



Planning Development Management Committee

Report by Development Management Manager

Committee Date: 5th November 2020

Site Address:	Land South of North Deeside Road, Milltimber, Aberdeen.
Application Description:	Construction of residential led mixed-use development of up to 99 residential units and retail of up to 2,000 sqm, with associated infrastructure, access, landscaping, drainage, SUDS and open space
Application Ref:	200535/PPP
Application Type	Planning Permission in Principle
Application Date:	13 May 2020
Applicant:	Bancon Homes and William Guild's Managers
Ward:	Lower Deeside
Community Council:	Cults, Bieldside And Milltimber
Case Officer:	Daniel Lewis



RECOMMENDATION

Willingness to approve subject to conditions and a legal agreement to secure developer obligations towards the provision of affordable housing, the core path network, primary education, secondary education, healthcare facilities and community facilities.

APPLICATION BACKGROUND

Site Description

The application site extends to approximately 11.5 hectares and is located on the southern side of North Deeside Road, on the southern edge of the settlement of Milltimber. The site is bound by North Deeside Road and residential properties to the north, the Deeside Way, a small quarry and open space to the south, and further residential properties set in generous plots to the east and west. An access road leading to Milltimber Farm Livery Stables (located to the south of the Deeside Way) runs through the site.

The site itself is largely grassed pasture but does include some elements of planting (particularly along the boundaries). The site slopes down from north to south towards the Dee Valley. There are several boundary treatments, including post-and-wire fencing and drystone dykes to the northern boundary.

The application site is allocated as 'OP114 Milltimber South' in the Aberdeen Local Development Plan 2017 as a *'Mixed-Use Opportunity for 60 houses and 1,225 square metres of ancillary office/retail space. Masterplan required.'*

Relevant Planning History

A proposal of application notice (Ref: 191605/PAN) was submitted on the 21st October 2019 for a *'major residential and retail development with associated infrastructure, access, landscaping, drainage, SUDS and open space.'* This proposal was presented to the Council's Pre-Application Forum on the 5th December 2019.

A previous Proposal of Application Notice (Ref: 170620/PAN) was submitted in May 2017 for a proposed mix-use development (60 dwellings and 1,225 sqm of Class 1 (Shops) and Class 4 (Business) uses relating to the same site. This proposal was presented to the pre-application forum on the 21st September 2017.

An EIA screening opinion for the above proposal (Ref: 171171/ESC) was submitted in September 2017; this concluded that an Environmental Impact Assessment was not required, as confirmed on the 18th October 2017.

APPLICATION DESCRIPTION

Description of Proposal

The application seeks Planning Permission in Principle (PPiP) for a mixed-use development comprising up to 99 residential units and retail development of up to 2,000 sqm.

Since the application was initially submitted and validated using the above description, the development has been refined through the master planning and application assessment process and is now considered to be an in principle development proposal of *'up to 80 residential units and up to 1,225 sqm of ancillary office/retail space.'* As this development proposal is still within the parameters of the original application title, the description has not been amended. Re-notification of neighbours and advertisement of the application was undertaken following the submission of additional information related to the refined proposal. For the avoidance of doubt, the scale of development and uses being assessed through this application and the associated Masterplan and other supporting documents that were the subject of re-notification in September 2020 relate to the reduced scale of development.

The indicative masterplan submitted in support of the application shows a landscape buffer along the northern section of the site, with two vehicular accesses onto North Deeside Road. The residential element is indicated as running through most of the site with the office/retail element proposed in the north-east corner. A SUDS basin is indicated in the south-east section of the site. Planting is indicated throughout the site with three footpath connections indicated on to the Deeside Way.

As the proposal is for PPIp the details will be provided through any future application for either detailed planning permission or approval of matters specified in condition. The purpose of the PPIp application and associated Masterplan is to set the parameters for an appropriate mix, layout and scale of development when assessed against the LDP allocation and relevant policies.

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=Q9WN8YBZHQL00>

Archaeological Assessment: December 2019: looked at various aspects including a background to the site, an archaeological background, requirements of the survey and associated references.

Pre-Application Consultation Report: May 2020: this introduces the proposal, provides details of the requirements of the consultation process, a background to the proposals, the proposal of application process, details of pre-application consultation and a summary of the pre-application consultation. There were also various appendices submitted in support of the application.

Planning Delivery Statement: May 2020: provides details of the site, a background to the allocation of the site in the ALDP 2016 and other planning history, details of the pre-application consultation and supporting information, development principles, development plan details, other material considerations and overall conclusions/ recommendations.

Tree Survey Report: November 2019: provides an introduction, tree survey methodology, survey results and details of trees and development. Appendices showing details of the tree survey drawing were also submitted in support.

High-Level Landscape and Visual Appraisal: April 2020: looks at various aspects including the provision of an introduction and overview, details the proposed development and contextual discussions, visibility analysis, visibility findings, mitigation and enhancement measures and several panoramas.

Ecological Appraisal: October 2019: this document provided an introduction methodology, assessment and limitations, optional biodiversity measures and overall recommendations.

Transport Assessment: April 2020: provided an introduction, planning policy context, site accessibility, development proposals, trip generation and distribution, traffic impact analysis, residential travel plan framework, employer travel plan framework and an overall summary/ conclusion.

Flood Risk Assessment: April 2020: this introduced the proposal, planning policy details, details of the development site, potential sources of flood risk, flood risk and an overall conclusion.

Drainage Assessment: April 2020: provides the overall drainage assessment and various appendices which look at the simple index approach, associated drawings and calculations.

Planning Delivery Statement: Addendum: September 2020: provides an introduction, an update on the development plan and associated material considerations and an overall conclusion.

Post-Application Consultation Response Report: September 2020: provides an introduction, statutory consultee responses, discusses the response from Cults, Bielside and Milltimber Community Council, third party representations and an overall conclusion.

Masterplan and Design & Access Statement: September 2020: this document will be discussed in greater detail in this report. The masterplan looks at various issues including a site overview, planning context, character analysis, site analysis, details of stakeholder engagement, the vision, design concept, masterplan drawing, design principles, resources, and delivery.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the proposal has been subject to more than 6 timeous letters of objection, and an objection has been received from Cults, Bielside and Milltimber Community Council. The development was also advertised as a potential departure from the adopted Aberdeen Local Development Plan. Consequently, the scheme falls outwith the Council's adopted Scheme of Delegation.

Pre-Application Consultation

A Proposal of Application Notice (PoAN) was submitted to the Council on the 21st October 2019. The applicant undertook statutory pre-application consultation which included a public event, advertisement in the local press, engagement with the Community Council and with elected members within the ward.

The first public event was held on the 4th November 2019 between 2pm and 7pm at Deeside Fellowship Church. The aim of this event was to inform attendees of the first stage of pre-application consultation and collate feedback for the second event and to feed into the application for planning permission in principle. Eight exhibition boards were included at this event. It was estimated that over 100 people attended this event, with 32 written representations submitted within the consultation period.

The second public event was held on the 4th December 2019 between 2pm and 7pm at the same venue, with the event advertised in line with the pre-application event guidance. The time between the event allowed the applicants time to review the information previously submitted and exhibition boards were again utilised to show how the proposals had evolved. Over 50 people attended this event, with 22 written responses submitted to the applicants within the consultation period.

A presentation was also made to the meeting of the Cults, Bielside and Milltimber Community Council on the 28th November 2019.

In addition to the above, the applicant presented to the Council's Pre-Application Forum on Thursday 5th December 2019. The forum was open to the public and took the form of a 10-minute presentation to elected members to enable them to ask any questions they may have in connection with the application prior to it being lodged. This included a presentation from the applicant who discussed details of the public event, the site's allocation in the LDP, differences between the previous submission in 2017, the description of the proposed development, access to the site and transportation matters. Members asked questions of both the applicant and the case officer and noted matters in relation to: construction traffic, that all comments from the public should be fed back to the agent at this stage and only to Aberdeen City Council after the application was submitted and regarding access, that there would be no traffic light junctions, in order to prevent traffic from building up and that there should be filter lanes instead.

CONSULTATIONS

Aberdeen International Airport – no objection to the proposal but have requested the insertion of a condition in relation to the submission of a Bird Hazard Management Plan. They have also requested the insertion of an informative in relation to the use of cranes.

ACC - Developer Obligations – have advised on required obligations towards the core path network (£29,760), primary education (£1,193,546), secondary education (£31,620), healthcare facilities (£81,886) and sport and recreation (£146,280). They also confirmed that 25% affordable housing should be provided on site.

ACC - Education – note that the proposed development falls within the school catchment zones for Milltimber School and Cults Academy. Both schools are approaching full capacity, so would require a financial contribution from the developer to contribute to the cost of the planned replacement Milltimber School (under construction) (£1,193,546), and to cover the cost of reconfiguration work at Cults Academy (£31,620), in order to provide additional capacity to accommodate pupils expected to be generated by the development.

ACC - Environmental Health – no objection to the proposal but have requested the insertion of a condition requiring the submission of a Noise Impact Assessment, Air Dust Risk Assessment, and a Dust Management Plan. They have noted no concerns in relation to the air quality impact of the proposal and have suggested the insertion of an informative in relation to noise from construction works.

ACC - Structures, Flooding and Coastal Engineering – have reviewed the submitted Flood Risk Assessment and had no comment to make on the proposal.

ACC - Housing – would seek a minimum of 25% affordable housing on site. Note that social housing is in great demand across the city; therefore, the preference would be for the on-site provision of social housing and the developer should enter early discussions with Registered Social Landlords in this regard. The developer should also contact the Housing Strategy Team to determine an appropriate mix of house sizes and types, which should reflect the whole development.

Police Scotland – have provided some general guidance on crime in the surrounding area and that due consideration should be given to crime reduction measures during the construction phase. They have also suggested liaison with Police Scotland regarding designing principles of the Crime Prevention through Environmental Design and the applicant should attain the “Secured by Design” award and recommend the development achieves the Police SBD accreditation as part of the planning conditions.

ACC - Roads Development Management Team (RDM) – colleagues in RDM have reviewed the submitted information and have made the following comments on the application:

Walking and Cycling: the proposal includes pedestrian links through the site along with connections to North Deeside Road and the Deeside Way. Acknowledge that the site will be well served in terms of cycle links including provision on to the Deeside Way, which forms part of the National Cycle Route providing a direct link in to the City and with other cycle routes across the city. The applicant proposes direct pedestrian and cycle access from the site on to the Deeside Way.

Note the proposal to provide an appropriate pedestrian crossing over North Deeside Road to provide future residents of the site safe crossing to the remainder of the Milltimber Community and vice versa for existing residents to access the proposed office/ retail uses. This is welcomed to create sustainable accessibility. Detailed design of such provision shall form part of future MSC

applications and should be conditioned accordingly.

Public Transport: note that the nearest bus route to the site is on North Deeside Road (north of the site). The route provides regular services along NDR into the city and westwards along Deeside. Bus stops are located within 200 metres of the site boundaries and the site will be adequately served in terms of public transport.

Parking: note that exact details of the development have not been provided but have advised of the parking requirements for each type of development proposed. This will include parking, cycle parking and the electric vehicle charging provision. Given the PPIp nature of this application, finalisation of the above shall come at MSC stage; therefore, suitable conditions will require to be placed on any approval.

Development Access / Construction Consent: due to the level of development the site shall require to be served by two accesses on to North Deeside Road. This is to allow an access to serve the residential side of the site and another to serve the commercial element with an emergency access link between the two.

Note that a right-hand filter lane is proposed into both accesses. Exact design details of the junctions and alterations to North Deeside Road require to be conditioned and confirmed as part of future MSC applications for the site. The pedestrian crossing would also be subject to a future MSC application. These works will also require Roads Construction Consent and to be designed to the relevant ACC standards.

Refuse and Servicing: require an appropriate condition in relation to the provision of how the residential and commercial aspects of the site shall be served in terms of refuse and deliveries. This shall include swept path analysis for refuse vehicles accessing/ egressing the site.

Local Network Impact: evidence has been submitted through the supporting TA that the development would have no adverse effect on the local road network and its nearest junctions. No further observations in this regard.

Travel Plan Framework (Residential Travel Pack) / Safe Routes to School: note the submission of a Travel Plan Framework for both the residential and commercial aspects of the site which outlines the appropriate objectives and aims to promote alternative and sustainable transport methods. A finalised Residential Travel Plan should be conditioned.

Safe Routes to School assessment has also been provided in the TA, which identifies access to Milltimber Primary School and Cults Academy. They are content with the arrangements proposed. Also noted that the new Milltimber Primary School is under construction and this would also be accessible for proposed residents.

Drainage Impact Assessment: note the submission of a Drainage Assessment which outlines appropriate drainage and SUDS proposals. Note that additional aspects of roads drainage in relation to newly constructed roads will need to be included in the previously mentioned Roads Construction Consent.

Conclusion: subject to the insertion of relevant conditions and the above comments Roads Development Management have no objection to the application.

Scottish Environment Protection Agency – an updated consultation response was received in September 2020. SEPA have confirmed that if PPIp is granted for the site then they would request the insertion of a condition requiring that an investigation is carried out to prove the existence and route of the watercourse/ drain through the eastern section of the site, allowing any future detailed

design proposals to take account of this. They have also suggested that priority should be given to de-culverting any watercourse/ drain and the creation of blue and green infrastructure along its route. It is considered that this matter could also be controlled via an appropriately worded planning condition.

NatureScot (formerly Scottish Natural Heritage) – note that there are natural heritage interests of international importance close to the site, namely the River Dee Special Area of Conservation (SAC). However, it is their view that these will not be adversely affected by the proposal, provided the Council are satisfied that the proposed drainage arrangements are adequate to prevent water quality impacts, and that measures to prevent silt entering the River Dee SAC during construction are identified and adhered to. They have also provided some general guidance on the River Dee SAC and note that the Council should consult with their standing advice in relation to any other nature conservation issues.

