee in accordance with the Council's Scheme of Delegation, because it constitutes a 'Major' application, as defined by the Hierarchy of Developments (Scotland) Regulations 2009.

## CONSULTATIONS

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**ACC - Housing** – No comments.

**ACC - Roads Development Management Team (RDM)** – No objection. Following amendments are satisfied of adequate access by a range of transport modes, including relatively close proximity to pedestrian, cycle and public transport networks. Sufficient paths and roads would be incorporated, with adequate parking provided. Advise on alterations to Contlaw Road, to ensure safe crossing routes for pedestrians and traffic calming, and that the applicant is required to contribute toward or undertake alterations to the Contlaw Road/ North Deeside Road junction in order to improve road safety.

**ACC - Developer Obligations** – Advise of financial contributions required to mitigate the impact of the development on local facilities and infrastructure:

- Primary Education (Milltimber Primary) - £451,612
- Secondary Education (Cults Academy) - £15,810
- Healthcare - £38,486

**ACC - Education** – Note that the proposed development would result in Milltimber Primary and Cults Academy going over capacity. Contributions set out in the Developer Obligations response are required to reconfigure Cults Academy and towards a new primary school (at Oldfold) to address these capacity issues.

**ACC - Environmental Health** – No objection. Request the submission of an Air Quality (Dust) Risk Assessment and a Dust Management Plan prior to works commencing and suggest recommended hours/days for construction works (via an Advisory Note), to protect residential amenity.

**ACC - Flooding and Coastal Protection** – No objection. The findings of the Flood Risk Assessment submitted by the applicant are accepted.

**Scottish Environment Protection Agency** – No objection, subject to conditions. Initially submitted a holding objection, due to insufficient details in respect of flood risk and potential adverse impacts on Groundwater Dependent Terrestrial Ecosystems (GDTE), but subsequently confirmed satisfaction with a revised Flood Risk Assessment (FRA), National Vegetation Classification (NVC) and Hydrogeological Risk Assessment, as well as revisions to the site layout (in particular the SUDS basin siting) in order to protect the GDTE. Request the attachment of two suspensive conditions in respect of the submission of a Construction Environment Management Plan (CEMP) and for the implementation of environmental enhancements.

**Scottish Water** – No objection. Advise of sufficient capacity at the local water and waste-water treatment works.

**ACC - Waste Strategy Team** – Advise on the number and type of bins each property will be provided with and associated costs. Noted concern regarding the distance between plots 16 and 17 and the nearest bin store.

**Scottish Natural Heritage** – No objection. Agree with the findings of the Council's Habitats Regulations Appraisal (HRA) Appropriate Assessment, which concludes that the development would not have any significant adverse effects on the integrity of the River Dee Special Area of Conservation (SAC).

**Cults, Bieldside and Milltimber Community Council** – Generally support the proposals, recognising that the principle of development on the site has been established by its zoning as an Opportunity Site in the ALDP. However, they note the following concerns:

- Developer Obligations figures will need careful consideration to ensure that the overcapacity issues at Milltimber Primary and Cults Academy would be adequately resolved;
- There are existing concerns regarding the narrow width of Contlaw Road and the impact this has on road safety. This development could offer the opportunity to improve Contlaw Road in this regard;
- ACC should review the issue of visibility splays at the Contlaw Road/North Deeside Road junction, given the additional traffic that would use that junction;
- The provision of play areas for children is welcomed. Maintenance of these facilities should be reflected in developer obligations or by ACC taking long-term responsibility, if they are to be used by the wider community; and
- It is essential that permission is conditional on adequate initial and continued funding being available to support the intended Woodland Community Trust.

## **REPRESENTATIONS**

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Four representations have been received: three objecting; and one noting both negative and positive aspects, all summarised as follows:

#### Negative aspects

- Additional traffic would be generated and Contlaw Road is already busy (given its narrow width), creating increased risk to pedestrian and road safety;
- Milltimber Primary and Cults Academy are overcrowded and there is an overabundance of new building (dwellings) in the catchment area;
- The Milltimber Community Hall is over-capacity and whilst looking to extend, currently has no space to accommodate additional users from the new development. Any extension the Community Hall should be at a more advanced stage before allowing the development of further houses;
- Access to the woodland will be greatly reduced, particularly due to the loss of the current open, countryside aspect;
- The site has wild orchids in the upper part and wildlife habitats are being reduced by other developments in the surrounding area;
- The ecosystem of the site will be harmed/ will disappear. In particular: deer, bats, badgers and red squirrel will be adversely affected, losing their habitats.
- The site is currently used for informal recreation by dog-walkers, sledgers, and others;
- The development would only encourage more development on Contlaw Road, thus eliminating more green space.

#### Positive aspects

- The proposed path network would continue access for the public and dog-walkers;
- The density of housing appears reasonable;
- The burn adjacent to Contlaw Road would be retained; and
- Trees and greenery will enhance the site in time.

#### Non-material considerations

- Construction traffic would have an adverse impact on Contlaw Road (noise, dust, litter and heavy goods vehicles on a narrow road);
- The existing roads in Milltimber are in poor condition and are badly maintained, additional traffic would exacerbate this;
- There are currently over 5000 residential properties for sale in Aberdeen, thus more houses are not needed; and
- The development would undermine views from an existing balcony and lead to a reduction in property value.

## **MATERIAL CONSIDERATIONS**

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### **Legislative Requirements**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where, in making any determination under the planning acts, regard is to be had to the provisions of the Development Plan and that determination shall be made in accordance with the plan, so far as material to the application unless material considerations indicate otherwise.

### **Aberdeen City and Shire Strategic Development Plan (SDP)**

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth,

maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

### **Aberdeen Local Development Plan (ALDP)**

- C11: Digital Infrastructure
- D1: Quality Placemaking by Design
- D2: Landscape
- H1: Residential Areas
- H3: Density
- H5: Affordable Housing
- I1: Infra Delivery & Planning Obligation
- LR1: Land Release Policy
- NE1: Green Space Network
- NE4: Open Space Provision in New Development
- NE5: Trees and Woodland
- NE6: Flooding, Drainage & Water Quality
- NE8: Natural Heritage
- NE9: Access and Informal Recreation
- OP112: West of Contlaw Road
- R6: Waste Management Requirements for New Development
- R7: Low & Zero Carbon Build & Water Efficiency
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel

### **Supplementary Guidance and Technical Advice Notes**

- Affordable Housing
- Flooding, Drainage and Water Quality
- Green Space Network and Open Space
- Landscape
- Natural Heritage
- Planning Obligations
- Resources for New Development
- Transport and Accessibility
- Trees and Woodlands

## **EVALUATION**

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### **Principle of Development**

OP112 is allocated in the ALDP (via Policy LR1: Land Release Policy) for the development of 10 houses and within a 'Residential Area', covered by Policy H1. Policy H1 states that proposals for new development will be approved in principle, provided they would not; constitute over development, have an adverse impact on the character and appearance of the surrounding area, or

result in the loss of a valued or valuable area of open space, as well as needing to be compliant with any applicable Supplementary Guidance.

Therefore, whilst the principle of the development of the site for residential use is acceptable, further evaluation is required in order to ensure compliance with the relevant criteria of Policy H1 (see section on Design and Amenity below).

Furthermore, it is noted that the proposal would exceed the ALDP allocation for the site of ten houses, thus the principle of exceeding the allocation requires to be assessed, in order to ensure that the additional twenty dwellings would adequately respect the context of the surrounding area.

