

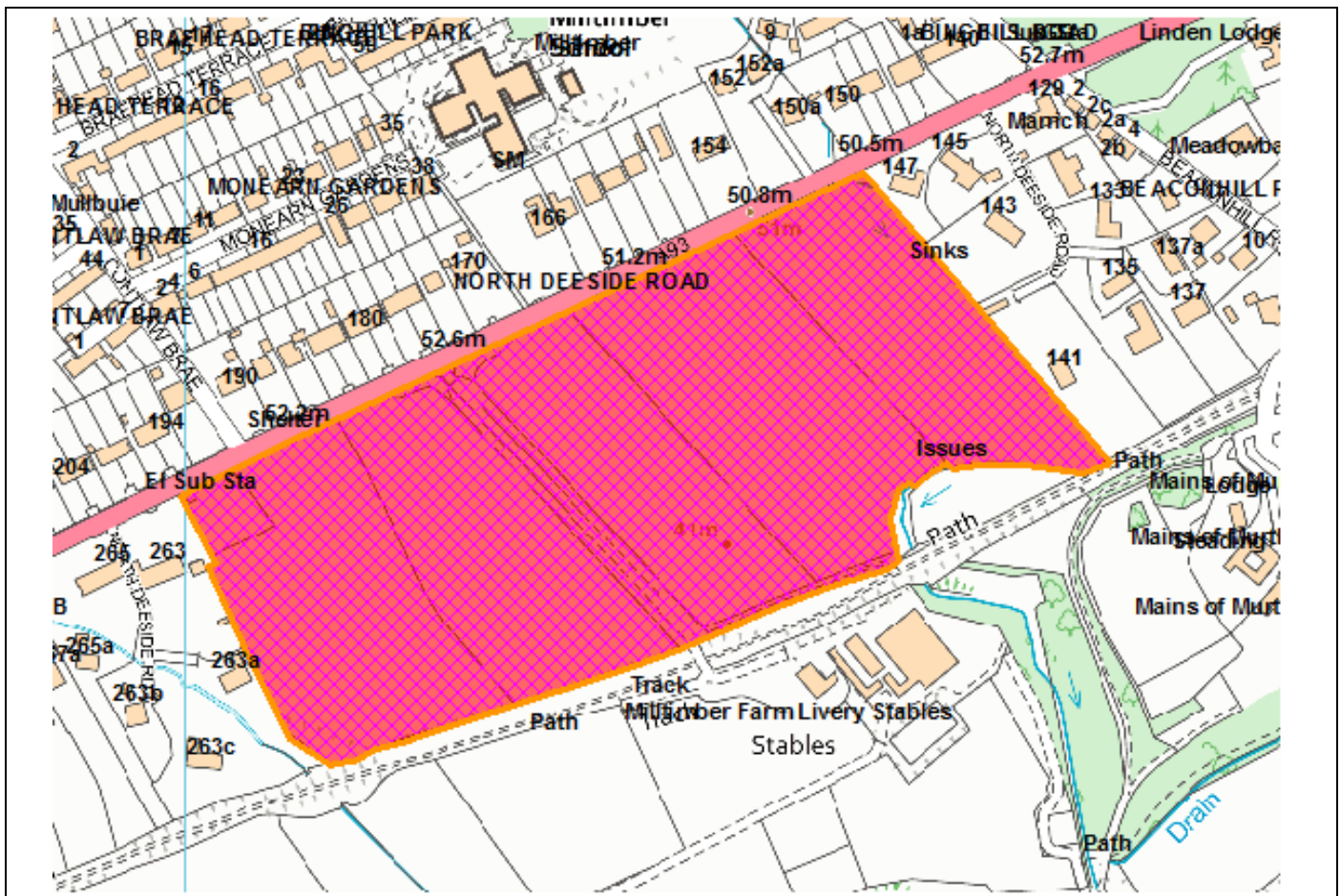


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 20th June 2024

Site Address:	Land South of North Deeside Road, Milltimber, Aberdeen
Application Description:	Variation of condition 3 (Scale of Development - Residential) of application reference 200535/PPP to increase the maximum number of residential units from 80 to 99
Application Ref:	240488/S42
Application Type	Section 42 (Variation to Conditions)
Application Date:	19 April 2024
Applicant:	Bancon Homes
Ward:	Lower Deeside
Community Council:	Cults, Bieldside and Milltimber