Scottish Water – have advised that they are unable to confirm water capacity at this time and requested that the developer complete a pre-development enquiry to Scottish Water. They have advised that there is sufficient capacity for foul only connection into the wastewater treatment works.

ACC - Waste and Recycling – advise of the waste management requirements for the proposed development. This includes the requirement for further details of the proposed residential properties and the provision of swept path analysis at the next planning stage.

Archaeology Service (Aberdeenshire Council) – have reviewed the submitted Archaeological Assessment, and recommend a condition requiring the submission of a programme of archaeological works.

Cults, Bielside and Milltimber Community Council (CBMCC) – object to the application and wish to see the site revert to Green Belt status as well as its present Green Space Network designation. They note that the site was allocated for development following recommendations by the Scottish Ministers' Reporter in 2016 following successive planning cycles in which the Council sought to retain the site as Green Belt and Green Space Network.

They have raised the following concerns with the proposed development:

1. Concerns about the level of information submitted at the pre-application consultation, and the level of development now proposed, stating that the development would have an adverse impact and would be contrary to Policy H1 of the ALDP.
2. Commented on the time since the allocation of the site, and how circumstances have changed. Also commented on the demand for the types of housing proposed.
3. Query the recommendations of the reporter when allocating the site in relation to landscaped views and how this would be altered by the AWPR. Also queried the comments relating to the requirement for the mixed-use element of the proposal and the demand for such. Also noted that the public did not have a chance to comment further on this proposal at this stage. Speculative comments from the reporter that the "*new primary school might be able to accommodate the additional pupils*".
4. The recently approved Aberdeen City and Shire Strategic Development Plan and the proposed 2022 Aberdeen Local Development Plan do not require the site to meet their housing allocation targets. This is a change from the 2016 Examination, where the reporter sought an additional allocation for Lower Deeside.

5. Strongly disagree with the views expressed in the Planning Delivery Statement para 5.12 that *“very little weight can be given to the emerging ALDP 2022 until it is adopted”*. The ALDP 2022 is now a material planning consideration. By approving this document, Aberdeen City Council has clearly expressed its “settled will” that the Milltimber South site should not appear in the ALDP 2022 and should revert to Green Belt/Green Space Network status.
6. Note the level of objections received and the views expressed by objectors. The site offers uninterrupted views of the rural landscape and the proposal would fail to comply with Policies NE1 and H1 as it would erode the character of the Green Space Network and result in the loss of a valued area of open space.
7. Concerns raised regarding the retail unit, the levels of parking it would require and attraction of passing trade. The proposal would result in additional traffic on North Deeside Road and HGV movements (in relation to deliveries/ refuse pick up) and would adversely affect the amenity of the area, contrary to H1 of the LDP. Also commented on consumer demand, the viability of existing stores in Cults, Bielside and Cutler would be threatened, thus contravening Policy NC5.
8. Increase in traffic movements on North Deeside Road. Concerns in relation to safe routes to school, and how parents may resort to the use of car. Also comment that the Transport Assessment overstates the frequency of bus services, especially in the evening hours.
9. Concerns in relation to build rates and that the site could be left fallow if demand were to falter.
10. Impact on medical and education facilities.

A further response was received from CBMCC following the re-notification on the 2nd October 2020. The comments raised were as follows:

11. Disagree that the ALDP 2017 is the primary document for considering the application. Note that the current economic situation should be considered and that the site is not required to meet the needs of the recently adopted SDP or the proposed ALDP. The decision of Full Council to remove the site should be given significant weight.
12. Disagree with the supporting information which advises that the proposed ALDP will lack “professional scrutiny” until it has been through Public Examination by the Reporter. This is disrespectful to ACC planning officers and the democratic decisions taken by elected members. It also disrespects the arguments put forward in many of the public objections by people of a professional background.
13. Further comment was also received on the levels of objection submitted, with the applicant claiming that the level of objection was due to the site being proposed for removal from the ALDP 2020. The lack of objection at MIR stage was due to a misapprehension that because the site was regarded by the ACC planners as unsuitable for inclusion in the plan it did not require comment.
14. Note ACC Housing requiring 25% affordable housing on site, which is not referred to on the masterplan. Request clarification on how this is to be addressed.
15. The applicant’s response suggested that *“the Reporters considerations, whilst entirely relevant, have been somewhat superseded by the adoption of the LDP”*. The Reporter’s

conclusions (which the objection letter of 4 June considers “questionable”) drove his recommendation for the inclusion of the Milltimber South site in ALDP 2017 following which ACC felt unable to do anything other than include it in the adopted Plan.

16. In making its points, the whole document (the Post-Application Consultation Response) relies heavily on the allocation of OP114 in the adopted ALDP 2017 without having any answer to the concerns expressed above about the state of the Aberdeen economy, the over-provision of executive housing in Lower Deeside or the status of the much more recent SDP 2020 and proposed ALDP 2020.

17. The revised masterplan/ design and access statement suggests a scope of 80 dwellings would be appropriate and that the applicant would accept a condition limiting the retail/ commercial development to 1225sqm. This is not contained within the MP, so it is difficult to give this credence.

Given that the ALDP 2017 allocation for OP114 is for 60 houses and 1225m² the lack of specificity on the scope of this application is confusing and unacceptable and all the points in the Community Council’s original objection letter stand.

REPRESENTATIONS

782 letters of representation (excluding duplicates) have been received (777 letters of objection and 5 letters in support). The matters raised have been summarised and responded to in the section of this report titled “*matters raised in representation*”.

A second round of public consultation was carried out in September/ October 2020, following this a further 38 representations (objections) were received. A number of these reiterated previous objections to the application (and matters raised) and any new issues raised have been highlighted from point 69 in the section titled “matters raised in representation”.

MATERIAL CONSIDERATIONS

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.

National Planning Policy and Guidance

- Scottish Planning Policy (SPP)
- Designing Streets (2010)

Aberdeen City and Shire Strategic Development Plan (2020) (SDP)

The Strategic Development Plan 2020 was published in August 2020. The purpose of this Plan is to set a clear direction for the future development of the City Region. It sets the strategic framework for investment in jobs, homes and infrastructure over the next 20 years and promotes a spatial strategy for the next 20 years. This includes a housing land allowance of 5,107 homes in the Aberdeen City area between 2020 and 2032. All parts of the Strategic Development Plan area will fall within either a Strategic Growth Area or a Local Growth and Diversification Area. Some areas are also identified as Regeneration Priority Areas. The following general targets are identified;

promoting diversified economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change and limiting the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

Aberdeen Local Development Plan (2017) (ALDP)

- LR1: Land Release Policy
- OP114: Milltimber South
- D1: Quality Placemaking by Design
- D2: Landscape
- D4: Historic Environment
- NC7: Local Shop Units
- NC8: Retail Development Serving New Development Areas
- I1: Infrastructure Delivery and Developer Obligations
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- T4: Air Quality
- T5: Noise
- H2: Mixed Use Areas
- H3: Density
- H4: Housing Mix
- H5: Affordable Housing
- NE4: Open Space Provision in New Development
- NE5: Trees and Woodlands
- NE6: Flooding, Drainage and Water Quality
- NE8: Natural Heritage
- NE9: Access and Informal Recreation
- B4: Aberdeen Airport
- R6: Waste Management Requirements for New Development
- R7: Low and Zero Carbon Buildings, and Water Efficiency
- C11: Digital Infrastructure

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether – these matters have been subject to public consultation through the Main Issues Report; and, the level of objection raised in relation these matters as part of the Main Issues Report; and, the relevance of these matters to the application under consideration. The foregoing can only be assessed on a case by case basis.

The site is designated as OP114 (Milltimber South) in the adopted Aberdeen Local Development Plan 2017, whereas at the Full Council meeting on the 2nd March 2020 it was agreed to remove the site from the Proposed ALDP 2020 and re-designate the land as Green Belt and Green and Blue Infrastructure (currently known as Green Space Network). The Proposed LDP thereafter underwent a period of public consultation that ended on 31st August 2020. The status and materiality of the

PLDP is considered in the evaluation section below.

The following PALDP policies are of relevance to the determination of this application: WB1: Healthy Developments, WB2: Air Quality, WB3: Noise, NE1: Green Belt, NE2: Green and Blue Infrastructure, NE3: Our Natural Heritage, NE4: Our Water Environment, NE5: Trees and Woodland, D1: Quality Placemaking, D2: Amenity, D4: Landscape, D5: Landscape Design, R5: Waste Management Requirements for New Development, R6: Low and Zero Carbon Buildings, and Water Efficiency. H3: Density, H4: Housing Mix and Need, H5: Affordable Housing, VC9: Out of Centre Proposals, I1: Infrastructure Delivery and Developer Obligations, T2: Sustainable Transport, T3: Parking and CI1: Digital Infrastructure.

Supplementary Guidance (SG)

- Landscape
- Hierarchy of Centres
- Planning Obligations
- Affordable Housing
- Transport and Accessibility
- Air Quality
- Noise
- Natural Heritage
- Trees and Woodlands
- Flooding, Drainage and Water Quality
- Green Space Network and Open Space
- Resources for New Development
- Aberdeen Masterplanning Process (Technical Advice Note)

Other Material Considerations

- Aberdeen City and Aberdeenshire Retail Study

EVALUATION

Principle of Development

The Aberdeen Local Development Plan (ALDP) identifies the site as the majority of an Opportunity Site 114 – Milltimber South, for 60 houses and 1,225 square metres of ancillary retail/office space. The application site does not include a small area of land in the south east of the OP114 allocation. It also identifies the requirement for a masterplan. The site also benefits from a mixed-use policy and land designation (Policy H2 – Mixed Use Areas), which advises that applications for development within such areas must take account of the existing uses and character of the surrounding area and avoid undue conflict with adjacent land uses and amenity. It goes on to state that, where new housing is proposed, a satisfactory residential environment should be created which should not impinge upon the vitality and operation of existing businesses in the vicinity and conversely, where new business/ commercial uses are permitted, development should not adversely affect the amenity of people living and working in the area. Policy LR1: Land Release Policy is of relevance to the principle of this proposal. This policy advises that housing and employment development on existing allocated sites will be approved in principle within areas designated for housing or employment.

In this instance, the proposal seeks consent for a development of up to 99 residential units and up to 2,000sqm of retail space, which is clearly in excess of the allocation indicated in the adopted LDP. It should, however, be noted that the unit numbers provided for all opportunity sites in the plan are

indicative, and, furthermore, the description “up to” allows the Planning Service scope to restrict the level of development approved as part of this application via appropriately worded planning conditions. The masterplan, as discussed below, has provided details which show that the site could adequately accommodate up to 80 dwellings. In the case of the level of retail development, however, no supporting information has been submitted that would support the conclusion, or justify that, that the site is suitable for any more retail floorspace than the 1,225sqm of mixed-use retail/ office space indicated in the ALDP. With the foregoing in mind, and subject to conditions restricting the level of residential development to no more than 80 units and commercial development to no more than 1,225sqm, it is considered that the proposal would not conflict with the OP114 allocation (noting that up to a further 20 units or 33.3% of the allocation could be provided), nor would it conflict with Policy LR1 (Land Release Policy) or H2 (Mixed-Use Areas) of the ALDP.

Aberdeen City and Shire Strategic Development Plan (SDP)

The SDP was formally approved in August 2020. This document includes a housing land allowance of 5,107 homes in the Aberdeen City area between 2020 and 2032. It has been argued in representations that this target will have been met in the Proposed ALDP and therefore there is no requirement to deliver housing at OP114. It is also suggested that given that this is the most recent and up-to-date document as part of the ‘Development Plan’ that comprises both the SDP and the LDP (and Supplementary Guidance), material weight should be given to this in the determination of the current application.

Section 25 of the Town and Country Planning (Scotland) Act 1997 states that the application requires to be determined in accordance with the Development Plan, while Section 24 of the same Act makes it clear that, in a Strategic Development Plan area such as Aberdeen, the development plan comprises both the strategic development plan and the local development plan, together with any supplementary guidance issued in connection with these plans.

There is no primacy given in the legislation to either of these plans in the decision-making process such that, in this case, both the SDP and the LDP should be accorded at least equal weight. Although the SDP is a more recent document, having been published in August 2020, it does not identify specific development sites or allocations, but rather contains city-wide Housing Supply Targets, Housing Land Requirements and LDP Housing Allowances. The housing numbers specified in these then fall to the LDP to identify and deliver, on a site-specific basis.

The current Development Plan comprises both the Aberdeen City and Shire Strategic Development Plan 2020 and the Aberdeen Local Development Plan 2017. Specific allocations in the 2017 LDP include Milltimber South OP114 for ‘60 homes and 1,225 sqm employment land’ in the period 2017-2026.

The Proposed Local Development Plan 2020 does not include the application site as an allocated site. However, it is an allocated site within the extant ALDP 2017 that currently forms part of the Development Plan, with the SDP 2020 containing no detail on the requirements for the site. With the foregoing in mind, the current application must be considered in the context of the OP114 allocation that was included in the ALDP 2017 and still stands as the adopted development plan policy for the site which is afforded more weight in the decision making process than the Proposed ALDP. Further consideration is provided below on the status and weight to be given to the Proposed ALDP 2020.

Masterplan

A masterplan is required for the site as specified by the LDP allocation and in accordance with the Aberdeen City Council Masterplanning Process, Technical Advice Note. The aims and aspirations of the masterplan are to guide the future development of the site, set principles to ensure aspirations

can be met for a high quality design approach, and to determine how an acceptable level of development could be delivered on site in accordance with local, regional and national policy aspirations for sustainable economic growth.

A Masterplan forms part of this PPiP application. The originally submitted Masterplan did not fully address the requirements of the process. A revised masterplan document was submitted in September 2020, which looks at various aspects including a site overview, planning context, character analysis, site analysis, details of stakeholder engagement, the vision, design concept, masterplan drawing, design principles, resources and delivery. The proposed development set out in the PPiP application is considered to accord with the general aspirations of this document, and this is an important material consideration that weighs in favour of the development. The proposed scale of development and general urban form are considered to accord with the Masterplan's wider design objectives.