OP112 also falls within a wider Green Space Network zoning in the ALDP. Policy NE1 (Green Space Network) states that: *“the Council will protect, promote and enhance the wildlife, access, recreation ecosystem services and landscape value of the Green Space Network”* and *“proposals for development that are likely to destroy or erode the character and/or function of the Green Space Network will not be permitted.”* Assessment of the proposals against Policy NE1 is covered in the ‘Natural Heritage’ section of the evaluation below.

### **Density**

OP112 is 12.2Ha in size, with Area 1 (to be developed) just over 4ha. Policy H3 (Density) relates to density and must be considered via a contextual appraisal. In this regard Contlaw Road generally forms the western edge of the residential area of Milltimber, where a relatively high density of c.20-30 dwellings per hectare is evident. However, the density pattern closer to Contlaw Road markedly drops to around 10 dwellings per hectare. Particularly immediately opposite the site, on the eastern side of Contlaw Road, sees detached dwellings of approximately 150sqm, set within plots between c.1000 to 1100sqm.

H3 states that all residential developments over one hectare in size must:

- meet a minimum density of 30 dwellings per hectare;
- have consideration for the site’s characteristics and those of the surrounding area; and
- create an attractive residential environment and safeguard living conditions within the development.

Disregarding the woodland area, which is not proposed for development and is covered by a Tree Protection Order (TPO), the requirement of a minimum density of 30 dwellings per hectare would equate to a total of 120 dwellings on 4ha (Area 1). However, taking into account the site’s characteristics: buffer zones around woodland; a burn; and topography; and those of the immediate surrounding area (a low-density, informal transition from suburbia to rural countryside), such a high number of units would clearly result an overdevelopment of the site, and a development which would significantly erode the character of the area.

Thus, a contextual assessment does not align with the density stated in H3. As a result, it is considered that a lower density is appropriate in this instance, balancing the considerations spread across the policy.

Although the number of units proposed (30) is 3 times the indicative allocation for the site, again giving due consideration to the site’s characteristics, and for low-density context to the east. The proposed average density of 7.5 dwellings per hectare, aligns more closely with the existing density of Contlaw Road and allows for a contextually appropriate transition towards the adjacent woodland/ countryside, than would result from a development of 30 dwellings per hectare. Additionally, the sympathetic design and site layout, would ensure that an attractive residential environment would be created.

It is therefore considered that despite the conflict with the numerical allocation for the site (10) and the minimum density of 30 units per Ha (120), the development proposed would be a contextually appropriate density and would adequately address the other applicable criteria of Policy H3, so as to represent an balanced, appropriate and sustainable use of the site.

### **Design and Amenity**

The plots would see varying orientations, of the 22 detached and 8 semi-detached dwellings. Large detached dwellings set in spacious plots (plots 1-3 & 11-16), with an average plot ratio of approximately 1:6 (dwelling footprint to garden ground), would face Contlaw Road mirroring the arrangement of properties to the east. At the access junction a single row of properties would face south, with the easternmost gable (Plot 4), orientated towards 2 Colthill Road, which sees a similar, if opposite orientation, such that gables would face each other and the access road appears as a offset continuation of that existing road (plots 4-10 and 23-30) . The remainder of the site, south-west corner, sees plots 17-22 orientated south and west, onto an area of open space and the treed Area 2 beyond. Thus, the layout is considered to have been designed with due cognisance of that context.

To explain, due to the site topography and constraints posed by the trees/ burn, it is not possible to exactly replicate the prevailing pattern of development (linear plots all fronting onto the street) across the site, but cues from the arrangement opposite on Contlaw Road have been incorporated. Otherwise, to respect the existing low-density character and established settlement pattern, all dwellings adjacent to, or visible from, Contlaw Road would be large detached units set relatively centrally within large plots.

Behind the front grouping of 15 dwellings which would be prominently visible from Contlaw Road, the layout and character of the remaining dwellings changes to a slightly higher density but retains a semi-rural, non-uniform layout. These western 15 dwellings are framed by a woodland aspect, include the westernmost 8 semi-detached units are earmarked as affordable housing (>25%). Given the context of Contlaw Road is one of detached dwellings, this creatively designed semi-detached arrangement gives the impression of detached units, reflective of the wider context.

In terms of architecture, the appearance of existing local properties is varied, with a character of non-uniformity. The dwellings proposed would be made up of variations of eleven different house types, all 2-storey, with reflective traditional forms complemented with contemporary detailing and a sympathetic material palette. The design and scale of buildings would thus not be out of context, given the existing mixed character locally. Nonetheless, a condition is recommended requiring full details and samples of external finishing materials.

Whilst it is noted that some properties would sit at a higher level than Contlaw Road, particularly plots 13-16, the site layout, along with the retention of trees, proposed landscaping and the burn all forming a natural buffer strip between Contlaw Road and the majority of the development This would ensure that the visual impact on the character and appearance of the surrounding area would not be significant.

The proposed development sees the nearest existing dwellings at least 30m away from the closest new dwellings. As a result, the proposal would have no detrimental impact on any existing residences in terms of privacy/overlooking, nor would it result in a loss of daylight or sunlight thereto.

The proposed layout and design of dwellings are thus considered appropriate for the context, would not constitute overdevelopment and, combined with the implementation of an appropriate landscaping scheme (controlled via condition), would ensure that the development would not have an unacceptable impact on the character of the surrounding area. As a result of the above, the proposal is considered to comply with Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the ALDP.

## **Impact on Landscape**

Policy D2 (Landscape) requires developments to have a strong landscape framework, which improves and enhances the setting and visual impact of the development.

The Landscape & Visual Appraisal (LVA) notes that the development site is relatively contained, with the existing woodland to the south and west providing enclosure. Combined with its siting adjacent to Milltimber, the woodland and topography of the surrounding area ensures that views of the site are limited and largely restricted to localised views from Contlaw Road. Thus it is considered that the proposals would not have a significant impact on long-distance views, nor on the landscape character of the Dee Valley.

Local views, despite the existing situation being of an open field with a woodland backdrop, would see a development fitting in with the context of the existing houses on Contlaw Road. Although it is acknowledged that the development will undoubtedly change the existing landscape character, this is inevitable given its zoning in the ALDP as an Opportunity Site.

In terms of protecting visual amenity and landscape setting, a draft landscaping scheme details the wholesale retention of the woodland area (to be transferred to a community trust) and the vast majority of trees along the eastern extent of the site. These retentions would ensure that the new development sits within an established natural setting.

Approximately 45% of the site would comprise plots and access roads, with large areas of natural green space to be retained to the front and around the edges of the site, as well as the retention/development of a natural wetland area. The existing trees and areas of green space to be retained would be complemented with significant additional planting of local species, particularly along the eastern edge of the plateau of higher ground in the southern half of the site (acting as a transitional buffer to the woodland) but also elsewhere within the site, with hedges and trees proposed to line internal roads and delineate plot boundaries. Subject to the submission of a fully detailed landscaping scheme via condition, the development would sit well within its natural, semi-rural context without detriment to the landscape setting. The proposals are therefore considered to comply with Policy D2.

## **Amenity for new residents (open space, access and informal recreation)**

Dwellings would predominantly be set within relatively large plots, albeit the garden areas for some of the affordable semi-detached plots would not be as substantial. Combined with the existing natural setting and the comprehensive proposed landscaping treatment for the site, the dwellings would each sit comfortably within their own plots and benefit from a good level of amenity consistent with the character of the area.

In terms of open space, Policy NE4 (Open Space Requirements in New Development) requires a minimum of 2.8ha of communal open space to be provided on site per 1000 new residents (equating to 3,388sqm for the estimated 121 residents, based on the Council's Open Space SG).