© Crown Copyright. Aberdeen City Council. Licence Number: 100023401 – 2024

RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application site extends to approximately 9.1 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 (A93) and residential properties to the north, the Deeside Way, a small former quarry and open space to the south, and further residential properties set in generous plots further 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 centre of the site.

The site itself is largely grassed pasture in equestrian use but includes some planting, particularly along the boundaries and central access road. 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 2023 as a 'Mixed-Use Opportunity for 60 houses and 1,225 square metres of ancillary office/retail space'. Planning Permission in Principle (PPiP) having previously been granted, on appeal, for a mixed-use development as described below.

Relevant Planning History

- Planning Permission in Principle (Ref: 200535/PPP) for 'the 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' was refused unanimously by the Planning Development Management Committee in November 2020. This refusal was subsequently appealed to the Planning and Environmental Appeals Division of the Scottish Government, where the appeal was allowed, following the conclusion of a legal agreement in December 2021. Conditions 3 and 4 on the PPP restrict the level of residential development to a maximum of 80 units and 1,225 sqm of retail space respectively within the overall development site.
- An application for approval of matters specified in condition (Ref: 220865/MSC) was approved by the Planning Development Management Committee in November 2022 in relation to conditions: 1 (Design); 2 (Access Junction); 5 (Landscaping); 6 (Trees); 8 (CEMP); 9 (Air Quality/Dust); 11 (Noise Impact Assessment); 12 (LZCT Statement); 13 (Watercourse); 14 (Watercourse, SEPA); 15 (Green Measures); 16 (BHMP); 17 (Archaeology); 18 (Badger Survey), 19 (Surface Water), 20 (Scottish Water); 21 (Residential Travel Pack) for erection of 75 residential units in connection with planning permission in principle ref. 200535/PPP. A subsequent application for the approval of matters specified in condition (Ref: 230139/MSC) was approved under delegated powers in March 2023 in relation to condition 23 (provision of Broadband) for erection of 75 residential units in connection with planning permission in principle ref. 200535/PPP. The approval of these applications allowed the developer to commence the approved development of 75 houses. These applications did not include the eastern part of the PPiP site, that is within different ownership and earmarked for commercial use and five residential units.
- An application (Ref: 230019/MPO) for the modification of planning obligation associated with 200535/PPP to allow the removal of Clause 10 (secondary education contribution) was approved under delegated powers on 10th April 2023.

APPLICATION DESCRIPTION

Description of Proposal

The application is submitted under the provisions of Section 42 of the Town and Country Planning (Scotland) Act 1997 and seeks to allow the development to be carried out without compliance with Condition 3 of planning permission in principle Ref: 200535/PPP. Condition 3 relates to the number of residential dwellings to be accommodated on site and advises:

“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.”

The applicants are seeking to either amend or remove the above condition and have submitted supporting information to demonstrate that up to 99 units could be accommodated on the application site. They have done this by reducing the overall footprint of the dwellings and introducing a number of smaller house types to reflect the current housing market. The layout is discussed further in the below evaluation.

Amendments

The applicants have submitted a revised indicative layout to show how 99 units could be accommodated on site. The revised indicative layout shows a lower density of units in the north east part of the site, suggested for affordable housing and smaller house types along the southern boundary. The Design Statement and Planning Statement have also been updated to reflect the revised layout and comments received from consultees.

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=SC6XGBBZME500>

- Design Statement (updated May 2024);
- Planning Statement (updated May 2024);
- Pre-Application Consultation Report Addendum;
- Transport Assessment.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the proposal is a major development, has been subject to an objection from Cults, Bieldside and Milltimber Community Council and has been subject to 17 timeous letters of objection. Consequently, the proposals fall outwith the Scheme of Delegation.