It is, however, noted that the approach taken with the submitted Masterplan is different from that which would normally be expected and falls short on some aspects that would typically be provided as part of a Masterplan. Rather than a final Masterplan 'layout', showing how the whole development could be accommodated on site, the submitted document only discusses "pockets of development". In addition, further detail on the proposed retail/ commercial unit could have been provided to further allay any concerns over its potential future layout, siting, and design.

Nevertheless, the masterplan shows the indicative locations for the residential and mixed-use areas, as well as vehicular access points, indicative internal road layouts, pedestrian access points, emergency access links and footpath connections. It also gives a general idea of open space and landscape buffers, open spaces adjacent to existing buildings, replacement tree planting and the location of the SUDS/ drainage basin. This Masterplan has demonstrated how two small pockets of residential development could be built out, with the intention of the same principles been reproduced across the rest of the site. The principles set include boundary treatments, natural building lines, high quality materials, extensive planting, and appropriate scale of buildings within the site. The indicative development layout, form and scale are considered to respect the nature of the existing site and indicate that a form of residential development could be designed with due consideration for its surrounding context, whilst providing appropriate buffers to surrounding properties in the surrounding area, thereby complying with the contextual requirements of Policy D1 of the ALDP.

Analysis of the submitted Masterplan and associated documentation demonstrates that, an acceptable form and scale of development could be provided for up to a maximum of 80 residential properties and a small commercial element (of up to 1225 sqm). It has been demonstrated that a proposal of 80 residential units would respect the semi-rural nature of the site and surrounding area, in line with the residential development pattern found immediately east and west of the site.

The Masterplan shows how the development would allow connections to the north and south while also ensuring that the views from North Deeside Road looking south and west up the Dee Valley would be adequately retained. New connections would be provided to the Deeside Way via steps in the southern section of the site. Open space would be provided through the site with a network of tree lined paths connecting the Deeside Way through the site to North Deeside Road. A landscape buffer, which is to be the primary open space within the development, will be provided on the northern section of the site alongside North Deeside Road. Landscape enhancement would also be provided on the new connections to the Deeside Way. The landscape strategy indicates that it is the intention to *"provide a framework structure that protects and enhances the existing green infrastructure whilst providing a network of spaces and green links that will further link these features promoting the recreational, ecological and access value of the green space network for the community"*.

In establishing whether a proposed density of development is appropriate and may be considered

acceptable for a specific site, the minimum levels sought through Policy H3 (Density) of the ALDP (30 dwellings per hectare) cannot be applied in isolation. This policy also states that any development must also have consideration of the site's characteristics and those of the surrounding area and create an attractive residential environment and safeguard living conditions within the development. If the minimum density were applied in this location the development could have seen 159 dwellings constructed on site. Conversely, the LDP allocation of 60 units would result in a density of 11.3 dwellings per hectare. The masterplan discusses density of the development in the surrounding area, where properties to the north of North Deeside Road have an average density of 12.6 dwellings per hectare, and those to the south have a gross density of 4.1 dwellings per hectare.

As stated in the policy (H3) a balanced approach should therefore be taken, based on the site context, the character of the area and what can be demonstrated to be an appropriate development density as justified through the Masterplan and other supporting documents that make up the PPIp application. It should be noted that the purpose of this policy is to fulfil the strategic targets of the Strategic Development Plan. This states that developments such as this should '*generally have no less than 50 dwellings per hectare*'. From this it can be derived that the figure is a guideline that should be considered in tandem with all other material considerations. In this instance the proposal is an allocated site for 60 units (equivalent to approximately 11.3 dwellings per hectare). The provision of a maximum of 80 units on site in line with the indicative layout format presented through the Masterplan would result in a maximum development density of 15 dwellings per hectare.

Taking into account the foregoing it is considered that the provision of a maximum of 80 dwellings on site would not constitute overdevelopment and that an acceptable development could be provided at this density that would respect the development pattern found on the southern side of North Deeside Road.

Whilst it is acknowledged that the density of development proposed (approximately 15 units per hectare) is considerably below expectations of Policy H3, the proposed density is considered appropriate in terms of the context of the site; given the character of the surrounding area. The Planning Service is thereby satisfied that not meeting the density guidelines of Policy H3 is not a significant material consideration weighing against approval of the application in the context of site specific considerations which fully justify a lower density in this particular instance.

The masterplan also shows that adequate areas of public open space would be provided as per the requirements of Policy NE9 (Access and Informal Recreation) of the ALDP. It is appreciated that as the proposal is for PPIp no details of housing design or mix have been provided, but the masterplan gives an indication of what would be provided on site including a mix of styles, scales and designs in accordance with Policy H4 (Housing Mix) of the ALDP. This would include a mix of 25% affordable housing units.

It is noted that some objections raised concerns regarding impact on residential amenity and any new builds on the site would need to demonstrate that they did not adversely impact on existing amenity, in line with Policy H2: Mixed Use Areas. This could be ensured as part of the consideration of future MSC applications. The masterplan indicatively shows the office/retail unit located close to residential properties on the eastern boundary. However, with landscaping or other appropriate buffers, including work on the topography of the site, it is considered that the proposals could be sited without undue conflict with surrounding amenity. The finer details such as final locations/ designs/ heights etc would be dealt with through the detailed/ MSC application process.

Compliance with all remaining detailed guidance contained in policies of the ALDP and related SG is dependent on assessment of the detailed layout and form of each individual phase of the development, and these are issues which are to be addressed by detailed / MSC application process and would be controlled via appropriately worded planning conditions.

Landscape and Visual Impact

Policy D2 (Landscape) of the ALDP advises that *“developments will have a strong landscape framework which improves and enhances the setting and visual impact of the development, unifies urban form, provides shelter, creates local identity and promotes biodiversity. In order to secure high quality development, planning applications for new development must include a landscape strategy and management plan incorporating hard and soft landscaping design specifications.”*

Various documents have been submitted in support of the application to address the visual impact and landscape setting of the proposed development. For instance, a number of the visualisations submitted within the masterplan document show a strategic landscape buffer along the frontage of the site, with the dwellings proposed at a lower level to ensure that the views from North Deeside Road across the Dee Valley and towards the hills would be retained to some extent. A number of photomontages and existing/proposed viewpoints were submitted in support of the application, which gave views from North Deeside Road, the Deeside Way (south-east corner of the site), South Deeside Road, the AWPR, Maryculter Cemetery and Millbank Farm.

The masterplan and appraisal (along with the photomontages) suggest that a strong landscape framework can be provided within the site that would soften/mitigate the visual impact of the proposal and that a form of residential/mixed use development could be provided to complement the sloping nature of the site without having an adverse impact on the surrounding landscape, nor adversely impacting on views of the Dee Valley from North Deeside Road. A landscape strategy and management plan, along with detailed cross sections through the site showing exact locations of the housing against the levels of the site would also be controlled via an appropriately worded planning condition. As a result, it is considered that the proposal would comply with the general aspirations of Policy D2 of the ALDP.

Mixed-Use Element

The site is allocated in the ALDP for up to 1,225 sqm of ancillary office/ retail space and the description of the proposal includes *“retail of up to 2,000sqm”*. No suitable supporting information has been submitted to support any form of retail/mixed use development above the site allocation, in terms of its potential retail impact on existing retail centres as defined in the LDP. Therefore, an increase in retail floorspace above 1,225 sqm has not been justified as outlined earlier in this report. An update to the Aberdeen City and Aberdeenshire Retail Study was undertaken on behalf of the Council in May 2019 in support of the emerging Aberdeen 2022 LDP. OP114 was identified as per the current LDP allocation. The Study states that the OP114 mixed use allocation should be retained and clarifies that the type of retail should be primarily convenience floor space. The Retail Study Update also refers to OP114 as *‘local convenience of 500sqm gross floor area and some comparison and local services.’* This reference is in line with the mixed-use commercial element of the proposal that would leave space for ancillary office use in addition to retail provision. With the foregoing in mind the office/ retail element proposed through the application is considered acceptable providing it is restricted to the floorspace specified in the allocation through an appropriately worded planning condition, as is proposed via condition 4.

Policy NC7 (Local Shop Units) states that *“alternative uses should not conflict with the amenity of the neighbouring area”*. In this instance it is noted that the proposal is for PPIp and finalised details of the commercial element have not been provided. The updated masterplan provided cross-sections of the site, along with proposed areas of planting along the eastern boundary to lessen the impact of this proposals. These details indicate that a commercial unit of some form, of a scale in line with the site’s allocation, could be provided on site without adversely affecting the character or amenity of the surrounding area. Finalised details of the use and floorspace mix, layout, siting, and design of such a unit, along with details of screening along the eastern boundary of the site would be provided at MSC stage, where detailed matters such as impact on amenity could be fully

considered. Subject to the imposition of the condition restricting floorspace suggested above, it is considered that the proposal would comply with the general terms of Policy NC7 of the ALDP.

The development is considered to meet the requirements of Policy NC8 (Retail Development Serving New Development Areas), given that it includes retail provision in line with the site's allocation in the adopted LDP.

Transportation

In terms of roads/ transportation matters the applicants have submitted a Transport Assessment (TA) in support of the application. Access to the development is proposed via new site access junctions from the A93 North Deeside Road. The TA indicates that both junctions would incorporate right turn ghost islands. Additional pedestrian connections would also be provided from North Deeside Road and from the Deeside Way to the south. An emergency access would also be formed via a linkage between the proposed residential and retail/office space accesses. This is proposed to be stopped up and used for a pedestrian and cycle route. Parking would also be provided in accordance with the relevant ACC standards.

In terms of Safe Routes to School, the TA noted that both the catchment schools can be accessed via existing pedestrian crossings (Milltimber School and the proposed new Milltimber Primary School are located to the north of North Deeside Road and Cults Academy is accessed via bus stops and the 419 school bus). It is expected that crossing of North Deeside Road will be enhanced further with the provision of a new pedestrian crossing facility. Provision of such a facility would be conditioned and has been considered acceptable to colleagues in RDM.

The TA has been assessed by colleagues in RDM, who have no objection to the proposals, with their comments summarised in the consultation section above. They are content with the walking and cycling upgrades proposed (with the submission of further information to be controlled via an appropriately worded planning condition).

In terms of public transport, it is noted that bus stops are located within 200m of the site and easily accessible and there are no concerns in that regard. They would also expect parking to be provided in accordance with the required standards and have advised of the parking provisions for each element of the proposal. This includes the provision of EV charging points. Again, this matter will be controlled via a planning condition.

Colleagues noted that due to the level of development being proposed on site, two accesses onto North Deeside Road would be required, with one serving the commercial element and one to serve the residential properties. Exact details of the two accesses and pedestrian crossings would be controlled via planning condition, with their final design confirmed at MSC stage. They will also be subject to application for Roads Construction Consent.

Colleagues in RDM also accepted the findings of the TA, which confirmed that the proposed development would have no adverse impact on the local network and surrounding road junctions. Other aspects, such as the provision of a residential travel pack would also be controlled via condition.

Subject to the insertion of conditions that address the matters raised above colleagues in RDM have no objection to the proposed development. The proposal would therefore comply with Policies T2 and T3 and its associated SG: Transport and Accessibility of the ALDP.

Waste Management/ Servicing

The proposal has been assessed by colleagues in waste management, who have advised of the

requirements for the proposed development (an informative will be added in this regard). They have also advised that the developer will need to provide further information regarding waste and recycling provision for the new residential properties, along with a swept path analysis to ensure that refuse vehicles can safely manoeuvre through the site in a forward gear. These matters can be controlled via conditions in any future MSC application. The proposal would therefore comply with Policy R6: Waste Management Requirements for New Developments of the ALDP.

Drainage/ Flooding

In terms of flooding and drainage, both a Flood Risk Assessment (FRA) and Drainage Impact Assessment (DIA) were submitted in support of the application. The Level 1 FRA looked at various aspects including fluvial flows, sewer flooding, overland flows and ground water and concluded that the proposed development site is not considered to be at risk of flooding. This report was reviewed by both colleagues in Flooding and RDM and the contents of the report were considered acceptable.

The DIA noted that there are existing combined sewers located to the north of the development site, which gravitate through the site at three locations and connect into a larger combined sewer which is located within the application site boundary. It notes that many of these sewers would remain as existing except for the 300mm diameter combined sewer that is in the north-east corner of the development site.

New gravity sewers will be provided to serve the properties within the development, and these new foul sewers will be located within the proposed access roads, shared driveways, and areas of open space within the site. The commercial development would be drained via new private gravity foul drain, which will discharge into the existing combined sewer infrastructure.

In terms of surface water drainage, surface water run-off will be dealt with via new gravity surface water sewers and road drains, with each plot connected to these sewers via a disconnection chamber. Private driveways and areas of parking would be constructed using porous paving and stone filled filter trenches. Surface water flows from the access roads would be shed to trapped gullies and the sewers and road drains would gravitate to the extended detention basin along the south-eastern boundary of the development. These flows would be restricted to not exceed the pre-development greenfield run-off value and would then discharge at the controlled rate into the proposed grass conveyance swale. Finalised details of these matters would be controlled via an appropriately worded planning condition.

It is noted that SEPA have also commented on the proposal and they have requested the insertion of a planning condition on the proposed development requiring the undertaking of an investigation to prove the existence and route of the watercourse and drain that run through the eastern section of the site and that no development should take place over any culverted watercourse or drain. Priority should also be given to de-culverting any watercourse or drain and the creation of blue-green infrastructure along the route should be encouraged. It should be noted that this investigation may make some areas of the site undevelopable and further reduce the level of development that could be realistically accommodated on site. This will only be confirmed when the required assessment is undertaken. SEPA have confirmed that they have no objection to the proposal provided the above is undertaken.