As well as having access to private garden areas, the areas of natural open space and paths therein would enable the perimeter of the site to be used for walking, whilst a boardwalk would run through the natural wetland area. A formal play area with play equipment would be created and a flat, more useable area of grass (c.2000sqm) for informal recreation would be sited in the south-western corner of the site. Additionally, residents would have immediate access to the neighbouring woodland. Thus, in addition to private amenity space, residents would have access to various types of open space, totalling an area significantly in excess of the SG requirements – even if only accounting for Area 1.

Policy NE9 (Access and Informal Recreation) states that *“new development should not compromise the integrity of existing or potential recreational opportunities generating access rights to land or*

*water, core paths, or other rights of way*". It is apparent from site inspections, and also noted in representations, that Area 1 and the woodland (Area 2) are well-used by the existing Milltimber community for walking and informal recreation, with several pedestrian desire lines apparent therein. Whilst the development would reduce the informal, natural character, access would actually be improved through the installation of a comprehensive path network, providing access through and around the edges of the site, linking into the existing natural entry points on Contlaw Road and to the west, into the woodland. Access through the woodland to the west, along the line of an identified aspirational core path (AP4) – this connects to Culter House Road and then the AWPR to the west. The applicant proposes to provide this core path route/ link through the site (area 1 and 2), in order to allow for its full integration into the route of Core Path AP4, offering access and informal recreation benefits to the existing and new communities. The proposed development is therefore compliant with Policy NE9. A condition is recommended in order to ensure the installation of core path signage, so that members of the public are aware of the core path route.

### **Noise**

Area 1 is located approximately 500m to the east of the recently opened Aberdeen Western Peripheral Route (AWPR), with the woodland of Area 2 in between. The Council's Environmental Health team is satisfied that there is unlikely to be an adverse impact on the occupants of the proposed residential properties in terms of noise, and that the relevant building standards for construction of new dwellings should ensure adequate protection from noise internally. The proposal does not therefore require to be assessed against the criteria of Policy T5 (Noise).

### **Transport & Accessibility**

Policies T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel) require new developments to demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel, as well as to ensure that the internal layout of developments prioritise walking, cycling and public transport penetration. The corresponding Transport & Accessibility SG provides additional guidance.

The site is less than 800m from the Deeside Way and the southernmost properties approximately 500m from North Deeside Road: the main pedestrian/cycle and public transport routes into Aberdeen city centre respectively. Footpaths would be formed allowing pedestrian access from all plots, with new pedestrian crossings at the north-eastern and south-eastern corners providing links connecting into the existing footpath on the eastern side of Contlaw Road, via crossing points, providing safe pedestrian access to North Deeside Road. Given the site constraints, with an existing tree belt and burn immediately adjacent to the western edge of Contlaw Road, the option of widening sections of this road was not considered feasible. Therefore, as an alternative, the pedestrian crossings have been designed to project out into the carriageway, thus reducing the amount of road required to be crossed by pedestrians and also acting as natural traffic calming measures. Thus, it is considered that the works to Contlaw Road would ensure that the existing situation would not be worsened and could actually be improved, in respect of pedestrian and road safety.

Although the new dwellings would be more than 400m of the nearest bus stops, on North Deeside Road (the maximum distance strived for in the Council's SG), given the context of the area, where most properties in the locality see this target distance exceeded, and the relatively small number of units proposed, it is not reasonable to expect see a public transport route to directly serve the site. It is therefore accepted that the development would be outwith the 400m guideline distance to the nearest bus stop. Importantly good pedestrian links would be provided to these bus stops.

With 30 units proposed, it is considered that the additional amount of trip generation resulting from the development would have a negligible impact on the local road network. In a very immediate context, it is acknowledged that the new dwellings could see a noticeable increase in traffic on Contlaw Road. However, this increase would be relatively small and would not have a significant impact on the existing local road network.

Each of the properties would have its own driveway, some with garages. Many with space to accommodate residents' and visitors parking off-street, when considered against parking standards. To address any overflow visitor parking, 4 on street spaces are proposed on the northern road. As a result, on-street parking is unlikely to be an issue and the internal road layouts have been designed accordingly, with peripheral sections seeing relatively narrow shared surfaces, prioritising walking and cycling and removing unnecessary additional pavement infrastructure.

The proposal has been assessed by officers in Roads Development Management (RDM) who are satisfied that the site would be accessible via a range of different modes of transport, would incorporate sufficient car parking and that the site layout would be acceptable in terms of refuse collection and roads/pedestrian safety. As a result, the proposal is compliant with the general aims of Policies T2 and T3 of the ALDP as well as the associated SG.

RDM, in consultation with the Council's Traffic Management and Roads Construction Consent Teams, consider that works are required to be undertaken by the applicant in order to re-surface and re-line (re-paint) the Contlaw Road / North Deeside Road junction, which, as the main vehicular access to the site, is currently substandard. The re-painting of the lines should re-line the centreline of the junction so that it aligns more perpendicular with North Deeside Road, thus improving road safety. The development does not in of itself create a greater risk to safety, so as to require the re-surfacing of the road, therefore the development does not create any greater need for the road to be resurfaced. The development would increase the amount of vehicles using the Contlaw Road / North Deeside Road junction however and as the current alignment of the centre-line is deemed to be sub-standard with regard to road safety, it is considered that the additional traffic generated by the development would serve to exacerbate existing road safety issues. Therefore, the development would impact on road safety in relation to the lines at the junction and a condition is added to ensure that the re-lining works are delivered.

RDM have also noted that for residential developments, one electric vehicle charging point (passive provision) is the minimum requirement for each unit where spaces are private and off-street. A condition is therefore recommended, requiring the driveways for each unit to incorporate passive EV (Electric Vehicle) charging provision, to allow for future installation of charging points.

### **Natural Heritage**

Policy NE1 (Green Space Network) requires new development to protect, promote and enhance the Green Space Network. Developments which have a negative impact on existing wildlife habitats and connections require to be appropriately mitigated.

It is acknowledged that the site at present forms part of a wider undeveloped area of Green Space Network, largely comprising unmaintained grassland. As the site is zoned for residential development, the principle of development on the site has already been established, therefore some erosion of this section of the Green Space Network is inevitable. Nevertheless, the design of the development pays due regard to the wildlife habitats and connections that exist therein at present, and the proposed development layout ensures that the impact on the Green Space Network is both minimal and appropriately mitigated. Approximately 55% of Area 1 would remain undeveloped, i.e. outwith plots and associated roadways, whilst the entirety of the woodland covering Area 2 is also to remain. Natural areas of open space would be retained around the perimeter of Area 1, which would also see a wetland marsh corridor run through it.

Several ecological surveys support the application, covering matters including: the predicted impact of the development on – bats, badgers, red squirrels, breeding birds and existing vegetation (specifically the Northern Marsh Orchid). The findings of those surveys are summarised as follows:

#### Bats

The applicant's Phase 1 Habitat and Protected Species Survey notes that the habitats on the site are assessed as offering moderate habitat for commuting or foraging bats. Three standing dead trees within the woodland area were identified as hosting Potential Roosting Features (PRF) for bats. A further survey, in the form of a PRF Inspection, found no evidence of bats within those three trees. Nonetheless, those trees are not proposed to be felled as part of the proposals. It is noted that the vast majority of the area of the site where development is to take place consists of low-level grassland, which is not a suitable habitat for bat roosting. It is therefore considered that the development would not have an adverse impact on bats.