Pre-Application Consultation

Pre-Application Consultation was undertaken prior to the submission of Planning Permission in Principle application 200535/PPP and included the submission of a Proposal of Application Notice (October 2019), two public events in November and December 2019, a presentation to Cults,

Bielside and Milltimber Community Council in November 2019 and a presentation to the Council's Pre-Application Forum in December 2019.

Prior to the submission of the current application the applicants held a meeting with two members of Cults, Bielside and Milltimber Community Council on 17th April 2024 to discuss the proposed amendments.

CONSULTATIONS

ACC - Developer Obligations – note that this application is has been made under Section 42 for non-compliance with Condition 3 of the existing planning permission (Ref: 200535/PPP) which restricts the development to 80 units despite the Decision Notice describing the development as being “up to 99 units”. The description of development contained within the existing Section 75 legal agreement also includes the same description as the Decision Notice, as being up to 99 units. The existing S75 legal agreement is therefore capable of accommodating the uplift in development sought through this Section 42 application. As the existing payment clauses are structured around per unit payments, the per unit payment can be applied to 99 units just as it could to 80. The increased impact from the additional housing numbers would therefore be proportionately captured within the current legal agreement without further modification as payment would be made in arrears on the basis of completed units (up to a maximum of 99).

ACC - Roads Development Management Team – note that the submitted Transport Assessment evidences that the proposed number of units would have no adverse impact on the surrounding road network. They have also noted that the two accesses to the site remain acceptable and confirmed that they have no objection to the application.

ACC - Waste and Recycling – have no objections to the application, noting that the developer should meet the conditions associated with the previous permission on site.

ACC - Housing – have advised of general housing requirements for development, but noted that there is currently little demand for two bed units and that the proposed affordable housing units should proportionally reflect the development. They also note that family sized houses are in greatest need and therefore the development should provide affordable houses, which would adequately reflect the development as a whole. They have also noted that a minimum of four of the affordable housing units should be wheelchair accessible.

ACC - Schools Estates Team – advise that the site falls within the school catchment area for Milltimber School and Cults Academy. Note that pupil numbers at both schools are nearing school capacity, so any increase in housing units within this site may require contributions from the developer to assist with the cost of reconfiguring the schools to provide the additional pupil capacity required.

Cults, Bielside and Milltimber Community Council – object to the application. Consider that the existing planning consent on site should prevail and note the allocation of the site for up to 60 houses and 1225sqm of retail/ commercial space. They would also request the submission of a refreshed Masterplan for the site, including the land in the eastern section of the site, to remove any uncertainty over the overall scope of the development.

REPRESENTATIONS

17 letters of representation, all objecting to the application have been received. The matters raised are summarised and responded to in the section of this report 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 making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires the planning authority in determining the application only to consider the question of the condition(s) subject to which the previous planning permission should be granted. The planning authority has the option to approve the permission subject to new or amended conditions or to approve planning permission unconditionally. Alternatively, the planning authority can refuse the application, which would result in the conditions on the original application remaining.

Development Plan

National Planning Framework 4

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan.

- Policy 14 (Design, Quality and Space)
- Policy 16 (Quality Homes)

Aberdeen Local Development Plan (2023)

- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D4 (Landscape)
- Policy H2 (Mixed Use Areas)
- Policy H3 (Density)
- Policy H4 (Housing Mix)
- Policy H5 (Affordable Housing)
- Policy I1 (Infrastructure Delivery and Planning Obligations)
- OP114 (Milltimber South)

Aberdeen Planning Guidance

- Landscape
- Amenity & Space Standards
- Planning Obligations (Supplementary Guidance)

Other Material Considerations

- Milltimber South Masterplan and Design and Access Statement (September 2020) – part of planning permission 200535/PPP.