The DIA has been assessed as acceptable by colleagues in RDM and the FRA is considered acceptable to colleagues in the Flooding Team. Consequently, it is concluded that the proposal would comply with Policy NE6: Flooding, Drainage and Water Quality and its associated SG of the ALDP.

Natural Heritage

An ecological survey was submitted in support of the application. This document included several recommendations including the requirement for a badger licence if construction is planned within 30m of any badger setts and noted that further monitoring was to take place in September/ October 2020. It also noted that there was the potential to impact on bats if any tree felling were to take place. This matter is discussed in the “*trees and woodland*” section of this report, but it is not envisaged there would be any impact on existing tree stock that would require the submission of a bat survey. An informative in relation to bats and development has been added at the end of this document. Some general guidance was provided on reptiles found on site and when any construction works should take place on site. Other general practice advice was provided within the document. This document was assessed internally by relevant colleagues. No concerns were received regarding its findings and noted that the recommendations contained within this report should be implemented in their entirety. A condition is therefore proposed in this regard.

They also noted the submission of the badger monitoring report and advised that the recommendations within this and that a further badger protection plan would be required at MSC stage and prior to development commencing on site.

A Habitat Regulations Appraisal (HRA) and Appropriate Assessment (AA) were undertaken and reviewed internally and by NatureScot. The HRA noted that the development would be situated adjacent to a burn that runs along the western boundary of the site, eventually leading into the River Dee. In addition, there would appear to be a burn that runs through the southern/ eastern section of the site. The potential for the development to impact on the qualifying features of the River Dee SAC would largely be limited to the aforementioned burn during construction phase with no significant impacts envisaged at operational stage, which would be as a mixed-use development. The HRA concluded that the development, during the construction phase, has the potential to cause siltation and pollution of adjacent watercourses which feeds into the River Dee and thus has the potential to have a significant effect on the qualifying features of the River Dee SAC.

As a result, an AA was required to be undertaken. This proposed mitigation measures including the submission of a Construction Environment Management Plan, conditions on the planning approval to ensure that the development does not proceed without the necessary infrastructure in place, and the installation of buffer zones were required and identified in the required CEMP. The CEMP will need to set out various mitigation measures (including any drainage measures) that would be proposed during construction works, in order to ensure that there would be no significant effects on the adjacent watercourses and thus the River Dee. Subject to the submission of this document, and implementation of its findings, the proposed development would not have an adverse impact on the River Dee Special Area of Conservation.

Trees and Woodlands

Policy NE5 of the ALDP states that there will be a “*presumption against all activities and development that will result in the loss of, or damage to, trees and woodlands that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation*”.

A Tree Survey Report was carried out which concluded that a number of trees on the south-eastern boundary of the site and two in the north-east corner were to be removed (in order to create the proposed access and due to Dutch Elm disease), but the majority were to be retained and protected during development. The tree survey has been reviewed by colleagues internally and the findings are acceptable. It should be noted that further tree planting and tree protection measures would be controlled and requested at MSC stage. As a result, there is no conflict with Policy NE5: Trees and Woodlands and its associated SG in this instance.

Open Space Provision

Policy NE4 (Open Space Provision in New Development) of the ALDP advises that *“the Council will require the provision of at least 2.8 ha per 1,000 people of meaningful open space in new residential development”*. It goes on to state that *“public or communal open space should be provided in all residential developments”*.

In this instance various areas of open space are to be provided throughout the development, including a landscape buffer along the northern edge of the site as well as various other areas of landscaping throughout the site and connections to the Deeside Way to the south. The information submitted indicates that the above targets and policy provisions can be met, with any details to be provided in a future MSC application. The submitted information, therefore, is considered to demonstrate that the development would not offend the general principles of Policy NE4 of the ALDP.

In addition to the above, Policy NE9 (Access and Informal Recreation) states that *“new development should not compromise the integrity of existing or potential recreational opportunities including general access rights to land and water, core paths, and other rights of way”*. It goes on to state that *“wherever possible, developments should include new or improved provision for public access, permeability and/ or links to green space for recreation and active travel”*.

In terms of the current site, it is noted that there appears to be one current informal link onto the Deeside Way from the site. Page 44 of the submitted masterplan document proposes three links from the site to the Deeside Way from the south and four links (excluding the road accesses) from North Deeside Road which would link into the connections to the south. It is therefore considered that the proposal would provide enhanced connections to the Deeside Way and would comply with the general provisions of Policy NE9. It is expected that finalised details of all connections would be controlled via appropriately worded planning conditions.

Noise/ Air Quality

The proposal has been assessed by colleagues in Environmental Health (EH). They have noted that the proposed development site sits adjacent to the A93 (North Deeside Road) and note that there is potential for noise disturbance from road traffic noise for future residents of the development. In addition, noise from the quarrying activities to the south of the site (and south of the Deeside Way) may also impact on residents. They are, however, of the opinion that suitable mitigation measures can address these noise issues. A Noise Assessment has therefore been requested to predict the likely noise sources on the development as well as indicating any necessary control measures. They also note that noise levels within living rooms and bedrooms, with windows partially open must comply with the World Health Organisation and BS8233 standards. As this is an in-principle application, where the final layout of the development is not known, it is considered that this matter could be controlled via an appropriately worded planning condition.

EH have also suggested the insertion of controls over the hours of construction works to protect the amenity of residents of neighbouring properties. This will be added as an informative to the permission. Subject to the above works being undertaken it is considered that the proposed development would comply with Policy T5 (Noise) and the associated SG: Noise of the ALDP.

Comments have also been received regarding the location of the proposed development and the potential for dust impacting on amenity during construction works on site. Colleagues in Environmental Health have therefore requested the submission of an air quality dust risk assessment and dust management plan. These matters can be controlled via appropriately worded planning conditions.

In relation to the impact of the proposal on local air quality from motor vehicle usage, from the

findings of the Transport Statement and a 2-stage screening assessment undertaken by Environmental Health in line with relevance guidance it was concluded that traffic originating from the proposed development would not significantly increase concentrations of particulate matter and nitrous oxide on the wider network. Subject to the above, it is considered that the proposed development would comply with Policy T4: Air Quality and the associated SG: Air Quality of the ALDP.

Affordable Housing

In terms of affordable housing it is noted that 25% provision will be provided on site (if for example 80 units are built this would include 20 affordable units on site pro-rata). Subject to the conclusion of this matter (where the provision would be incorporated into an associated legal agreement) the proposed development would comply with the general principles of Policy H5 (Affordable Housing) and associated SG: Affordable Housing of the ALDP.

Education

The application site is within the school catchment zones for Milltimber Primary School and Cults Academy. The Developer Obligations Report and response from colleagues in Education states that the 2018 School Roll Forecast show that the existing Milltimber Primary School is currently operating in excess of capacity and is forecast to have a rising roll. A contribution is therefore required from this development towards the provision of additional capacity through the erection of a new primary school. Factoring the proposed dwelling units into the 2018 school roll forecast shows that the development will result in a maximum additional over capacity level of 37 pupils and, as a result, a contribution of £1,193,546 is required.

In terms of secondary education, the 2018 School Roll Forecast shows that Cults Academy is expected to exceed capacity in 2022. A contribution is therefore required towards the provision of additional capacity through reconfiguration of existing spaces within the school building. The forecast shows that this development will result in a maximum additional over capacity level of 12 pupils and therefore a contribution of £31,620 is required.

Developer Obligations/ Legal Agreement

A revised developer obligation report has been received based on a maximum of 80 units on site and 1,225 sqm of retail/ office space. This includes the provision of £29,760 towards the core path network, £1,193,546 towards the costs of the delivery of the new Milltimber Primary School, £31,620 towards the provision of secondary education facilities, £81,886 towards the provision of healthcare facilities and £146,280 towards the provision of community facilities. The applicants have agreed to the provision of the above, which would be controlled via a legal agreement and would ensure compliance with Policy I1: Infrastructure Delivery and Developer Obligations and the associated SG: Planning Obligations of the ALDP.

Sustainability

Policy R7 (Low and Zero Carbon Buildings, and Water Efficiency) requires all new buildings to 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 in accordance with the associated supplementary guidance. The policy also requires all new buildings to use water saving technologies and techniques. Conditions can be attached requiring details to be submitted demonstrating that the buildings would comply with these requirements.

Historic Environment

Colleagues in the Archaeology Service have commented on the submitted archaeological assessment and are content with its findings. They have requested the insertion of a condition requiring the submission of a further written scheme of investigation. Subject to the insertion of this condition it is considered that the proposal would comply with Policy D4 (Historic Environment) of the ALDP.

Aberdeen Airport

The proposal has been assessed from a safeguarding perspective by Aberdeen International Airport. They have noted that the development could conflict with safeguarding criteria unless a condition is inserted on to the consent requiring the submission of a Bird Hazard Management Plan. They have also suggested the insertion of an informative in relation to the use of cranes. They have confirmed that there would be no aerodrome safeguarding objection to the proposal provided the condition is applied. The proposal would therefore comply with Policy B4 (Aberdeen Airport) of the ALDP.

Digital Infrastructure

All new residential development will be expected to have access to modern, up-to-date high-speed communications infrastructure. The proposal is located within an urban location, with a check of the OFCOM website confirming that the area has access to standard and superfast broadband. The proposal would therefore comply with Policy CI1 of the ALDP.

Proposed Aberdeen Local Development Plan (PALDP)

In terms of the Proposed ALDP it is noted that, at the meeting of the Full Council on the 2nd March 2020 it was agreed to remove the site from the Proposed Plan and revert the designation of the site back to Green Belt and Green and Blue Infrastructure (previously Green Space Network). As a result of this the principle of developing this site is not supported in the PALDP.

Were the proposal on Green Belt land it would be considered contrary to proposed Policy NE1 (Green Belt), in that it would fail to meet any of the exemption criteria listed in that Policy. The proposal is not associated with existing activities in the Green Belt, or within the boundaries of an existing activity, is not small scale, would increase the intensity of activity on site and would not be subordinate to what exists on site as present. None of the other exemption criteria listed are of relevance in this instance.

On the same basis, the proposal would also be contrary to proposed Policy NE2 (Green and Blue Infrastructure) in that development on site would likely fail to support and enhance the Green Space Network due to the scale of development proposed.

The materiality and weight to be afforded to the Proposed ALDP 2020 is an important factor in the consideration of the current application. The Proposed Plan, although described as the 'settled view of the Council' following the agreement on its content by Full Council in March, remains a 'draft' document that cannot be used as the sole basis for determining a planning application.

As it currently stands, the OP114 site is an allocation in the extant 2017 LDP, that has been in force since its adoption in January 2017. The extant 2017 LDP takes primacy in considering planning applications unless material considerations indicate otherwise. The PALDP is a material consideration and has been evaluated to determine what weight can be applied to it. The Aberdeen LDP 2022, which will be a version of what is currently the Proposed ALDP is not expected to be adopted until spring 2022.

There is a possibility that the content of the PALDP may be altered prior to adoption in that the site

allocations could be amended by the Scottish Government reporter(s) when the Plan goes through its Examination process in 2021. At the time of writing this report, it is not possible to be certain that OP114 will be removed from the LDP 2022 at the point of adoption, two years away. Considering that the extant 2017 LDP takes primacy and the status of the Proposed LDP is subject to change the Planning Service must consider the determination of planning applications within the context of a Plan-led process in order to provide certainty. Given the uncertainty of the content of the Proposed LDP it is considered that less weight must be afforded to it as a material consideration, and this is not sufficient to merit overriding the extant and adopted 2017 LDP.

Other applications including Cloverhill (Ref: 191171/PPP) have also required the status of the PALDP to be taken into account. The material considerations pertinent to that proposal were significantly different. In the case of Cloverhill the application involved changing the uses proposed on land that already been allocated for development in two LDPs, albeit for a different use, so was a less significant change than is proposed through this application in relation to OP114.

Matters Raised by Community Council

Cults, Bieldside and Milltimber Community Council object to the proposal. They have noted that they wish to see the site revert to Green Belt and Green Space Network, as agreed at the Full Council meeting on the 2nd March, in relation to the Proposed LDP. The issues in relation to the current and proposed LDP's, as well as the principle of development have been discussed elsewhere in this report. In terms of the other issues they have raised these can be addressed as follows:

1. Concerns about the level of information submitted at the pre-application consultation, and the level of development now proposed, stating that the development would have an adverse impact and would be contrary to Policy H1 of the ALDP. *Response: The applicants have acknowledged that the "up to 99 and 2000 sqm" contained within the application description were maximum limits. This matter has been discussed elsewhere in the report and it is recommended that the maximum level of developments on site is restricted to 80 units and 1225 sqm of mixed-use retail/ office space by way of suitably worded planning conditions. The proposal is considered not to be a departure from the adopted LDP. It is noted that the Community Council referred to Policy H1 (Residential Areas) whereas the site is allocated as H2 (Mixed Use Areas) in the ALDP and has been assessed against this policy elsewhere in the evaluation.*
2. Commented on the time since the allocation of the site, and how circumstances have changed. Also commented on the demand for the types of housing proposed. *Response: It is noted that the economic circumstances in Aberdeen have changed since the site was allocated.. The site is allocated for housing and this is what needs to be taken into account when assessing the principle of development.*
3. Query the recommendations of the reporter when allocating the site in relation to landscaped views and how these would be altered by the AWPR. Also queried the comments relating to the requirement for the mixed-use element of the proposal and the demand for such. Also noted that the public did not have a chance to comment further on this proposal at this stage. Speculative comments from the reporter that the "new primary school might be able to accommodate the additional pupils". *Response: The comments in the relation to the AWPR and the fact that this has had very little landscape impact when viewed from North Deeside Road are noted. It is considered that the development can be accommodated on site without having an adverse impact. The provision of the shop/ mixed use element has also been discussed elsewhere in this report and has been considered acceptable. The comments in relation to the LDP consultation process are also noted. Whilst the Community Council may not have agreed with the findings of the reporter at the time, and the points raised are noted.*

The site is allocated for development in the LDP and the principle of development is therefore acceptable at this time.