### Badgers

One main badger sett was found in close proximity to an area of the site to be developed, with further setts in the surrounding area. However, subject to slight alterations to the site layout (which were subsequently made by the applicant), and that appropriate mitigation measures are put in place, it is considered that no intolerable levels of disturbance to badgers would take place. One such measure, acknowledging that the development would result in the loss of grassland (a primary badger foraging habitat), requires the planting of native shrubs and trees to minimise disturbance, increase cover and foraging opportunities, and to mitigate the proposed loss of existing habitat. A condition is attached requiring the recommended mitigation measures noted in the Badger Survey (confidential and not available for public viewing) to be implemented.

### Red Squirrels

Red squirrel were observed within the woodland area and the coniferous and broad-leaved habitats on site are assessed to provide suitable habitat to support red squirrel. However, connectivity from this woodland to other nearby habitats would not be fragmented by the proposed development and due to zone of influence constraints, a natural buffer would be retained from the woodland's edge. Red squirrel are known to frequent gardens where landscaping may be diverse, offering seeds and berries for fodder. Therefore, it is considered that the proposed development would not negatively affect the existing red squirrel population within the woodland.

### Breeding Birds

The grassland habitat on the site proposed for development is currently highly disturbed by humans and domestic dogs, thus reducing the chances of success for ground-nesting birds. The grassland however provides a seasonal foraging resource for birds, in the form of seeds and invertebrates, but whilst a section of this habitat would be removed and altered by the development, further grassland and arable land is present to the north and west. The development would see an increase in amenity areas and landscape planting of various trees and shrubs. These aspects could benefit a variety of bird species present in the area. Subject to appropriate mitigation (scheduling vegetation removal to commence outwith bird breeding season, or undertaking a pre-works check by a suitably qualified ecologist), it is considered that the existing bird population would not be significantly adversely affected, with other similar habitats in close proximity.

### Vegetation

Aside from trees, it is acknowledged that there is existing flora on the site that would be affected. However, the majority of the area to be developed is covered by natural grassland, which is not protected or of any particular ecological importance. The presence of Northern Marsh Orchids and other groundwater dependent species of flora in the wetland section of the site is acknowledged and the site layout has been appropriately designed (with minor adjustments made following comments from SEPA) to ensure that these areas are retained and protected. No significant detrimental impacts to the Northern Marsh Orchids or the wetland area are expected, subject to an appropriate condition requiring adequate protection of the wetland area during construction works. In their consultation response, SEPA noted that the development would result in the direct loss of/impact on some of the wetland due to the new roads and their embankments. However, SEPA consider that these impacts could be adequately mitigated through a series of environmental enhancements,

including orchid monitoring and re-planting. The requirement for such enhancements is attached as a condition.

### Habitats Regulations Appraisal

The site incorporates a small burn which runs along its eastern edge, adjacent to Contlaw Road. This burn is a tributary to the River Dee, a Special Area of Conservation (SAC). It is thus necessary to consider whether the development would have any impact on the qualifying species of the SAC via a Habitats Regulation Assessment (HRA). An initial HRA screening was undertaken by the planning authority, which concluded that although minimal and restricted to the construction phase, there is a risk that the construction works could impact the SAC. The applicant submitted a Draft Construction Environmental Management Plan (CEMP), which includes mitigation measures to protect against any impacts on the adjacent watercourse during construction. As part of an Appropriate Assessment (AA) carried out by Aberdeen City Council, it is considered that the potential adverse impacts on the SAC could be adequately mitigated through the implementation of a CEMP (finalised version to be agreed via condition). Scottish Natural Heritage were consulted on the proposals and agreed with the findings of ACC's AA. Another small burn runs through the western edge of the woodland, but is a significant distance from any proposed development, thus it is considered that it would not be affected by any works.

In addition to the various mitigation measures noted above, in respect of specific species and the retention of a significant amount of natural space (including a natural wetland area), the development would incorporate new tree and hedge planting and a SUDS basin, both of which could result in biodiversity gain through the creation of new habitats. As a result, and subject to conditions, it is acknowledged that the proposal would impact upon some existing habitats but considered that this impact would not be significantly adverse, limited to Area 1 and that the proposals would not conflict with the general principles of Policy NE8: Natural Heritage or the corresponding SG. Whilst some erosion of the Green Space Network would occur, it is inevitable given the site's allocation for residential development. The planning authority are satisfied that the impact would be justified and mitigated, to protect overall existing habitats and connections, open space and landscape and recreational features, all without significant detriment to the function of the wider Green Space Network, in accordance with Policy NE1.

### **Trees**

Policy NE5 (Trees and Woodlands) has a presumption against all development that will result in the loss of trees. In this regard the area proposed to be developed is predominantly clear of trees, excepting along its eastern edge. The majority of existing trees are to be retained, with only three to be felled in order to accommodate the new access road. The existing woodland (Area 2) is to be retained and potentially transferred into community ownership. The existing tree stock would also be supplemented with a significant amount of additional planting.

The Council's SG *Trees and Woodland* provides more specific advice on how to assess the impact of developments on trees and woodlands, and what is needed in the form of supporting documentation to address potential concerns. Section 8.4.2 of the guidance makes specific reference to 'Zone of Influence' (ZOI) which is generally considered to be the distance between the base of a tree to its mature height, replicated as a distance from the base of the tree along the ground. The SG notes that dwellings should not be sited within the ZOI of any existing, or proposed trees. In addition, the SG outlines that the footprints of dwellings should not fall within the Root Protection Areas (RPAs) of trees as construction works would likely compromise the structural integrity of a tree.

In this regard, following amendments, the site layout has been designed to ensure that the footprints of almost all of the 30 dwellings would be sited outwith the ZOI and RPA's of any existing and proposed trees, with the slight exception of some very minor corner areas of two of the dwellings adjacent to the woodland (Plots 26 and 27). Although the SG also states a preference for keeping

garden ground outwith the ZOI of trees, it is acknowledged that such a constraint would not be reasonable, as the site is bound by mature woodland to the south and west. Nonetheless, the garden areas of each plot are generally of a reasonable size, such that the negative aspects of some areas being sited within a ZOI (tree fall risk and overshadowing) would be limited and would only apply to portions of each of the affected garden areas. In this regard, the maximum area of one plot that would fall within a ZOI is Plot 22, which would see 31% of the plot within the ZOI. The majority of that area would consist of the driveway, detached garage and a small portion of the non-immediately useable rear garden ground. Plots 16, 17, 26 and 27 would also see some garden ground fall within the ZOI yet the areas for each of those plots would be relatively small (not exceeding 22%) and in secondary areas of garden ground.

The applicants have submitted a Tree Survey, (including Tree Protection measures) in support of the application, which provides details of the existing tree stock within the site. It is considered that the suggested tree protection measures would be adequate to preserve the existing trees during construction on site, and a planning condition will require the proposed measures to be implemented prior to construction taking place.

Whilst it is noted that minor areas of some of the dwellings and gardens would be sited within the ZOI of some trees, it is considered that the areas affected would be both minimal and the plots large enough to negate the impacts. Therefore, it is considered appropriate to allow for a deviation from the SG in this instance. All other aspects of Policy NE5 are considered to have been adequately addressed.

### **Affordable Housing**

Policy H5 (Affordable Housing) requires all housing developments of five units or more to contribute no less than 25% of the total number of units as affordable housing. The Council's SG on Affordable Housing notes that for developments of 20 units or more, the expectation is that the affordable housing contribution will be delivered on-site. 25% of 30 units equates to 7.5 units. The applicant is proposing to provide 8 affordable units on-site, comprising the 8 semi-detached dwellings – to be delivered through the Low-Cost Home Ownership Scheme. A S75 Legal Agreement will be required to ensure that the affordable housing element is provided and that the properties remain affordable in perpetuity. The proposal therefore complies with Policy H5.