EVALUATION

Principle of Development

The Aberdeen Local Development Plan 2023 identifies the application site as Opportunity Site 114 – Milltimber South, for an indicative development of 60 houses and 1,225 square metres of ancillary retail/office space and sets out 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. Therefore, the issues to be considered are the additional 19 units, whether these can be accommodated within the application site in an acceptable layout and whether the proposals would have any adverse impact on the amenity or infrastructure of the surrounding area. These issues will be discussed further in the below evaluation.

Layout, Siting and Design

NPF4 Policy 14 (Design, Quality and Place) states that *“Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale”* and *“Development proposals will be supported where they are consistent with the six qualities of successful places: healthy, connected, pleasant, distinctive, sustainable, adaptable”* whilst Policy D1 (Quality Placemaking) of the ALDP 2023 advises that *“all development must ensure high standards of design, create sustainable and successful places and have a strong and distinctive sense of place which is a result of detailed contextual appraisal.”*

In the assessment of the previous planning application in principle for the site (200535/PPP) it was considered that a maximum of 80 dwellings would be acceptable on site, as the applicants had not adequately demonstrated that 99 dwellings (as they had applied for at the time as a maximum level of development set through the PPIP application) could be accommodated within the development envelope. This view was shared by the Scottish Government Reporter in applying Condition 03 to the 200535/PPP approval on appeal (PPA-100-2117). The Reporter also stated in the appeal decision that *‘I do not believe that a development of 80 houses would represent over-development as contended by the council.’* and that *‘On the basis of those restrictions (conditions 2 and 3) I am satisfied that the general principle, nature and scale of the development are consistent with the allocation of site OP114 in the ALDP.’*

The previous layout, as considered through 200535/PPP and the subsequent 220865/MSC approval comprised 80 units, based on a mix of eight 1-bed cottage flats, eight 2-bed cottage flats, four 3-bed dwellings, thirty 4-bed dwellings and twenty-five 5-bed units. The proposals also indicated five units which would follow within a later phase by a separate developer. In terms of the current application the proposals, (which have been amended since the original submission), comprise the provision of eight 1-bed cottage flats, eight 2-bed cottage flats, nine 3-bedroom dwellings (a total of 25 units to be affordable), 59 4-bedroom dwellings and ten five bed dwellings. Five dwellings are also included within the later phase of development as before, resulting in a maximum total of 99 units. The proposals therefore propose an improved mix of properties with less 5-bed detached houses and a

small number of semi-detached properties in the north-eastern corner of the site. The proposals would therefore provide an acceptable housing mix, from a planning perspective and would ensure compliance with Policy H4 (Housing Mix) of the ALDP 2023.

In terms of layout, when compared with the previous approvals it is clear from the submitted information that the size of the dwellings, in terms of plot coverage, has reduced to allow for the increase in housing numbers, whilst not increasing the developable area. The applicant's supporting statement has indicated that the approved units (under application 220865/MSC) resulted in a total development floorspace figure of approximately 12,798sqm whereas the proposed layout would cover an area of approximately 12,732sqm, resulting in a small reduction in the overall scale of development, due to the smaller house types used, notwithstanding the increase in the overall number of houses.

In terms of design principles, the overall layout remains largely the same, with slight amendments to the orientation and layout of dwellings. The road layout would also not be altered. The proposals would also result in increased areas of open space within the development with the supporting information indicating that due to the use of smaller house types, this would increase from 4.085 hectares to approximately 4.262 hectares and would result in an open space requirements well within the adopted APG guidance. It is also noted that materials would generally remain as existing, although finalised details in this regard would be covered via any future application for approval of matters specified in condition.

It is, therefore, concluded that the applicants have adequately demonstrated that the additional 19 units could be successfully accommodated within the application site and that the development has been designed with due consideration for its context and would not have an adverse impact on the character or the appearance of the surrounding area. Whilst the site is allocated for 60 homes, and 99 are now proposed the view is that this uplift in numbers could be accommodated within the application site without detriment to surrounding amenity and would fit in with the general character of properties in the surrounding area and the general character of the development set out in the Masterplan agreed through the original PPIp application that was previously approved.