4. The recently approved Aberdeen City and Shire Strategic Development Plan and the proposed 2022 Aberdeen Local Development Plan do not require the site to meet their housing allocation targets. This is a change from the 2016 Examination, where the reporter sought an additional allocation for Lower Deeside. *Response: the issues in relation to the recently adopted Strategic Development Plan have been discussed elsewhere in this report.*
5. Strongly disagree with the views expressed in the Planning Delivery Statement para 5.12 that “very little weight can be given to the emerging ALDP 2022 until it is adopted”. The ALDP 2022 is now a material planning consideration. By approving this document, Aberdeen City Council has clearly expressed its “settled will” that the Milltimber South site should not appear in the ALDP 2022 and should revert to Green Belt/Green Space Network status. *Response: This matter has been discussed elsewhere in the report.*
6. Concerns raised regarding the retail unit, the levels of parking it would require and attraction of passing trade. The proposal would result in additional traffic on North Deeside Road and HGV movements (in relation to deliveries/ refuse pick up) and would adversely affect the amenity of the area, contrary to H1 of the LDP. Also commented on consumer demand, the viability of existing stores in Cults, Bielside and Cutler would be threatened, thus contravening Policy NC5. *Response: The impact of the proposed retail/ mixed use provision has been discussed elsewhere in this report. It is noted that colleagues in RDM have raised no objection to the planning application from a road safety perspective and an assessment against Policy H2 (not H1) has been carried out in this evaluation. The site has been allocated for a retail allocation and the principle of this element of the proposal has therefore been established.*
7. Increase in traffic movements on North Deeside Road. Concerns in relation to safe routes to school, and how parents may resort to the use of car. Also comment that the Transport Assessment overstates the frequency of bus services, especially in the evening hours. *Response: The increased traffic levels have been assessed by colleagues in RDM, who have raised no objection to the application. A safe route to school has also been shown and this was also considered to be acceptable. The findings of the TA were also considered to be acceptable.*
8. Note the level of objections received and the views expressed by objectors. The site offers uninterrupted views of the rural landscape and the proposal would fail to comply with Policies NE1 and H1 as it would erode the character of the Green Space Network and result in the loss of a valued area of open space. *Response: The level of objection to the application is noted and the comments received from members of the public have been discussed in further detail below. Assessment against Policies NE1 and H2 (the site is not designated as H1 in the ALDP as suggested by the Community Council) have been discussed elsewhere in the evaluation of this application.*
9. Concerns in relation to build rates and that the site could be left fallow if demand were to falter. *Response: this is not a material planning consideration.*
10. Impact on medical and education facilities. *Response: The impact on medical and education facilities has been discussed elsewhere in this report and a financial contribution to mitigate any potential impact has been agreed.*
11. Disagree that the ALDP 2017 is the primary document for considering the application. Note

that the current economic situation should be considered and that the site is not required to meet the needs of the recently adopted SDP or the proposed ALDP. The decision of Full Council to remove the site should be given significant weight. *Response: the matters raised above, where they are material planning considerations, have been discussed elsewhere in the report.*

12. Take strong exception to the suggestion in para 2.5 that the proposed ALDP2020 will lack “professional scrutiny” until it has been through Public Examination by the Reporter. This is disrespectful to ACC planning officers and the democratic decisions taken by elected members. It also disrespects the arguments put forward in many of the public objections by people of a professional background. *Response: the matters raised above have been discussed elsewhere in this report.*
13. Further comment was also received on the levels of objection submitted, with the applicant claiming that the level of objection was due to the site being proposed for removal from the ALDP 2020. The lack of objection at MIR stage was due to a misapprehension that because the site was regarded by the ACC planners as unsuitable for inclusion in the plan it did not require comment. *Response: the level of public objection is noted, and the views of the community are clear. Each application needs to be considered on its own merits and the above evaluation details why the development proposed is acceptable, given the principle of development is supported in the ALDP.*
14. Note ACC Housing requiring 25% affordable housing on site, which is not referred to on the masterplan. Request clarification on how this is to be addressed. *Response: the level of affordable housing proposed has been discussed elsewhere in this report. It is expected that 25% affordable housing would be provided on site rather than via a commuted sum, for example and this would be controlled through the required legal agreement*
15. The applicant’s response suggested that “*the Reporters considerations, whilst entirely relevant, have been somewhat superseded by the adoption of the LDP*”. The Reporter’s conclusions (which the objection letter of 4 June considers “questionable”) drove his recommendation for the inclusion of the Milltimber South site in ALDP 2017 following which ACC felt unable to do anything other than include it in the adopted Plan. *Response: comments noted. The principle of development has been discussed elsewhere in this report as has the site’s allocation.*
16. In making its points, the whole document (the Post-Application Consultation Response) relies heavily on the allocation of OP114 in the adopted ALDP 2017 without having any answer to the concerns expressed above about the state of the Aberdeen economy, the over-provision of executive housing in Lower Deeside or the status of the much more recent SDP 2020 and proposed ALDP 2020. *Response: these matters have been discussed elsewhere in this report.*
17. The revised masterplan/ design and access statement suggests a scope of 80 dwellings would be appropriate and that the applicant would accept a condition limiting the retail/ commercial development to 1225sqm. This is not contained within the MP, so it is difficult to give this credence. *Response: the number of units and level of development proposed has been discussed elsewhere in this report.*

Matters Raised in Representations

The matters raised in objection can be summarised and addressed as follows:

1. The proposal would have an unacceptable impact on the character and appearance of the surrounding area. This would include the provision of a “ribbon development” and lead to unbroken levels of development from the city to Peterculter. *Response: The impact on the character and appearance of the surrounding area has been discussed above. This includes the types of development proposed and the impact on views from out with the site.*
2. The proposal would result in the loss of residential amenity, including a loss of light afforded to neighbouring residential properties. One of the adjacent properties is within 2m of the application site property (a back door). The property is in a topographical depression several metres below adjacent fields, resulting in a loss of light and privacy. *Response: The impact on residential amenity has been discussed elsewhere in this report. As this is an application for planning permission in principle and finalised details of the location of the retail/ office units and residential properties is not known, it would be difficult to address this matter at “in principle” stage.*
3. A number of the objectors commented on the principle of development and the wish for the land to be retained as Green Belt and green space. *Response: The principle of development and impact on the Green Belt, Green Space Network has been discussed within the “Principle of Development” section of this report.*
4. Note that the proposal is to be removed from the Proposed Aberdeen Local Development Plan 2022, where the site will revert to a Green Belt status. *Response: The status of the Proposed Aberdeen Local Development Plan 2022, and the status of the site has been discussed in the “Proposed Aberdeen Local Development Plan” section of this report.*
5. The adopted Strategic Development Plan and Aberdeen Local Development Plan do not need this development to meet their housing targets. *Response: The merits of the proposal, as assessed against the SDP and ALDP have been assessed elsewhere in this report.*
6. The developer has failed to articulate what demand there is for the destruction of the Green Belt. *Response: At present the site is not allocated as Green Belt, there is therefore no requirement for the developer to articulate what demand there is for the “destruction of the Green Belt”.*
7. There are several economic and social differences with the site since it was first allocated in 2017. The views of the reporter, when allocating the site, are also now dubious. *Response: It is noted that there have been economic and social differences in Aberdeen since the time of the site’s allocation. The site remains allocated in the adopted LDP and the principle of development remains acceptable.*
8. The proposal would result in over development of the site as the number of units proposed exceeds the allocation in the ALDP and the density of the development is not compatible with uses in the surrounding area, which equates to approximately 30 dwellings per hectare. It is noted that the description of the development could result in an increase of 65% residential and 63% retail provision over the allocation. *Response: It is noted that the number of units proposed exceeds the allocation of the site. This matter has been discussed elsewhere within this report, with the numbers reached considered appropriate for the site context.*
9. Numerous properties for sale in the surrounding area, lack of demand for new housing, negative demand on the housing market. Concerns also highlighted potential for half-finished site and noted developments such as Oldfold have taken time to sell. *Response: The fact that there are numerous properties for sale in the surrounding area, and the perceived lack of demand for properties is not a material planning consideration in the determination of this*

application. It would be up to the developer to proceed if they sought the site to be commercially viable. The time it takes to sell properties and the cumulative impact of the developments in the surrounding area, noting that this is an allocated site, are not material to the determination of this application.

10. There should be a cap on new developments proposed and developments should be deferred until 2023 in order to limit the number of houses being built. *Response: The Planning Authority cannot put a cap on new developments.*
11. A number of the objectors stated that brownfield sites should be developed instead of the current application site and other green field sites in the city. This could also include regeneration of the city centre or the under used business and industrial areas. *Response: It is noted that there would be a preference for brownfield sites to be developed, and this is occurring in the city. It is noted that this is an allocated site, and the principle of development has previously been established by the reporter and in the adopted ALDP.*
12. The approval of the housing and commercial units would have an adverse impact on neighbourhood centres in the surrounding area. Concerns were also raised that retail is proposed at Oldfold and both are not needed in the area with some stating a preference for the retail units to be located at Oldfold. *Response: The retail offering has been discussed elsewhere in this report. It is not considered that, by offering the allocated retail/ office space that the proposal would adversely impact on neighbourhood centres in the surrounding area. It is appreciated that retail is also proposed at Oldfold and whether this is provided or not is not material to the determination of the current application.*
13. Some objectors also noted that the AWPR provides adequate links to shopping facilities in the surrounding area and that there are adequate shopping facilities in place in the surrounding area. *Response: It is noted that the AWPR would provide enhanced links to shopping facilities in the surrounding area. The proposed offering is in line with the site's allocation and the principle of this provision is therefore established.*
14. There is a lack of services to support more housing, with schools and medical practices at capacity. *Response: The issues regarding lack of services, such as schools and medical practices has been discussed elsewhere in this report.*
15. There is a lack of play provision in the surrounding area, including at the existing primary school. *Response: It is expected that a play area will be provided within the proposed development. Finalised details of such facilities would be controlled via any future MSC planning application.*
16. Infrastructure should be in place before any new developments are approved (this comment related to the provision of the new Milltimber Primary School). Comments were also received stating that developments such as this would require the building of a new academy. *Response: The proposal would need to provide a contribution towards the provision of the new Milltimber Primary School to meet capacity to facilitate the development. Colleagues in Education do not consider that this development would necessitate the need for the provision of a new secondary school for the area.*
17. There is a requirement for the provision of green space for mental health purposes and approval of such an application would impact on the mental wellbeing of existing residents and those passing through. *Response: The Planning Authority acknowledge that there is a requirement for green space in all developments and this would be provided in any future MSC application on this allocated site. The masterplan indicates that sufficient areas of public open space, including a linear park area at the top of the site could be provided.*

18. The proposed development would have an adverse impact on the surrounding road network, in terms of road safety, the feeder lane would cause difficulties in accessing properties on the northern side of North Deeside Road, there being three traffic calming measures within 800m of the site, the Transport Assessment is inadequate as it is based on the 2011 census, and it was undertaken during the school holidays in October 2019. This would also include the inconvenience caused by contra flows during construction. There will also be an adverse impact on public transport facilities and there is no provision of EV facilities. *Response: The proposal has been assessed by colleagues in RDM, who have raised no objection to the proposed development. They are content with the proposed access to the site and have raised no objections to the content of the submitted TA. It is acknowledged that there may be some disruption to users of North Deeside Road during construction of the proposed accesses. It is not anticipated that there would be an adverse impact on the provision of public transportation. The provision of EV charging facilities would be required within the development and finalised details of the could be provided in a future MSC application.*
19. The development is on the wrong side of the A93 regarding safely accessing the primary school and there would be no crossing patrol for the school. Would there be a budget for the provision of a safe route to school? The development would also be on the wrong side of the A93 regarding the shop units. *Response: The application is an allocated site, so it cannot be considered on the "wrong" side of North Deeside Road. The matter regarding safe routes to school has been assessed elsewhere in this report. It will be up to the developer to provide an implement this. The site is allocated for retail/ office space in the proposed plan and its location has been discussed elsewhere in this report.*
20. The proposal would result in a loss of view for both properties in the surrounding area and users of Deeside Road when heading west. *Response: The loss of view is not a material planning consideration. The landscape impact of the development has been discussed elsewhere in this report.*
21. The proposal would have an adverse impact on property prices in the surrounding area and that surrounding homeowners should be compensated by the Council as a result. *Response: The impact on property prices is not a material planning consideration.*
22. Note that the retail unit could be up to 2000sqm in size and that no modelling/ details have been provided of how a potentially 130m x 15m building could be accommodated on site. The sloping nature of the site also makes it unsuitable for retail. A 2000sqm retail unit would also undermine the Hierarchy of Centres guidance for retail as a floor space of this size outwith the city centre should be in a district or neighbourhood centre. A Sequential Impact Assessment should also be provided in accordance with Policy NC4 in respect of the additional floorspace proposed. A Retail Impact Assessment should also be submitted in support of the application. *Response: The size and types of retail offering proposed has been discussed elsewhere in this report. Information has been submitted within the masterplan to show that a mixed-use unit could be provided on site. Impact on neighbourhood centres has also been discussed, and as the proposal is now in line with the allocation a Sequential Impact Assessment and Retail Impact Assessment are not required to determine the application.*
23. If the retail unit were to be approved then this should be conditioned to control its possible size, function and impact. This could include imposing limited on floor spaces and the size of units provided and limiting the Class 1 floor space for the sale of convenience goods and restricting the sale of comparison goods. *Response: It is intended to use a condition to restrict the level of retail/ mixed-use offering proposed.*