### **Developer Obligations**

The proposal has been assessed by the Developer Obligations Team, who advised that contributions are required in order to offset the impact of the proposed development on Education (Milltimber Primary and Cults Academy) and to provide a sum toward healthcare. It is anticipated that the development would generate a maximum over capacity of 14 pupils for Milltimber Primary and 6 pupils at cults Academy. Should the Planning Committee be minded to approve the application then the following contributions would be secured by means of a S75 Legal Agreement:

- Primary Education (Milltimber Primary) - £451,612
- Secondary Education (Cults Academy) - £15,810
- Healthcare - £38,486

The Council is satisfied that the core path link proposed through the development would form part of, and link into an existing section of Core Path AP4, would be commensurate with the scale of development and would be constructed to an acceptable, agreed specification. Therefore, in accordance with the SG, no Core Path contribution is required. The proposal is therefore compliant with Policies I1 and H5 of the ALDP, as well as its associated SG.

### **Flooding and Drainage**

A Drainage Assessment (DA), including a drainage layout and associated drainage calculations, was submitted. The DA concludes that the development would see a sustainable urban drainage system (SUDS) detention pond, providing treatment to the water and attenuating water run-off to appropriate flow rates, before it enters the adjacent burn, minimising flood risk. Scottish Water has confirmed that there is sufficient capacity in the local water and waste-water treatment works to accommodate the proposal.

Both SEPA and the Council's Flooding team consider that the proposal would be adequately drained and would not significantly increase flood risk. Subsequently, the proposal is compliant with the general principles of Policy NE6 (Flooding, Drainage and Water Quality) and its associated SG.

### **Waste Management**

Policy R6 (Waste Management Requirements for New Development) requires all new developments to have sufficient space for the storage of general waste, recyclable and compostable materials where appropriate. All of the dwellings have ample space for the storage of waste within their respective plots. In order to consolidate bin collections and minimise bin lorry manoeuvres, a communal bin store serving plots 13-20 would be sited between plots 13 and 20, with residents able to access the bin store via a shared rear lane. Bin lorries would be able to collect the refuse from the bin store and directly from all of the other plots. The internal road incorporates turning heads which would allow a bin lorry to enter and exit the site in a forward gear. The proposals are therefore compliant with Policy R6. Whilst the Council's Waste Strategy Team noted concern regarding the distance between Plots 16 and 17 and the communal bin-store area which would serve them (given the distance for the residents to take their bins would exceed the Council's 30m guideline), it is considered that the additional distance (54.6m for Plot 16 and 37.8m for Plot 17) is acceptable in this instance as to have every plot within 30m would require relatively significant alterations to the layout. The route from the rear of plots 16 and 17 would be via an attractive rear lane on a flat surface and the proposal would avoid the unsightly presence of bins on-street on collection day.

### **Low/ Zero Carbon Developments**

All new buildings must meet at least 20% of the building regulations carbon dioxide emissions reduction target applicable at the time of the application through the installation of low and zero carbon generating technology. Whilst no details have been submitted in this regard, this matter can be controlled via an appropriately worded planning condition to ensure compliance with Policy R7.

### **Digital Infrastructure**

All new residential development will be expected to have access to modern, up-to-date high-speed communications infrastructure. The application site is located on a residential street, and a review of the BT website indicates that the area has access to high-speed broadband facilities. Subsequently, the proposal complies with Policy CI1.

### **Heads of Terms of any Legal Agreement**

A Section 75 legal agreement will be required between the Council and the applicant, as a mechanism to ensure that the affordable housing provision is delivered and that the financial developer contributions are paid in instalments, upon the completion of each of the dwellings.

### **Matters raised by the Community Council**

The Cults, Bieldside and Milltimber Community Council are generally supportive of the proposals but noted some concerns. These concerns are responded to below:

Developer Obligations figures will need careful consideration to ensure that the overcapacity issues at Milltimber Primary and Cults Academy would be adequately resolved

*A detailed assessment has been carried out by the Council's Developer Obligations Officer, in accordance with the relevant supplementary guidance and in liaison with the various Council services (i.e. Education). Financial contributions are sought toward a replacement primary school in*

*Milltimber, and toward alterations to Cults Academy, in order to accommodate the additional number of pupils envisaged from the development.*

There are existing concerns regarding the narrow width of Contlaw Road and the impact this has on road safety. This development could offer the opportunity to improve Contlaw Road in this regard  
*The addition of 30 dwellings is not likely to result in a significant amount of additional traffic and the site constraints (tree belt and burn) mean that the road cannot reasonably be widened, without undesirable adverse impacts. Two new pedestrian crossings would be installed, creating natural pinchpoints which would double as traffic-calming measures. The Council's Roads Development Management Team do not object to the proposals and consider that the works proposed by the applicant would suffice in ensuring that road and pedestrian safety would not be worsened by the development.*

ACC should review the issue of visibility splays at the Contlaw Road/North Deeside Road junction, given the additional traffic that would use the junction

*ACC's Roads Development Management (RDM) team have reviewed the existing situation, with regard to visibility splays on the Contlaw Road/ North Deeside Road junction. The existing visibility splays, whilst not meeting current standards, are not significantly substandard to justify new junctions. Additionally, in order to improve the visibility splays, land not owned by the Council would require to be purchased or agreement made with the owner for alterations. Therefore it is not considered proportionate, reasonable or feasible to pursue this course of action. However, as noted in the foregoing evaluation, RDM have requested that the applicant undertake (or contribute toward) works to improve road safety at that junction by re-lining it. These works will be controlled by condition.*

The provision of play areas for children is welcomed. Maintenance of these facilities should be reflected in developer obligations or by ACC taking long-term responsibility, if they are to be used by the wider community

*Maintenance of the play areas would be the responsibility of the landowner. The Council would not seek to adopt such facilities and it is not considered appropriate that a planning condition is required to dictate their future maintenance.*

It is essential that permission is conditional on adequate initial and continued funding being available to support the intended Woodland Community Trust.

*The creation of the intended Woodland Community Trust is not a planning requirement and would instead be a matter between the local community and the relevant landowner.*

### **Matters raised in representations**

The concerns raised in representation received from members of the public are noted below, with the Planning Authority's response to each point noted in italics:

Additional traffic would be generated by the site and Contlaw Road is already busy (given its narrow width). This would increase the risk to pedestrian and road safety.

*This is addressed in the foregoing 'Transport and Accessibility' and 'Matters Raised by the Community Council' sections above.*

Milltimber Primary and Cults Academy are already overcrowded and there is an overabundance of new building (dwellings) in the catchment area

*This matter is addressed in the foregoing sections on 'Developer Obligations' and 'Matters raised by the Community Council'. Each application is assessed on its own merits and any other residential developments in the area have or will be subject to their own assessments in relation to their impact on infrastructure.*

The Milltimber Community Hall is over-capacity and whilst looking to extend, currently has no space to accommodate additional users from the new development. Any extension the Community Hall should be at a more advanced stage before allowing the development of further houses  
*Consideration has been given to seeking a planning obligation towards community facilities. However, a contribution is not considered to meet the strict tests as set out in Circular 3/2012. This is due to the fact that such works to improve local community facilities would primarily address existing deficiencies and insufficient evidence is available to justify a contribution based on impacts associated to this development.*

Access to the woodland will be greatly reduced, particularly due to the removal of the current open, countryside aspect being lost  
*Although the site would be developed and it is acknowledged that this would reduce the open aspect from the current situation, paths are proposed to run through and around the perimeter of the site, which would itself retain a significant proportion of natural open space. Paths are also proposed within the woodland and access to the woodland would be both retained and, in the sense of formal paths being provided, enhanced.*