The proposals, in principle would therefore comply with Policies 14 and 16 of NPF4 and with Policies H2 (Mixed Use Areas) D1 (Quality Placemaking), D2 (Amenity), D4 (Landscape), H2 (Mixed Use Areas) and H3 (Density) of the ALDP 2023 and its associated APG: Landscape and Amenity & Space Standards, as well as with the overall allocation of the site as detailed in OP114 – Milltimber South

Developer Obligations/ Affordable Housing

Policy I1 (Infrastructure Delivery and Planning Obligations) of the ALDP 2023 advises that *“to create sustainable communities, development must be supported by the required infrastructure, services and facilities to deliver the scale and type of developments proposed. Where development either individually or cumulatively will place additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, the developer will be required to meet or contribute to the cost of providing or improving such infrastructure or facilities”* whereas Policy H5 (Affordable Housing) advises *“housing developments of five homes or more are required to contribute no less than 25% of the total number of homes as affordable housing. Affordable housing requirements will be delivered on-site.”*

In this regard, it is noted that the previous development for 80 dwellings was to provide financial contributions totalling £1,483,092.80 and provided 25% affordable housing indicatively set in the north-eastern section of the application site (totalling 20 units) which were to be operated by a Registered Social Landlord. The current proposal seeks consent for an additional 19 units.

The proposals have been subject to consultation with colleagues in Developer Obligations, who have undertaken various assessments in relation to the development as proposed and have noted that the description of development contained within the existing Section 75 legal agreement also includes the same description as the Decision Notice, as being up to a maximum of 99 residential units. The existing S75 legal agreement is therefore capable of accommodating the uplift in development sought through this Section 42 application. As the existing payment clauses are structured around per unit payments, the per unit payment can be applied to 99 units just as it could to 80. The increased impact from the additional housing numbers would therefore be proportionately captured within the current legal agreement without further modification as payment would be made in arrears on the basis of completed units (up to a maximum of 99). The proposals would therefore be in compliance with Policy I1 (Infrastructure Delivery and Planning Obligations) and its associated Supplementary Guidance: Planning Obligations.

In terms of affordable housing, the proposals now include 25 units in the north-eastern section of the site which includes eight 1-bed cottage flats, eight 2-bed cottage flats, nine 3-bedroom dwellings. Whilst the comments of the Housing Service are noted, the layout, from a planning perspective is considered to be acceptable and would be a betterment in terms of affordable housing provision to what has previously been consented on site (eight 1-bed cottage flats, eight 2-bed cottage flats, four 3-bed dwellings). The proposals would provide 25% affordable housing on site and would therefore be in general compliance with Policy H5 (Affordable Housing) of the ALDP 2023.

Other Conditions

Planning Permission in Principle 200535/PPP was subject to various conditions covering matters in relation to detailed design of the dwellings, roads, landscaping, tree protection, contaminated land, the submission of a construction environment management plan, low and zero carbon, a noise assessment, air quality dust risk assessment, dust management plan, the route of the watercourse, enhancement of the water environment, green and blue measures, the requirement for a bird hazard management plan, archaeological works, badger protection, surface water drainage, wastewater connections, travel plans, ecological compliance and the requirement for full fibre broadband. These conditions all remain valid and given that the approval of this application would result in a new Planning Permission in Principle, they are proposed to be attached to the current permission as detailed fully at the end of this report.

Matters Raised by Community Council

It is noted that Cults, Bielside and Milltimber Community Council have objected to the application. They considered that the most recent planning decision (being the approval of 80 houses on the development site) should prevail. As discussed above, it is considered that that, following consideration of the indicative layout and supporting information provided through the current application, 99 houses can now be accommodated on the site without detriment to amenity, being of an appropriate layout and design and without detriment to local infrastructure.

It is also noted that the retail/ commercial space remains within the development site, although no changes to this are proposed through the current application. It is also considered that the Design Statement and Planning Statement are appropriate and a revised masterplan is not required in this instance, as the design parameters agreed through that document remain. The masterplan retains the requirement for the retail/ commercial space in the eastern section of the site.