24. There is a desire for the provision of generic looking properties on any areas of land within the city and the architectural style of properties would not be compatible with those found in the surrounding area. *Response: It is noted that the design of the properties would be controlled in any future MSC application and it would be expected that any properties would respect the character and appearance of the surrounding area and would also be of a high quality design.*
25. The proposed development would have an adverse impact on several species in the surrounding area such as foxes, birds, badgers and red kites as well as having an overall negative impact on the natural environment. There is also potential to impact on bat roosts in the surrounding area. *Response: The impact on species has been discussed in the “natural heritage” section of this report.*
26. The proposal would impact on the wider landscape character of Deeside overall, which in turn would adversely affect the Royal Deeside tourist experience. *Response: The impact on the landscape character has been discussed elsewhere within this report.*
27. The proposed development would have a negative impact on the Deeside Way. Noted that it narrow and unsuitable for more users and that increased usage could create further litter and erosion etc. Clarification was also sought on responsibilities due to injuries that may occur on this path. *Response: The impact on the Deeside Way has been discussed elsewhere in this report. It is not considered that the proposal would have an adverse impact on its function and the provision of additional links from the site would likely enhance its provision. There may also be possibilities to utilise developer obligations to enhance its offering.*
28. Note that the site forms part of the Green Space Network and is part of the River Dee Special Area of Conservation. Concerns that the development will negatively impact on both and the impact on the SAC needs to be carefully considered. *Response: The impact on the Green Space Network and the impact on the River Dee SAC have been discussed elsewhere within this report.*
29. The site should be offered additional protection as an Area of Outstanding Natural Beauty. *Response: The area is not designated as an Area of Outstanding Natural Beauty at this time, and the proposal needs to be assessed against any current designations.*
30. The proposal retail unit would result in increased noise levels and increased levels of noise from traffic utilising the facility. *Response: Noise has been discussed elsewhere within this report.*
31. The proposal would have an adverse impact on the water table (and there are a number of underground springs in the surrounding area) and drainage and water management challenges will emerge, with disturbance to natural water flows causing elevated flood risk to the Deeside Way on the southern boundary of the application site. Any surface run off will run down the natural drainage slope and into the adjacent burn. The stream running through the site could become contaminated – with animals using this potentially being affected. *Response: The impact of the development in terms of drainage, water management and flooding has been discussed elsewhere in this report, as has surface run-off into the adjacent burn and potential contamination from construction activities.*
32. A query was raised as to how the sewerage system can accommodate the level of development proposed, given an adjacent new house was not allowed access and was required to provide a septic tank. *Response: It would be up to the applicant to ensure that*

the necessary consents were in place to ensure that connections could be made to the surrounding sewerage network. The applicant has advised that Scottish Water have confirmed that this connection could take place.

33. The development masterplan avoids detail with respect to housing and density proposed. Noting that the failure to provide this because it would “prejudice flexibility” is disingenuous. *Response: The information contained within the masterplan has been discussed elsewhere in this report.*
34. Aberdeen City Council would be bowing to the pressures of the construction industry by approving the development. *Response: This is not a material planning consideration. Each application is considered on its own merits.*
35. A number of objectors raised concerns about access to documents due to COVID-19 restrictions (as some did not have internet and were unable to view at Marischal College). Concerns were also raised that the local community could not engage with each other during the restrictions to discuss the proposals. This should be a material planning consideration. *Response: It is unfortunate that the application was submitted during the COVID-19 crisis, but the Planning Authority cannot control when planning applications are submitted. Whilst plans were not available to view in Marischal College they were available to view online. The fact that so many representations have been received show that the community have managed to comment on the proposals.*
36. The meetings of the pre-application consultation events were at unsuitable times. *Response: The times of the pre-application consultations were agreed with the Planning Authority and were suitable and are generally consistent with events for similar proposals throughout the city*
37. Increasing population density, with new social distancing requirements is reckless. *Response: It is considered that such a development could be constructed whilst meeting any required social distancing requirements.*
38. Pre-application consultation with the developer, as well as Council engagement has indicated to the developer that the development is not wanted. *Response: The fact that the development is not “wanted” by the community is noted. Each application, however, needs to be considered on its own merits and the principle of development has been accepted in the adopted Aberdeen Local Development Plan.*
39. Concerns were raised that the development could have an adverse impact on the tourism industry, as the proposed development provides one of the first views of Royal Deeside when leaving Aberdeen. *Response: It is not anticipated that the granting of planning permission on this site would have an adverse impact on tourism in the surrounding area and on Royal Deeside as a whole.*
40. Insufficient information has been provided regarding how the proposed development would comply with Policies D1 (Quality Placemaking by Design), H2 (Mixed Use Areas), H5 (Affordable Housing), NE6 (Flooding, Drainage and Water Quality), NE8 (Natural Heritage), R6 (Waste Management Requirements for New Developments) and R7 (Low and Zero Carbon Buildings, and Water Efficiency) of the adopted Aberdeen Local Development Plan. *Response: It is considered that sufficient information has been submitted or could be controlled via appropriately worded planning conditions to ensure compliance with the policies mentioned above.*

41. Note that permission was previously refused for housing on site decades ago. *Response: No record can be found of planning permission having been refused on the site decades ago. It is noted that several unsuccessful development bids were submitted for successive local development plans before the site was allocated for development by the Scottish Government reporter in the 2017 ALDP.*
42. Insufficient information has been submitted for the provision of buffering on the eastern boundary between the proposed commercial units and established residential premises. *Response: Information has been submitted in the masterplan document to show details of buffering to properties on the eastern boundary. It is expected that finalised details of this matter could be controlled via planning conditions to ensure that there would be no adverse impact on neighbouring residential amenity.*
43. If approved, the development should be enforced to adhere wholly to zero carbon standards. *Response: The provision of low and zero carbon generating technologies would be dealt with in any future MSC applications.*
44. The proposed development fails to accord with the Scottish Governments Climate Change Plan (2018-2032). *Response: the development would be on a site allocated in the current local development plan, and the principle of development is therefore considered acceptable in this instance.*
45. The development would have an adverse impact on the national cycle network. *Response: It is not anticipated that the proposed development would adversely impact on the adjacent national cycle network.*
46. Concerns over the future maintenance of the landscaping scheme. *Response: Future maintenance of the landscaping scheme would be controlled via condition to ensure that any planting that died/ failed within the first 5 years would be replaced. It is also likely that any landscaping on site would be controlled via planning condition.*
47. The proposed development would have an adverse impact on air quality and human health – an issue raised in Aberdeen City Council’s Strategic Environmental Assessment Report. *Response: The issue in relation to air quality (and consequently the developments impact on health) has been discussed elsewhere in this report and addressed by colleagues in Environmental Health. It is considered that this matter can be controlled via appropriately worded planning conditions.*
48. There is a lack of affordable housing in the surrounding area and more social housing should be provided. *Response: It is anticipated that 25% affordable housing would be provided in site in compliance with national guidance and the relevant policies of the ALDP.*
49. The landowner was previously compensated for the loss of land for the AWPR and that the AWPR should not be used as an excuse for the provision of a development corridor. It also noted that the stables were relocated as part of the AWPR works, but the original ones are still operational, with a planning condition stating that they should close. *Response: This is not a material planning consideration. Each application needs to be considered on its own merits. If there is a breach of planning control on any other developments in the city, then these could be investigated by the Planning Authority’s Enforcement Team.*
50. Development at Peterculter East has removed views and negatively impacted on amenity levels from North Deeside Road. *Response: The removal (or inclusion) of other sites from*

the ALDP is not material to the determination of the current application.

51. Approval of the application would create a case for challenging ACC based on failing to meet its own terms of governance. *Response: The proposal is allocated for development in the ALDP.*
52. The old school site could be developed instead. *Response: The old school site is also allocated for residential development in the ALDP and may also come forward as a development site in the future, once the new school is opened.*
53. Anti-social behaviour associated with the proposed retail unit. There is also potential for increase in crime levels is there a budget for increased police presence. *Response: Any issues with anti-social behaviour would be a matter for the police to control.*
54. Don't want to see the relocation of horses from the site. *Response: The site is allocated for development in the ALDP and if the proposal were approved then the horses would have to be moved from the development site, potentially onto other land in the ownership of the applicant.*
55. A risk assessment should be carried out for the application. An EIA, roads, transport and social and cultural impacts should be considered as well as an analysis of what has been used to define these risks. *Response: There was no requirement for an Environmental Impact Assessment, or for a risk assessment to be carried out in this instance.*
56. In terms of the visual analysis undertaken, no viewpoints have been provided from North Deeside Road. *Response: The visual impact information is sufficient to allow for the determination of the current planning application. It is noted that the views were generally from the south, but some indicative visualisations were provided in the updated masterplan.*
57. An Environmental Impact Assessment should be undertaken to recognise native species in the surrounding area. *Response: As mentioned above, an Environmental Impact Assessment was not considered required in the determination of this application. Species were assessed in the submitted ecological survey, which was considered sufficient to allow for the determination of the application.*
58. Concerns were received from the owner of one of the areas of land, who does not want the area re-classified as wildlife open space and that the area in question should not be included in the application site boundary. *Response: This would be a civil matter between the relevant parties, but it is noted that no development is proposed on this area of land.*
59. There is little provision of green space in the south-east section of the plan. *Response: The proposal is considered to be able to provide sufficient areas of green space within the application site boundary. The provision of such facilities would be controlled in a future MSC application.*
60. Concerns were raised regarding any tree planting/ landscaping. This includes trees on neighbouring land that may require removal. Also concerns that there is no protection between neighbouring houses and the site and due to difference levels, any replacement planting will take years to take effect, with potential scrubs not meeting the height of existing retaining walls. There is also no agreement with neighbouring landowners to plant trees in their land. *Response: If the trees on the neighbouring boundary need to be removed, then this would be a civil matter between the relevant parties. Tree protection measures would*

also be requested via appropriate planning conditions. The levels between the sites are noted and any development, or planting would need to be designed into any future MSC applications to ensure there was no adverse impact on surrounding properties. The planting of replacement trees on neighbouring land (out with the application site) would also be a civil matter.

61. Potential for damage to neighbouring properties if compacting was required. *Response: If damage was caused to neighbouring properties, then this would be a civil matter between neighbouring parties. It should be noted that no compacting is proposed at this present time and further information would need to be submitted at MSC stage to show how any engineering works (such as site level changes) would be dealt with.*
62. There are inaccuracies in the submitted masterplan – the open space bears no relationship to other documents submitted in support of the application. *Response: The information submitted in the revised masterplan is considered to be sufficient in this instance.*
63. The development has not been screened in accordance with the terms of the Town and Country Planning (EIA) (Scotland) Regulations 2017. Noting that the previous screening opinion of the Council was for a lesser level of development. *Response: The proposal was screened in accordance with the terms of the Town and Country Planning (EIA) (Scotland) Regulations 2017. This was in line with the site's allocation, and a further EIA Screening Opinion was not required given the site boundary remained the same and the level of development was not increasing on site.*
64. A previous retail unit proposed by Brodeo Homes in 1987 was scrapped after receiving planning permission – what assurances can be given that this would not happen again. *Response: The Planning Authority can grant permission for a retail element, but it would be up to the developer to implement the permission.*
65. No details have been provided regarding size and makeup of the residential housing and retail offering, noting that the developer desires to have flexibility in approach – this is unacceptable as it gives carte blanche to the developer with no further input from residents. *Response: The overall size of the residential and retail elements would be controlled via planning conditions. The finalised design of these units would be controlled via planning conditions. It is agreed that the developer cannot have an "open" permission and that is why conditions can be used to restrict the maximum level of development proposed.*
66. The masterplan plays heavily on the landscape, ecology, attractive setting and rural character of the area – something that would be ruined by adding to this development. *Response: The masterplan is considered appropriate in this instance. The site is allocated for residential development in the adopted ALDP.*
67. The development proposed will result in further internet reduction/ speed. *Response: This matter has been discussed elsewhere in this report.*
68. The proposed development will generate noise levels well above the WHO and BS 8233 recommended maxima. Should development be approved the expert assessments at the pre-project stage must be subject to public scrutiny for both the veracity of their qualifying assumptions and guarantee of outturn accuracy before construction commences. *Response: Noise levels have been discussed elsewhere in this report and deemed to be acceptable to colleagues in Environmental Health.*

69. Status of the Development Plan: stating that both the SDP and ALDP should be accorded at least equal weight. It was argued that the SDP, having been more recently prepared and therefore more accurately reflecting the economic and social circumstances to which it is responding, should be given more weight than the ALDP. The objection goes on to state that the demand for housing is clearly met and that there is no justification for the allocation of this site, nor approval of this application. *Response: the status of the SDP has been discussed elsewhere in this report.*
70. The PALDP should be given significant weight given that it is the settled view of the Council, the application site no longer forms part of the spatial strategy for the City, and the site is not required to meet the housing allowances set out in the recently approved SDP. *Response: the status of the PALDP has been discussed elsewhere in this report.*
71. The above objection goes on to state that if the development is permitted, then this should be limited to a maximum of 60 houses with significant areas of planting on the eastern boundary and no retail provision. If retail is considered acceptable in principle, then it should be small scale and located centrally within the site, and extensive landscaping provided around the perimeter. *Response: the levels of development proposed, and justification for an increase in housing numbers on site has been discussed elsewhere in this report.*
72. Note that some of the documents noted that individuals did not object in the same numbers to the pre-application process. There was a clear message when the application was submitted that the development was not wanted by the community. *Response: comment noted. Each application needs to be considered on its own merits.*
73. Disagree with the applicant's contention that the retail/ commercial element will deliver sustainable economic development. There is no case for locating retail/ commercial in this location as it is inappropriate, out-of-character, undesired and not needed. *Response: the principle of the retail element of the proposal has been discussed elsewhere in this report and will be delivered in line with the site's allocation.*
74. Several concerns/ queries were raised regarding the Retail Statement which was submitted by Savills in July 2020. *Response: The Retail Assessment was withdrawn as it was not considered required given the development will be taken forward in line with the site's allocation. It is noted that a retail statement, or other associated document, would have been required if the applicant was proposing a development in excess of the site allocation.*
75. In terms of the Planning Delivery Statement: Addendum: there was disagreement that the ALDP2017 should continue to be the primary document against which the application should be considered. The proposed ALDP2020 is far more pertinent to meet and deal with the new challenges posed by job losses, lower housing demand, environmental and climate change policy obligations. Therefore, ALDP2020 should carry much greater weight than ALDP2017 in regard to this particular planning application. *Response: this matter has been discussed elsewhere in this report.*
76. Disagree with the conclusion of the Planning Statement: Addendum. This site was allocated by The Reporter in ALDP2017 on the basis that at that time there was a shortfall in housing numbers. That is no longer the case – there is no shortfall in housing numbers across the entire LDP area and that must be a significant material consideration. *Response: this matter has been discussed elsewhere in this report.*
77. Disagree with comments in the Post-Application Consultation Report, in particular the

reporters' comments, the third-party level of representation at the time. There was a high level of public comment at the pre-application consultation events and the comments of the applicant mis-represent the tone and feedback from these events. It was always clear and obvious the community would respond in such a manner from the outset, regardless of the City Council decision to remove the site from ALDP in March 2020. *Response: comments noted. The relevant matters raised have been discussed elsewhere.*