The site has wild orchids in the upper part and wildlife habitats are being reduced by other developments in the surrounding area  
*The presence of wild orchids in the upper part of the site has been considered and the site layout incorporates the retention of a natural wetland feature in the part of the site where the majority are present. The impact of other developments in the surrounding area on wildlife habitats is not a material consideration in the determination of this application.*

The ecosystem of the site will be harmed/ will disappear. In particular deer, bats, badgers and red squirrel will be adversely affected, losing their habitats  
*This is addressed in the foregoing 'Natural Heritage' section of the evaluation.*

The site is currently used for informal recreation by dog-walkers, sledgers (in the winter) and others  
*It is acknowledged that the site is well used by the local community for a variety of informal recreation activities at present. However, the site is allocated for development in the ALDP. Efforts have been made by the applicant, following on from feedback given at their pre-application public consultation events, to incorporate the retention of a significant amount of green space into the site layout. The slopes used for sledging would predominantly remain, formal paths would be created that could be used by dog-walkers and a playpark and flat area of open space would also be created, both of which could be used by the existing community.*

The development would only encourage more development on Contlaw Road, thus eliminating more green space.  
*This application is for the development of 30 dwellings on an Opportunity Site allocated in the ALDP. The granting of consent would not set a precedent for further development in the surrounding area and any further applications would be assessed on their own merits, in accordance with the ALDP. The potential allocation of additional sites in the next ALDP is not a material consideration in the determination of this application.*

### **Aberdeen City and Shire Strategic Development Plan (SDP)**

In terms of assessment against the Strategic Development Plan, due to the small scale of this proposal the proposed development is not considered to be strategic or regionally significant, or require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the SDP.

### **RECOMMENDATION**

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Approve subject to conditions and conclusion of a legal agreement

## **REASON FOR RECOMMENDATION**

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Whilst it is acknowledged that the allocation in the Aberdeen Local Development Plan (OP 112 – Contlaw Road) states ten dwellings could be developed on the site (via Policy LR1: Land Release Policy), it is considered that the development of thirty dwellings in the form proposed is acceptable, as it: would not result in the overdevelopment of the site; would not have an unacceptable impact on the character or amenity of the surrounding area; would not result in the loss of a valued area of open space; and would comply with relevant Supplementary Guidance. The development is thus compliant with Policy H1 (Residential Areas) of the Aberdeen Local Development Plan (ALDP).

The development has also been designed with due consideration for its context, and would make a positive contribution toward the character and appearance of the surrounding area in accordance with Policies D1 (Quality Placemaking by Design) and D2 (Landscape). An appropriate density of development would be provided, consistent with the density and pattern of development in the surrounding area, broadly in accordance with Policy H3 (Density), although it is acknowledged that there is a deviation from the minimum density strived for by H3, to reflect the sites surrounding context.

Whilst the development would lead to some erosion of the Green Space Network and natural habitats, this is inevitable given the site's zoning in the ALDP for housing. The site layout has been designed sympathetically in order to retain a significant amount of natural open space and wildlife habitats and, where that is not possible, to mitigate the impacts of the development on those features accordingly. The proposals would therefore not have a significant detrimental impact on the character or function of the Green Space Network, nor on existing natural habitats and species, in accordance with Policies NE1 (Green Space Network) and NE8 (Natural Heritage).

Subject to a number of appropriate conditions the proposal would be adequately accessible, would provide sufficient affordable housing, would appropriately mitigate its impact on existing local facilities and infrastructure, and would be adequately drained without increasing flood risk, all in accordance with Policies: Policies 2 (Managing the Transport Impact of Development), T3 (Sustainable and Active Travel), H5 (Affordable Housing), I1 (Infrastructure Delivery and Planning obligation) and NE6 (Flooding, Drainage & Water Quality).

Subject to conditions, the development would accommodate appropriate waste management provisions for each plot and all of the dwellings would benefit from low & zero carbon and water efficiency technologies, as well as being supplied with adequate digital infrastructure, all in accordance with Policies R6 (Waste Management Requirements for New Development), R7 (Low & Zero Carbon Buildings & Water Efficiency) and C11 (Digital Infrastructure) of the ALDP.

Ample communal open space would be provided as required by Policy NE4 (Open Space Provision in New Development). Appropriate tree protection measures and landscaping would be provided and overall, the development is generally compliant with the aims of Policy NE5 (Trees and Woodland) and the corresponding Supplementary Guidance (Trees and Woodland), although it is acknowledged that some minor parts of the new dwellings and their garden ground would encroach within the Zone of Influence of some existing trees, this is considered acceptable.

The proposal is considered to comply with all relevant policies of the Aberdeen Local Development Plan and its associated Supplementary Guidance, and there are no material planning considerations that would warrant the refusal of consent in this instance.

## **CONDITIONS**

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## (1) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

No development shall take place unless a detailed site-specific Construction Environmental Management Plan (CEMP), which contains:

- a site waste management plan;
- air quality (dust) risk assessment;
- dust management plan;
- details of the dimension of the buffer strip adjacent to the neighbouring watercourse;
- details of the protection and maintenance of the buffer strip;
- details of how pollution of the River Dee will be prevented and details of the measures to be put in place to ensure workers on the site are aware of the requirement to avoid any impacts with protected species which may be encountered on the site;
- details of the design of construction phase works to ensure the water supply to the wetland area is maintained;
- details of protective fencing around the wetland area;
- the mitigation measures outlined in the Hydrogeological Risk Assessment; and
- all other required CEMP content as detailed in SEPA's three consultation responses dated: 2 April, 17 June and 30 July 2019,

has been submitted to and approved in writing by the planning authority, in consultation with SEPA. The approved plan shall be implemented in full for the duration of works on the site.

Reason: In order to protect the integrity and qualifying interests in the River Dee Special Area of Conservation, to protect the integrity and minimise adverse impacts on the site's wetland area and to ensure adequate waste management, prevent potential water pollution and impacts on adjacent amenity.

## (2) PATHS AND ROADS

No dwelling shall be occupied unless a scheme showing the phasing of the provision of paths and internal roads on hereby approved Fairhurst drawing 125483/1001 Rev O connecting that dwelling to the surrounding pedestrian network has been submitted to and approved in writing by the planning authority. Thereafter all paths and roads (including pedestrian crossings on Contlaw Road; the boardwalks within the wetland area and all paths through the woodland) on drawing 125483/1001 Rev O, or another drawing as has been agreed in writing by the planning authority, shall be provided in accordance with the approved plans.

Reason – in order to ensure that the development, and each individual property, is satisfactorily connected to the surrounding pedestrian network.

## (3) PATH CONSTRUCTION METHODOLOGY

Prior to any construction works taking place in relation to the 1.8m wide granite dust paths and timber boardwalks within the site or the section of 2m wide asphalt path adjacent to the site's eastern boundary as shown in hereby approved Stewart Milne Homes drawing 8012/110 Rev B), a construction methodology for those paths and boardwalks shall be submitted to, and agreed in writing by the planning authority and thereafter the works shall be carried out in full accordance with such agreed methodology.

Reason – In order to minimise the impact of the paths and boardwalks on the root protection areas of the existing adjacent trees and the species in the wetland area, and to preserve visual amenity and landscape character.

#### (4) EXTERNAL FINISHING MATERIALS

No development associated with the external finishing of any particular dwelling shall take place unless samples of all external finishing materials to the roof and walls of the proposed buildings has been submitted to and approved in writing by the planning authority. Thereafter the development shall be finished in complete accordance with the approved scheme unless a written variation has been approved by the planning authority.