Matters Raised in Representations

1. There are sufficient sites for housing within the Aberdeen city area, including within Milltimber and building on areas of flood risk should be discouraged. Empty properties should be redeveloped before this site is developed. *Response: the site is allocated for housing and commercial use in the Aberdeen Local Development Plan and the applicants have previously demonstrated that a development could be provided without a risk of flooding. An evaluation in relation to the additional 19 units has been provided above.*
2. Concerns about the proposed increase in number of housing units, which will introduce even more properties into the application site and there is no position for the developer to re-apply for an increase over the approved allocation and it therefore must be refused. Local residents were not in favour of the original development, and the developer should not be requesting further residential properties on site. If the developer cannot develop the land in terms of the previously approved scheme, then the development should not go ahead. Noted the levels of objection to the previous scheme. *Response: the developer is within their rights to apply for additional planning units within the site and the Planning Authority have an obligation to determine the current application. An assessment in relation to the additional 19 units has been provided above.*
3. The proposal fails to comply with NPF4, which targets areas of past decline, and there are more suitable areas within the area with brownfield designations. *Response: the aims of NPF4 are noted, however the site is allocated for housing and commercial use in the Aberdeen Local Development Plan.*
4. The site should be re-designated as Green Belt and Green Space Network and concerns raised in relation to the loss of green space. *Response: the site has a complex history, with previous requests to remove the allocation from the currently adopted ALDP 2023. The site is current allocated for housing and commercial use in the Aberdeen Local Development Plan.*
5. Query in relation to potential loss of retail/ mixed use space and whether this area would be converted to housing and whether the developer should re apply for housing only. Concerns also raised as to whether the housing should be approved without the required amenities. *Response: the retail/ mixed use element still forms part of the planning permission in principle.*
6. The original planning condition was established to mitigate issues such as impacts on the local community (doctors, dentists, primary and secondary education), increased traffic, noise pollution and impact on local services and should therefore be retained and insufficient justification has been submitted by the developer to remove the condition. *Response: the proposals have been assessed by colleagues in Developer Obligations, which has included consultation with colleagues in Housing and Education who are content that, via the provision of the required developer obligations, that the additional 19 units could be provided without a detrimental impact on amenity. Colleagues in Roads have also raised no objection to the application.*
7. The provision of one-bed properties is not in keeping with the vision of family living and the Milltimber area has a number of smaller properties designed for this purpose. Once bed flats are not required. *Response: the previous proposals included eight one bed units, as does the current application. This would allow for a mixture of residents to live within the development.*

8. Concerns in relation to the access to the site and the impacts on access to properties on the northern side of North Deeside Road. Request that the access road is moved further to the east as it is opposite an existing driveway and concerns about existing/ entering the site during rush hour and whether there would be a further requirement for traffic signals. Concerns about the location of the proposed accesses and their proximity to each other. Impacts on public transport, including bus routes/ children accessing bus stops. *Response: the two site accesses have previously been agreed and are not being altered through the current application. Colleagues in Roads Development Management have raised no objection to the application. A safe route to school will be required to be submitted as part of a future Matters Specified in Condition application and the site will be afforded close access to public transport.*
9. The 25% increase in housing numbers will bring an increase in noise impacts, as well as landscape/ visual impacts and ecological matters. Impact on air quality during construction. Concerns also raised in regards to the health and well-being of local residents, and the River Dee Special Area of Conservation. Mature screening would be required to be effective from day one. *Response: it is considered that the additional 19 houses could be provided on site. The applicants will need to adequately demonstrate, through the submission of an application for the approval of matters specified in conditions, that there would be no adverse visual impact, no adverse impact on protected species and to ensure there would be no impact on the River Dee SAC (through the submission of a Construction Environment Management Plan.*
10. The site is susceptible to flooding and will likely require the installation of flood barriers, which will have an adverse visual impact on neighbouring properties. Properties in the surrounding area will also be more vulnerable to flooding. Concerns also raised regarding impact on drainage and water pollution. *Response: this matter was raised during the previous application, and the applicant submitted further details to confirm that this matter was acceptable. Further details will be required at MSC stage to ensure that the site can be adequately drainage and would not be susceptible to flooding.*
11. The provision of 99 units would have an adverse impact on the area, with the density of development greater than those found in the surrounding area. The proposed smaller houses will also be out of character with properties in the surrounding area. The previous dwellings were more in keeping with the scale and size of properties in the surrounding area. *Response: this matter has been discussed in greater detail in the above evaluation.*
12. Concerns about the location of the affordable housing units, the level of density proposed for these and its location in proximity to North Deeside Road. *Response: the location of the affordable housing units is as previously agreed, an amended layout has been provided to alter the mix slightly and provide additional semi and detached units.*
13. Impacts on tourism due to the loss of views. *Response: the applicant had previously demonstrated that the development could be provided without adversely impacting on the views from North Deeside Road and will be required to do this again in any future MSC application. It is anticipated that this will be possible, and the proposals will not adversely impact on tourism.*
14. Request that Aberdeen City Council seek a judicial review of the examination of the Aberdeen Local Development Plan 2017, which resulted in the site being allocated for housing, seeking relief from the normal three-month limit on the grounds that the situation is inequitable and