78. Traffic concerns in relation to safe routes to school and how parents would access the schools noting that this would likely be done by car, rather than on foot adding pressures in this regard. *Response: the comments regarding road safety concerns are noted. The proposal has been assessed by colleagues in RDM and considered acceptable.*
79. Disagree with the conclusion of the Post-Application Consultation Report. Consider that there are sufficient material considerations to warrant refusal of this planning application within the concerns raised by the Community Council and by third party comments. Further points of concern will be raised below in the section covering the Revised Masterplan. *Response: the development is considered to be acceptable for the reasons in the above evaluation and the below reason.*
80. In terms of the masterplan comments were raised regarding landscape impact and the fact that the applicants refuse to acknowledge or accept that the site in its current form is precisely the key feature which creates the essence of Milltimber's exceptional panoramic valley setting and that any form of development will significantly degrade that valley setting and Milltimber's established vital landscape pattern – that which sets it out as such a desirable community in which to live. Further, in 10.16 Topography, despite the landscaped approach, the applicants acknowledge the development would have a visual impact from the North Deeside Road. Accordingly, they should be classified as material considerations in the determination of the application. *Response: the acceptability of the submitted masterplan has been discussed elsewhere in this report, as has the visual impact of the proposed development.*
81. Density – concerns with information contained in the masterplan and note that it is clear that this site cannot meet either the established pattern or approved guideline criteria for density without significantly altering the established pattern to the extent any development would be wholly inconsistent with the established setting. If the site cannot meet such mainstay development criteria it must therefore be determined unsuitable for development and planning consent should be refused. *Response: issues in relation to density of development and impact on the surrounding pattern of development have been discussed elsewhere in this report.*
82. Design Guidance - Western Green Corridor: The opening statement should also apply to the North-East corner of the site proposed for retail/commercial development. If retail/commercial were approved, the impact on established adjacent residences would be much greater than the impact of new houses. Per the opening section of my comment I repeat my assertion that retail/commercial elements are wholly inappropriate for this site and should be refused. But in any case, sufficient buffering as per the proposed Western Green Corner should also apply to the North East corner of the site, which is not presently the case. *Response: this matter has been discussed elsewhere in this report. The retail/ commercial element is acceptable in this location and mitigation measures could be put in place and controlled via MSC applications to ensure there would be no adverse impact on neighbouring residential amenity.*
83. Residential Density: the applicant concludes that 80 dwellings would be appropriate for the development. 80 dwellings significantly exceed the Reporter allocation and is almost double the established density for the south side of the North Deeside Road, therefore excessively

altering the established pattern, thus warranting refusal. *Response: this matter has been discussed elsewhere in this report.*

84. Delivery-Phasing: concerns raised that it might take some time to build out the development, and that the site could remain vacant for a number of years therefore having an adverse impact on the character and appearance of the surrounding area. Given the proposed phasing plan, established residents on the western boundary (despite the Western Green Corridor) and those on the central and westerly sections of the North Deeside Road would be looking on to stagnant open ground-works for years and that is an unacceptable condition. *Response: The Planning Authority would have no control over the length of time the developer would take to control the development. This matter alone would not be a reason for refusing the application.*
85. Various concerns were raised regarding the updated masterplan including in relation to the impact on the landscape, impact on the historic environment, local shops, noise, impact on the character and appearance of the surrounding area, density, impact on Green Space Network, open space provision, impact on trees and natural heritage as well as traffic impacts, the retail element and the build out rate of the development. There were also concerns about a section of the masterplan which indicated that traffic lights may be required on to NDR. *Response: Concerns in relation to the masterplan document have been discussed elsewhere in this report.*
86. The application for PPIp has become confused. The allocation for OP114 in ALDP is for 60 housing units and 1225m² of retail/ commercial space. The planning application is for “up to 99 houses and 2000m² of retail/ commercial”. The revised MP suggests that the site might accommodate up to 80 plot and the post-application consultation report suggest a condition limiting the retail/ commercial space to 1225m². It is difficult to give credence to these numbers, but it appears that the development will exceed the ALDP2017 allocation. *Response: this matter has been discussed elsewhere in this report.*
87. In terms of the retail development proposed, the 1225 sqm equates to the total area of land allocated for non-residential uses in the extant ALDP, with no justification provided for only retail provision rather than a mix of retail and office space as envisaged in the ALDP. *Response: this matter has been discussed elsewhere in this report.*
88. The proposed development is not acceptable in principle, therefore details such as noise should be dealt with at this stage rather than at MSC stage. Also raised concerns in relation to outlook, not just on amenity, but also impacts on health and well-being with a retail development close to existing homes. There would be increased in pollution levels from vehicles entering and exiting the site. The development would be contrary to Policy WB1 – Healthy Developments of the PALDP – which requires developments to provide healthy environments and to reduce environmental stresses and a health impact assessment should be submitted to mitigate any potential impacts. The proposal would also be contrary to WB2 – Air Quality of the PALDP. *Response: the principle of development is considered to be acceptable in this instance. It is considered that the development could be designed in such a way as to minimise the impact on neighbouring properties and ensure there would be no adverse impact.*
89. Policy NC4 (Sequential Approach and Impact) of the ALDP makes it clear that all proposals must not detract from the vitality and viability of existing centres and the application fails to do this. In the absence of demonstrating that the proposed retail development would not have an adverse impact on the vitality and viability of these existing centres, the application requires to be refused on these grounds. *Response: it was not considered necessary to*

assess the proposal against Policy NC4 given that the retail/ commercial development is in line with the site's allocation.

Support:

1. The view across the valley would be unaffected given the location of the proposed houses and there will be no impact to the view offered to properties on North Deeside Road noting that the front of the site will not contain development. *Response: The views across Deeside have been discussed elsewhere in this report.*
2. The infrastructure would be manageable and practical relative to other sites in the surrounding area. *Response: The impact that the development would have on surrounding infrastructure has also been discussed elsewhere in this report.*
3. The commercial offering proposed would benefit the surrounding area. Milltimber needs a shop, and this is the only suitable location that can capture passing trade. *Response: The mixed-use commercial unit is allocated in the adopted LDP and is therefore considered to be acceptable in principle.*
4. There is good public access, public transport, and a lack of retail provision in Milltimber. *Response: Colleagues in RDM have noted that there is good public access to the site.*
5. A new school would support the size of development proposed the school will have capacity to accommodate pupils and developer obligations will contribute to this. *Response: School capacities have been discussed elsewhere in this report.*
6. Milltimber South should be developed before Tillyoch, which is more undesirable based on the local plan review. *Response: This is not material to the determination of the current application, as each proposal needs to be considered on its own merits.*
7. The proposed development will add to the wildlife value of the area. *Response: The impact that the development would have on wildlife has been discussed elsewhere in this report.*
8. The density of development proposed is relatively low. *Response: The density of development has been discussed elsewhere in this report.*
9. Queries were raised regarding the legality of re-designating the site and the provision of other sites in the area (Tillyoch). *Response: It is noted that the current site is proposed for removal in the PALDP. This matter has been discussed elsewhere in the report.*
10. Queries were raised regarding the retirement village on Inchgarth Road. *Response: This is an entirely separate proposal and not relevant to the determination of the current application.*

RECOMMENDATION

Willingness to approve subject to conditions and a legal agreement to secure developer obligations towards the provision of affordable housing, the core path network, primary education, secondary education, healthcare facilities and community facilities.

REASON FOR RECOMMENDATION

Subject to the use of conditions and a legal agreement, the proposed development is considered to comply with the general principles of Scottish Planning Policy on the delivery of development on sites allocated for that use, and with Policies LR1: Land Release Policy and H2 Mixed Use Areas of

the Adopted Aberdeen Local Development Plan (ALDP) 2017. Although the residential element of the proposal is greater in terms of number of units than the figure indicated in the OP114 allocation of the ALDP it is considered that the applicants have adequately demonstrated that a maximum of 80 residential units could be accommodated on site by way of submission detail contained in a masterplan and supporting information. The PPI nature of the current application allows appropriate details to be considered and controlled at the MSC application stage in line with the proposed conditions. The retail/ office commercial use element is proposed in line with the floorspace indicated in the OP114 allocation.

Subject to a legal agreement and conditions requiring further detail via application(s) for the approval of matters specified in conditions it is considered that the development would comply with Policies D1: Quality Placemaking by Design, D2: Landscape, D4: Historic Environment, NC7: Local Shop Units, NC8: Retail Development Serving New Development Areas, I1: Infrastructure Delivery and Developer Obligations, T2: Managing the Transport Impact of Development, T3: Sustainable and Active Travel, T4: Air Quality, T5: Noise, H3: Density, H4: Housing Mix, H5: Affordable Housing, NE4: Open Space Provision in New Development, NE5: Trees and Woodlands, NE6: Flooding, Drainage and Water Quality, NE8: Natural Heritage, NE9: Access and Informal Recreation, B4: Aberdeen Airport, R6: Waste Management Requirements for New Development, R7: Low and Zero Carbon Buildings, and Water Efficiency and CI1: Digital Infrastructure of the Aberdeen Local Development Plan.

In terms of the recently adopted Strategic Development Plan (SDP), the application site is an allocated site within the extant ALDP 2017 that currently forms part of the Development Plan. The SDP 2020 contains no detail on site allocations, only housing numbers. The current application must be considered in the context of the OP114 allocation that was included in the ALDP 2017 which, as the adopted plan for the City, has primacy over the proposed plan in terms of the weight to be given it as a material consideration. The proposal is therefore considered to be compliant with the terms of the Strategic Development Plan.

In terms of the Proposed Aberdeen Local Development Plan, OP114 Milltimber South has been removed and the principle of development could not be supported against Policy NE1 (Green Belt) and NE2 (Green and Blue Infrastructure) of the PALDP. The Proposed Plan, although described as the 'settled view of the Council' following the agreement on its content by Full Council in March, remains a 'draft' document that cannot be used as the sole basis for determining a planning application.

As it currently stands, the OP114 site is an allocation in the extant 2017 LDP, that has been in force since its adoption in January 2017. The next Aberdeen LDP, which will be a version of what is currently the Proposed LDP is not expected to be adopted until Spring 2022. There is a risk that the content of the PLDP may be altered to what is finally adopted. It may be that site allocations are further altered when the Plan goes through its Examination process in 2021. At the time of writing this report, it is not certain that OP114 Milltimber South will not form part of the LDP 2022 when it is adopted, at a point that may be two years away. That is why the extant 2017 LDP currently carries more weight in the determination of planning applications, in order to provide certainty, within the context of a Plan-led process. Given the uncertainty of the content of the Proposed LDP it is considered that less weight must be afforded to it as a material consideration, and this is not sufficient to merit overriding the extant and adopted 2017 LDP.

In this instance there are no material planning considerations that would warrant refusal of planning permission.

CONDITIONS

1. STANDARD MATTERS REQUIRING FURTHER APPROVAL CONDITION FOR PLANNING

PERMISSION IN PRINCIPLE

That application(s) for approval of matters specified in condition containing details of the specified matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No development within or outwith any particular block or area shall take place unless a matters specified in conditions application comprising the detailed layout and design of roads, buildings and other structures for that particular block or area has been submitted to and approved in writing by the Planning Authority. The application shall comprise:

- (i) A detailed levels survey of the site and cross sections showing proposed finished ground and floor levels of all buildings relative to existing ground levels and a fixed datum point.
- (ii) Details of the layout and finish of roads, visibility splays, footpaths, pedestrian connection across North Deeside Road, and cycle paths including the identification of safe routes to school from the development.
- (iii) Details of layout, design and external appearance of buildings and ancillary structures; vehicular and motorcycle parking; short and long term secure cycle parking; electrical vehicle charging facilities in accordance with the associated Supplementary Guidance; storage and collection arrangements for waste and recyclables; boundary enclosures around individual homes and other premises; and details of play zones and play equipment to be provided.

Reason: Permission for the development has been granted in principle only and subsequent approval is required for these matters in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. ACCESS TO NORTH DEESIDE ROAD

No development shall take place unless a matters specified in conditions application comprising a detailed scheme showing the precise location, layout, design and construction method of the proposed access junctions to North Deeside Road (A93), including layouts, capacity, distribution, operational flow and detailed cross-sections has been submitted to and approved in writing by the Planning Authority; no individual residential property or commercial unit shall be occupied unless the relevant scheme is fully implemented in accordance with the approved plans, unless the Planning Authority has given written approval for a variation. Reason: in the interests of road safety.

3. SCALE OF DEVELOPMENT (RESIDENTIAL)

That notwithstanding the description provisions of “up to 99 residential units” of the Planning Permission in Principle hereby approved, no more than 80 residential units shall be built on the development site and the detailed residential development proposals to be considered through any subsequent related applications for Matters Specified in Conditions shall not exceed a combined maximum of 80 residential units. Reason: It has not been demonstrated that the site is capable of accommodating in excess of 80 residential units.