Reason - In the interests of visual amenity.

#### (5) HARD SURFACES

No development in laying hard surfaces shall take place until such time as details and samples (where appropriate) of the finishes for the hard surfaces (internal roads and driveways) within the development have been submitted to and agreed in writing by the planning authority. Thereafter the development shall be finished in complete accordance with the approved details unless a written variation has been approved by the planning authority.

Reason – In the interests of visual amenity.

#### (6) BOUNDARIES

No dwelling shall be occupied until such time as a phasing scheme of the site boundary enclosures for the entire development has been submitted to and approved in writing by the planning authority. Thereafter no dwelling shall be occupied unless the part of the agreed scheme relevant to that dwelling has been implemented.

Reason – in order to create a suitable residential and visual amenity.

#### (7) SOFT LANDSCAPING

No works in connection with the development hereby approved shall take place unless a detailed scheme of soft landscaping works has been submitted to and approved in writing by the Planning Authority, in consultation with SEPA.

Details of the scheme shall include:

- (i) Existing landscape features and vegetation to be retained.
- (ii) The location of new trees, shrubs, hedges, grassed areas and water features.
- (iii) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- (iv) An indication of existing trees, shrubs and hedges to be removed.
- (v) 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 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 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 addition, prior to the commencement of the implementation of the approved scheme, detailed proposals for a programme for the long-term management and maintenance of all the approved landscaped and open space areas within the development shall be submitted for the further written approval of the Planning Authority. Thereafter, all management and maintenance of the landscaped

and open space areas shall be implemented, in perpetuity, in accordance with the approved programme."

Reason: To ensure the implementation of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area and to ensure that the landscaping is managed and maintained in perpetuity.

#### (8) TREE PROTECTION PLAN

The tree protection measures recommended in the hereby approved Tree Survey Report (EnviroCentre – March 2019) shall be implemented in full during construction works.

Reason – In order to ensure the adequate protection of existing trees to be retained on and adjacent to the site that could be affected by development.

#### (9) EXTERNAL LIGHTING

No dwelling shall be occupied unless a phasing plan associated to the external lighting covering the footpaths and internal roads associated to that dwelling, which are not proposed to be adopted by the Roads Authority, has been submitted to and approved by the planning authority. Such phasing plan should reflect the approved details (Fairhurst drawing no. 125483/1008 Rev H), or in accordance with a similar scheme as has been submitted to, and agreed in writing by, the planning authority.

Reason – in order to create a suitable residential and visual amenity and ensure public safety.

#### (10) WASTE STORAGE PROVISION

No dwelling shall be occupied unless the waste storage area for that particular dwelling (or set of dwellings) has been provided in accordance with Stewart Milne Homes drawing 8012/1000 Rev Y or such other drawing as may be approved in writing by the planning authority.

Reason - In order to ensure suitable waste storage facilities are available for residents and to protect public health.

#### (11) WATER EFFICIENCY

No development shall take place for any dwelling unless a scheme of water efficiency for dwellings has been submitted to and approved in writing by the planning authority. The statement should take into account the advice provided in CIRIA publication C723 (Water sensitive urban design in the UK) and specify the measures proposed to incorporate water saving technology into the development so as to achieve gold standard for water use efficiency in domestic buildings. Thereafter no dwelling shall be occupied unless the approved measures for that dwelling have been implemented in the construction of the development.

Reason – in order to reduce pressure on water abstraction from the River Dee and the impact on water infrastructure.

#### (12) LOW AND ZERO CARBON BUILDINGS

No development shall take place for any dwelling 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. Thereafter no dwelling shall be occupied unless any

recommended measures specified within the agreed scheme for the reduction of carbon emissions have been implemented in full.

Reason - 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'.

#### (13) PROTECTION OF NATURAL HABITATS

The recommended mitigation measures specified in the following supporting documents shall be implemented before and during the construction works:

- Phase 1 Habitat and Protected Species Survey (EnviroCentre – June 2018)
- Potential Roost Features in Trees Suvery (EnviroCentre – May 2019)
- Statement of Predicted Impacts: Ecology (EnviroCentre: May 2019)
- Breeding Bird Survey (EnviroCentre: May 2019)
- Badger Protection Plan (EnviroCentre: May 2019)

Reason: In order to ensure that the impact of the construction works on natural habitats present on and surrounding the site is minimised and appropriately mitigated.

#### (14) DRAINAGE

All work shall be carried out in accordance with the hereby approved drainage scheme (Fairhurst Drainage Assessment March 2019: Issue 1) as detailed in the approved Fairhurst drawing no: 125483/2001 Rev I.

Reason: To ensure adequate protection of the site and adjacent water environment from surface water run-off.

#### (15) CORE PATH NETWORK

Prior to the occupation of the final dwelling, a detailed scheme for the erection of fingerpost wayfinding signs for the Core Path network shall be submitted to, and agreed in writing by, the planning authority. Thereafter, the core path signs shall be installed in accordance with the approved details.

Reason: In the interests of promoting and enhancing the use of the core path network.

#### (16) RESIDENTIAL TRAVEL PACK

Prior to the occupation of the first unit, a detailed Residential Travel Pack (RTP) shall be submitted to, and agreed in writing by, the planning authority and thereafter the approved travel pack shall be supplied to the occupants of all units upon occupation. The travel pack shall incorporate the measures noted in the applicant's Transport Statement in order to discourage the use of the private car and to encourage the use of alternative, more sustainable modes of transport.

Reason: In order to reduce dependency on private car travel.

#### (17) PLAY FACILITIES

No dwelling shall be occupied until such time as full details of the play equipment to be installed on the site, and a phasing scheme for their installation/ completion for use, been submitted to and

approved in writing by the planning authority. Thereafter the play facilities shall be delivered and available for public use in line with such approved details and phasing scheme.

Reason: in order to create a suitable residential amenity.

#### (18) ELECTRIC VEHICLE CHARGING POINTS (PASSIVE PROVISION)

No dwelling shall be occupied until such time as full details and a phasing scheme for the installation of electric vehicle charging (passive provision) infrastructure for all units has been submitted to and approved in writing by the planning authority. Thereafter no dwelling shall be occupied unless the part of the agreed scheme relevant to that dwelling has been implemented.

Reason: in order to facilitate the future installation of charging points for electric vehicles in future and to encourage the use of sustainable transport.

#### (19) CONTLAW ROAD / NORTH DEESIDE ROAD JUNCTION RE-LINING

No dwelling shall be occupied until such time as full details of the re-lining of the existing Contlaw Road / North Deeside Road junction have been submitted to, and agreed in writing by, the Planning Authority and thereafter the agreed works have been implemented to the satisfaction of the Roads Authority.

Reason: In order to improve road safety.

#### (20) ENVIRONMENTAL ENHANCEMENTS

No development or associated construction and material storage works within the wetland area (identified as the 'NVC Community' in EnviroCentre National Vegetation Classification Survey Drawing No. 371147-011 Rev A) shall take place until such time as the Northern Marsh Orchid growing locations within that area have been identified in full, to allow for the adequate protection of those areas during construction works. Where these locations are sited under the construction footprint, the orchids in those areas shall be removed and re-planted in accordance with a methodology and monitoring scheme submitted to, and agreed in writing by, the Planning Authority, in consultation with SEPA.

Reason: In order to offset the impacts of the development on the Northern Marsh Orchid species present on the site.