unfair to the community. Noting that a number of the reporters views at the time of examination were flawed. *Response: it is not possible for the Planning Authority to seek a judicial review in relation to the allocation of the site in 2017.*

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The applicants have adequately demonstrated, though the submission of supporting information, that an additional 19 residential units could be accommodated within the development site without having an adverse impact on residential amenity or the character of the area or development and would result in a wider range of housing options that previously proposed. Whilst the allocation of the site for a maximum of 60 units is noted, the proposed layout is considered to be acceptable, and the provision of previously agreed developer obligations and adherence to the existing S75 legal agreement would ensure that there was no adverse impact on surrounding infrastructure. The proposals would therefore be in general accordance with Policies 14 (Design, Quality and Space) and 16 (Quality Homes) of National Planning Framework 4 and with Policies D1 (Quality Placemaking), D2 (Amenity), D4 (Landscape), H2 (Mixed Use Areas), H3 (Density), H4 (Housing Mix), H5 (Affordable Housing), I1 (Infrastructure Delivery and Planning Obligations) OP114 (Milltimber South) of the Aberdeen Local Development Plan 2023, its associated Aberdeen Planning Guidance in relation to Landscape and Amenity & Space Standards and the Supplementary Guidance in relation to Planning Obligations. The Planning Authority are therefore content that condition 3 can be removed.

CONDITIONS

1. MATTERS REQUIRING FURTHER APPROVAL

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 (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 2023.

4. 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.

5. 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.

Reason - in order to ensure adequate protection for the trees on site during the construction of the development.

6. 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.

Reason - in order to ensure. adequate protection for the trees on site during the construction of the development.

7. 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.

8. 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 Aberdeen Planning Guidance: Resources for New Development.

9. 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.

10. 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 WB2 – Air Quality of the Aberdeen Local Development Plan 2023.

11. 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 WB2 – Air Quality of the Aberdeen Local Development Plan 2023.

12. 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.

13. 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.

14. 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 National Planning Framework 4 and the relevant policies of the Aberdeen Local Development Plan 2023.

15. 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.

Reason - to avoid endangering the safe movement of aircraft and the operation of Aberdeen Airport through the attraction of birds.

16. 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.

17. 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 NatureScot best practice guidance.

Reason – in order to mitigate any potential impact on protected species.

18.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.

19.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 pubic wastewater network in accordance with the approved details.

Reason – in order to ensure the sewage is satisfactory treated and disposed of.

20.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.

21. 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 – submitted under application 200535/PPP) 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.

22.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 CI1 (Digital Infrastructure) of the Aberdeen Local Development Plan 2023.

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 PPI 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, bioliner 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.