4. SCALE OF DEVELOPMENT (COMMERCIAL)

That notwithstanding the description provisions of “retail of up to 2,000 sqm” of the Planning Permission in Principle hereby approved, no more than 1,225 square metres gross floor area (GFA) of commercial use shall be built on the development site and the detailed commercial development proposals to be considered through any subsequent related applications for

Matters Specified in Conditions (MSC) shall not exceed a combined maximum of 1,225 square metres gross floor area (GFA). Reason: To ensure accordance with the OP114 Milltimber South allocation of the Aberdeen Local Development Plan 2017.

5. LANDSCAPING SCHEME

No development shall take place unless a matters specified in conditions application comprising a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority.

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) The location, design and materials of all hard-landscaping works including (walls, fences, gates, street furniture and play equipment)
- (v) An indication of existing trees, shrubs, and hedges to be removed.
- (vi) 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.

6. TREE PROTECTION MEASURES

No development shall take place unless a matters specified in condition application comprising a scheme/ details 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.

7. TREES – STORAGE OF MATERIALS

That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction

activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the Planning Authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks - in order to ensure adequate protection for the trees on site during the construction of the development.

8. CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN

No development shall take place (including site stripping, service provision or establishment of site compounds) unless a matters specified in conditions application comprising a site-specific Construction Environmental Management Plan(s) (the "CEMP") has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. The CEMP must address the following issues (i) surface water management including construction phase SUDS; and (ii) site waste management including details of re-use on-site and off-site disposal of demolition materials. Thereafter development shall be undertaken in accordance with the approved CEMP. Reason - In order to minimise the impacts of necessary demolition / construction works on the environment.

9. LOW AND ZERO CARBON

No development shall take place unless a matters specified in conditions application comprising a scheme detailing compliance with the Council's Resources for New Development Supplementary Guidance has been submitted to and approved in writing by the Planning Authority. Thereafter no units shall be occupied unless any recommended measures specified within that scheme for that unit for the reduction of carbon emissions have been implemented in full. Reason - to ensure that the development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance: Resources for New Development.

10. NOISE ASSESSMENT

No development shall take place unless a matters specified in conditions application comprising a Noise Impact Assessment (NIA) has been submitted to and approved in writing by the Planning Authority. The NIA shall evaluate the impact on road traffic and quarrying operations on the development and shall be carried out in accordance with a methodology agreed with the Council's Environmental Health service. This assessment should:

- (i) Be in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note.
- (ii) Identify the existing sources of noise potentially impacting on the proposed development
- (iii) Detail the noise mitigation measures to reduce noise from the existing noise sources to an acceptable level to reasonably protect the amenity of the occupants of the proposed residences.
- (iv) The methodology for the noise assessment should be submitted and agreed in writing with the Environmental Protection Team in advance of the assessment.

Reason: in order to protect residents of the development from roads and quarrying noise.

11. AIR QUALITY (DUST) RISK ASSESSMENT

No development shall take place (including site stripping or service provision) unless a matters specified in condition application comprising the submission of an Air Quality (Dust) Risk Assessment for the construction phase of development has been submitted to and

approved in writing by the Planning Authority. Such risk assessment shall be carried out by a suitably qualified consultant in accordance with the Institute of Air Quality Management document "Guidance on the Assessment of Dust from Demolition and Construction 2014". Thereafter development shall be carried out in accordance with the approved plan. Reason: in order to control air pollution from dust associated with the development in accordance with Policy T4 – Air Quality.

12. DUST MANAGEMENT PLAN

No development (including site stripping or service provision) shall take place unless a matters specified in condition application comprising the submission of a Dust Management Plan for the construction phase of development has been submitted to and approved in writing by the planning authority. Such management plan shall specify dust mitigation measures and controls, responsibilities, and any proposed monitoring regime. Thereafter development (including demolition) shall be undertaken in accordance with the approved plan. Reason - In order to control air pollution from dust associated with the construction of the development in accordance with Policy T4 - Air Quality.

13. ROUTE OF WATERCOURSE

No development shall take place unless a matters specified in conditions application comprising the results of an investigation to prove the existence and route of the watercourse/drain through the eastern part of the site. Thereafter no development shall take place over any culverted watercourse/drain. Priority will be given to de-culverting any watercourse/drain and the creation of blue-green infrastructure along its route. Details of such an investigation shall be submitted to, and approved in writing by the Planning Authority, in consultation with SEPA Reason: In order to protect and enhance the water environment.

14. ENHANCEMENT OF THE WATER ENVIRONMENT

No development shall take place unless a matters specified in conditions application comprising:

- a) An investigation of and where viable, detailed information relating to the realignment of any watercourses on site.
- b) 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 unless otherwise agreed with the Planning Authority in consultation with SEPA.

All works on site must be undertaken in accordance with the approved scheme unless otherwise agreed in writing with the Planning Authority. Reason: to improve and protect the water environment and to prevent an increase in flood risk.

15. GREEN AND BLUE MEASURES

No development (including site stripping, service provision or establishment of site compounds) shall commence on site unless an application for approval of matters specified on conditions comprising a schedule of green measures. The schedule, detailing the measures that have been investigated and will be implemented on site, should be submitted prior to the commencement of development on site for the written approval of the Planning Authority, in consultation with SEPA and implemented in full. Reason: to ensure adequate

protection of the water environment and contribute to and enhance the natural environment in accordance with Scottish Planning Policy.

16. BIRD HAZARD MANAGEMENT PLAN

No development (including site stripping, service provision or establishment of site compounds) shall commence on site unless a matters specified in conditions application comprising a bird hazard management plan has been submitted to and approved in writing by the planning authority, in consultation with Aberdeen International Airport. The submitted plan shall include details of monitoring of any standing water within the site temporarily or permanently and management of any flat/ shallow/ pitched/ green roofs on buildings within the site which may be attractive to nesting, roosting and loafing birds. The management plan shall comply with Advice Note 8 "Potential Bird Hazards from Building Design" and thereafter the agreed measures shall be implemented in full - to avoid endangering the safe movement of aircraft and the operation of Aberdeen Airport through the attraction of birds.

17. PROGRAMME OF ARCHAEOLOGICAL WORKS

No development shall take place unless a matters specified in conditions application comprising an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the Planning Authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the Planning Authority. The PERD shall be carried out in complete accordance with the approved details. Reason – to safeguard and record the archaeological potential in the area.

18. BADGER PROTECTION PLAN

No development shall take place unless a matters specified in conditions application comprising a badger survey and badger protection plan for that area has been submitted to and approved in writing by the Planning Authority. The protection plan must include (i) the measures required to protect badgers during development and any licensable activities required to allow the development to proceed, (ii) appropriate buffer zones to be established around any known active setts in order to avoid disturbance and (iii) details of how badger habitat (including foraging areas and connectivity between identified setts) shall be retained and/ or created as part of the development. Any required mitigation measures to minimise disturbance to badgers must be identified and be in accordance with Scottish Natural Heritage best practice guidance. Reason – in order to mitigate any potential impact on protected species.

19. SURFACE WATER DRAINAGE

No development within any particular block or area shall take place unless a matters specified in conditions application comprising a detailed scheme for surface water drainage for that particular block or area has been submitted to any approved in writing with the Planning Authority. The scheme shall (i) detail two levels of sustainable drainage (SUDS) treatment (or three levels for industrial hard standing areas) for all areas of roads/ hardstanding/ car

parking and one level of SUDS treatment for roof run-off; (ii) include source control; and (iii) shall be development in accordance with the technical guidance contained in the SUDS manual. Thereafter development shall be implemented in accordance with the agreed scheme. Reason – in order to ensure adequate protection of the water environment from surface water run-off.

20.WASTEWATER CONNECTIONS

No development within any particular block or areas shall take place unless a matters specified in conditions application comprising a scheme for the connection of buildings to the public waste water system for that particular block has been submitted to any approved in writing by the Planning Authority. The scheme shall include confirmation from Scottish Water that connections can be made and any necessary upgrades to the public wastewater system are in place. Thereafter, no building shall be occupied unless connection has been made to the public wastewater network in accordance with the approved details. Reason – in order to ensure the sewage is satisfactory treated and disposed of.

21.RESIDENTIAL TRAVEL PACK/ GREEN TRAVEL PLAN

No development within any particular block shall take place unless a matters specified in conditions application comprising either a residential travel pack (in the case of residential development) or a green travel plan (in the case of commercial development) for that particular block has been submitted to and approved in writing by the Planning Authority. Each residential travel pack shall identify details of different travel options available in the area in order to discourage the use of the private car. The approved travel pack shall be supplied to the first occupants of every residential unit within that block on occupation. Each travel plan shall identify measures to be implemented in order to discourage the use of the private car as well as the duration of the plan, system of management, monitoring, review and reporting and thereafter shall be implemented as approved. Reason: in order to reduce dependency on the private car for travel.

22.COMPLIANCE WITH ECOLOGICAL REPORT

The development hereby approved shall be undertaken in complete accordance with the Updated Ecological Appraisal (Brindley Associates – October 2019 – Rev A) hereby approved unless the Planning Authority have provided written agreement on a variation to the approved scheme. Reason: to ensure that the development is carried out in accordance with the recommendations of the report.

23.FULL FIBRE BROADBAND

No unit shall be occupied unless a matters specified in conditions application detailing a scheme for the provision of a full fibre broadband connection to each flat for that phase or block has been submitted to and approved in writing by the planning authority. Thereafter the scheme shall be implemented as approved and all flats provided with a full fibre broadband connection. Reason – in order to provide all flats with access to high-speed communications infrastructure, in accordance with the requirements of Policy C11 (Digital Infrastructure) of the ALDP.

ADVISORY NOTES FOR APPLICANT

DETAILED PLANNING APPLICATIONS

It should be noted that detailed planning applications for the site are unlikely to be considered

acceptable in planning terms unless they comply with the framework established through this Planning Permission in Principle and ensure that the maximum thresholds of residential units and commercial space specified in the PPIP are adhered to.

WASTE MANAGEMENT REQUIREMENTS

Each new house will each be provided with: 1 x 180 litre wheeled bin for general waste; 1 x 240 litre co-mingled recycling bin for recycling and 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 1280l bin cost £413.60; each food waste container costs £514.49 and each 180l or 240l bins cost £35.00.

All the waste containers must be presented on the kerbside 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 or by phoning 03000 200 292.

Further information can be found in the Waste Supplementary Guidance available at: <https://www.aberdeencity.gov.uk/sites/aberdeen-cms/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.

WASTE MANAGEMENT REQUIREMENTS – RETAIL ELEMENT

Business premises need to be provided with a bin store to allocate, within the property, the waste and recycling bins.

Commercial waste bins cannot be stored on the street any day of the week as per Council Policy 2009 (Obstructions- Commercial Waste Bins). Infringement on the Council Policy can lead to a fine of £500 per bin as adopted by the Enterprise, Strategic Planning and Infrastructure Committee on 29th August 2013

There are many waste contract collection providers operating in Aberdeen and each one provides different collection of waste and recycling services. For this reason, business premises need to liaise with their waste contract collection to ensure the correct management of their waste.

Business premises have a legal Duty of Care covering all the waste they produce. This means that it is the Business premises responsibility to manage and dispose of any waste correctly.

The Waste (Scotland) 2012 requires that all businesses from 1st January 2014 are required to separate paper, cardboard, glass, plastic and metals for recycling. Some businesses will additionally be required to separate their food waste (where food waste >5kg per week).

General tips for site and hopefully the chosen waste collection contractor will detail this but for access, the following is needed:

- An area of hard standing at storage and collections point(s)

- Dropped kerb at proposed bin collection point
- Yellow lines in front of bin collection point
- Bin storage areas to ideally be provided with a gully and wash down facility for the interest of hygiene

For further independent guidance about waste and recycling provision, storage and collection please refer to the following document: http://www.lgcplus.com/Journals/3/Files/2010/7/14/ADEPTMakingspaceforwaste_000.pdf and additional Trade Waste information can be found in the Waste Supplementary Guidance available at <https://www.aberdeencity.gov.uk/sites/default/files/7.1.PolicySG.ResourcesForNewDevelopmentT.C.P.4.8.9.12.13.pdf>

POLICE SCOTLAND

The developer should liaise with the Police Scotland Architectural Liaison Officer service at each stage of the development, for the purposes of designing out crime using the principles of Crime Prevention through Environmental Design (CEPTED). It is also encouraged that the applicant attain the 'Secured By Design' award and recommend that the development achieves the Police SBD accreditation as part of the planning conditions.

USE OF CRANES

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, 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. This is explained further in Advice Note 4 "Cranes and Other Construction Issues".

HOUSING

Social housing is in great demand across the city; therefore, the preference would be for on-site delivery of social housing. It is recommended that the developer enters into early discussions with a Registered Social Landlord (RSL) to secure the sale of these units. The developer should also contact the Housing Strategy Team to determine an appropriate mix of house size and types prior to the submission of any future Approval of Matters Specified in Conditions applications. The size and type should reflect the development as a whole.

HOURS OF CONSTRUCTION

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, operations creating noise which is audible at the site boundary should not occur outside the hours of 07:00 to 19:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

ROADS CONSTRUCTION CONSENT

The proposed road works shall be subject to a Section 21 Roads Construction Consent (RCC) procedure and require to be designed and constructed to Aberdeen City Council standards. The applicant shall require discussing this matter further with Colin Burnet on (01224) 522409.

BATS IN DEVELOPMENT

Please note there is a possibility that bats may be present on the site. All bats and their breeding or resting places (i.e. roosts) are protected by law. It is an offence to disturb, injure or kill any bat or to damage, destroy or obstruct access to a bat roost. Damage does not have to be deliberate to be considered an offence. Work that may impact on bats and their roosts can only be carried out under licence. If evidence of bats is discovered works must cease immediately and the advice of Scottish Natural Heritage (NatureScot) must be sought.