### **ADVISORY NOTES FOR APPLICANT**

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#### **ROADS CONSTRUCTION CONSENT**

The access junction layouts are to be designed to Aberdeen City Council standards. The development will require to be subject to a Section 21 Roads Construction Consent procedure and the applicant should contact Colin Burnet on 01224 522409 to discuss this matter in further detail. The specifics of the junctions (dimensions, radii, gradients, etc.) can be finalised at this stage.

#### **CONTLAW ROAD / NORTH DEESIDE ROAD JUNCTION IMPROVEMENTS**

The applicant should contact Scott Lynch (Roads Development Management) at [slynch@aberdeencity.gov.uk](mailto:slynch@aberdeencity.gov.uk) or on 01224 522292 regarding the required junction improvements. The specifics of the required works (dimensions, re-surfacing, re-lining etc.) can be finalised at this stage.

## **BIN PROVISION**

### **Each new property will be provided with:**

- 1 x 180 litre wheeled bin for general waste
- 1 x 240 litre co-mingled recycling bin for recycling
- 1 x 240litre wheeled bin for food and garden waste (kitchen caddy, bioliners and associated information will be provided as well)

### **The following costs will be charged to the developer:**

- Each 180l or 240l bin costs £30.00 each

### **General points**

- All the waste containers must be presented only on the collection day and must be removed from the kerbside as soon as possible. No containers should be permanently stored on the kerbside.
- No excess should be stored out with the containment provided. Information for extra waste uplift is available to residents at either [www.aberdeencity.gov.uk/wasteaware](http://www.aberdeencity.gov.uk/wasteaware) or by phoning 03000 200 292.
- Further information can be found in the Waste Supplementary Guidance available at: <https://www.aberdeencity.gov.uk/sites/aberdeencity.gov.uk/files/7.1.PolicySG.ResourcesForNewDevelopmentTC.P.4.8.9.12.13.pdf>

Developers must contact Aberdeen City Council a minimum of ONE month before properties will be occupied. Bins MUST be on site prior to residents moving into properties. A Purchase Order should be raised with Aberdeen City Council using the above details and we will provide further guidance for purchasing the bins.

In the final stages of completion, a representative from Aberdeen City Council's Waste team will assess the site to ensure that all of our considerations have been implemented.

Responding Officer: Hannah Lynch  
Email: [halynch@aberdeencity.gov.uk](mailto:halynch@aberdeencity.gov.uk)

## **NOISE FROM SITE/ GROUND PREPARATION AND CONSTRUCTION WORKS**

In order to protect amenity of the occupants of the neighbouring residences from noise produced as a result of demolition, site/ground preparation works and construction works, the following controls should be applied:

- a) such operations should not occur outside the hours of 07:00 to 19:00 Monday to Friday; and
- b) such operations should not occur outside the hours of 08:00 to 13:00 on Saturdays so that no noise is audible at the site boundary outwith these times. AND
- c) During the accepted times the construction noise affecting existing residential premises is restricted to a maximum of 65db LAeq 12hrs or a suitable alternative maximum LAeq 12hrs established through use of the - the ABC Method as detailed within BS5228 1:2009+A1:2014 annex E.3.2, Example 1 and demonstrated accordingly.

## **CONSTRUCTION PHASE DUST MANAGEMENT**

An 'Air Quality (Dust) Risk Assessment' by a suitably qualified consultant requires to be carried out in line with the IAQM 2014 Guidance entitled Guidance on the Assessment of Dust from Demolition and Construction to predict the likely dust levels and impact on air quality including a determination of its significance.

A Dust Management Plan requires to be produced in line with the aforementioned guidance (based on the outcome of the Dust Risk Assessment) submitted and agreed in writing with the Council's Environmental Health service detailing the necessary dust control measures to be implemented.

## **CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN CONTENT**

It is recommended that the CEMP is submitted at least 2 months prior to the commencement of any works on site; this is to allow the necessary agencies sufficient time to fully review the mitigation proposals to avoid any potential delays to the project moving forward.

SEPA have advised that the detailed Construction Environment Management Plan (CEMP) required by Condition 1 should provide further information or clarity:

- The developer has copy and pasted SEPA guidance and a silt fence installation guide but they will need to demonstrate how they will transpose this guidance into action on their site. It may just be that they want to make it clearer that they are going to follow the SEPA guidance copied into the draft CEMP and state that they are going to follow the silt installation guide they have provided as the draft CEMP does not clearly state this. CEMP needs to be site specific.
- They should provide a list of ALL construction activities that will be undertaken and the sequence of these. Careful project management lowers the potential for erosion and sedimentation problems and helps to protect both the water environment and the final SUDS by reducing risk of contamination during construction phases (e.g. heavy construction should be staged to avoid periods of high rainfall if possible).
- Fuel and chemical storage provisions on site.
- Details of staff training and how environmental responsibilities will be communicated to staff on the ground including sub-contractors (e.g. tool box talks).
- There should be an emergency procedures section detailing emergency/incident response procedures/planning and the steps that will be taken in the event of an incident occurring (including the discovery of silty water).
- Following on from the point above, the emergency contact hierarchy information should be included in the same section.
- Provision of spill kits at suitable locations on site should be addressed and details contained within CEMP.
- Adverse Weather Monitoring & Out of Hours Monitoring & Response Planning needs to be included – developer should demonstrate what steps will be taken to ensure protection of the water environment out-with site operational hours, including weekends.
- Are there going to be any wastes generated from the site? There is no mention of any waste considerations in the draft CEMP and I think we should clarify this and details added to the CEMP if necessary.

The requested CEMP should detail all construction activities to be carried out and the sequence of these, include: list of key contacts, wet weather working plan, details of Weekend/Out of Hours Monitoring and Incident Reporting and how this will be dealt with. The applicant should refer to [Guidance for Pollution Prevention \(GPPs\)](#) and the recently published [Guidance on the construction of SUDS](#) (CIRIA C768) for further guidance. The CEMP should demonstrate how the proposal complies with the Controlled Activity Regulations (CAR) General Binding Rules (GBR's) 10 and 11,

refer the [CAR practical guide](#) for further information.

Generally the use of maps and plans can communicate what is proposed better than text so it is encouraged to use plans drawings and photographs wherever possible. This work should be undertaken with input from the contractor.

If you have any queries relating the above, please contact SEPA by telephone on 01224 266604 or e-mail at [planning.aberdeen@sepa.org.uk](mailto:planning.aberdeen@sepa.org.uk)

## ENVIRONMENTAL ENHANCEMENTS

SEPA have requested that as there is no on-site opportunity for the applicant to restore and equivalent area of habitat to that being lost, they instead research the potential of a community-led or NGO-led initiative that they can support.

## REGULATORY REQUIREMENTS

- 1.1 Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs). In that regard, further information is required about the gabion structure located to the south west (which looks to be close to the watercourse) to determine if authorisation is required.
- 1.2 Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.
- 1.3 It is not clear at the moment what the total site area is. The drainage assessment states the total area of the site is 3.5 hectares and an email from the Planner states that the site is 4.1 hectares. Other submissions provided appear to state different total area so we need to confirm this for the reasons listed below.
- 1.4 A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:
  - is more than 4 hectares,
  - is in excess of 5km, or
  - includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25°

See SEPA's [Sector Specific Guidance: Construction Sites \(WAT-SG-75\)](#) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team on the details provided below.

- 1.5 Below these thresholds you will need to comply with [CAR General Binding Rule 10](#) which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment. The detail of how this is achieved may be required through a planning condition.

- 1.6 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a

specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at: Inverdee House, Baxter Street, Torry, Aberdeen, AB11 9QA, Tel: 01224 266600.