

Planning Development Management Committee

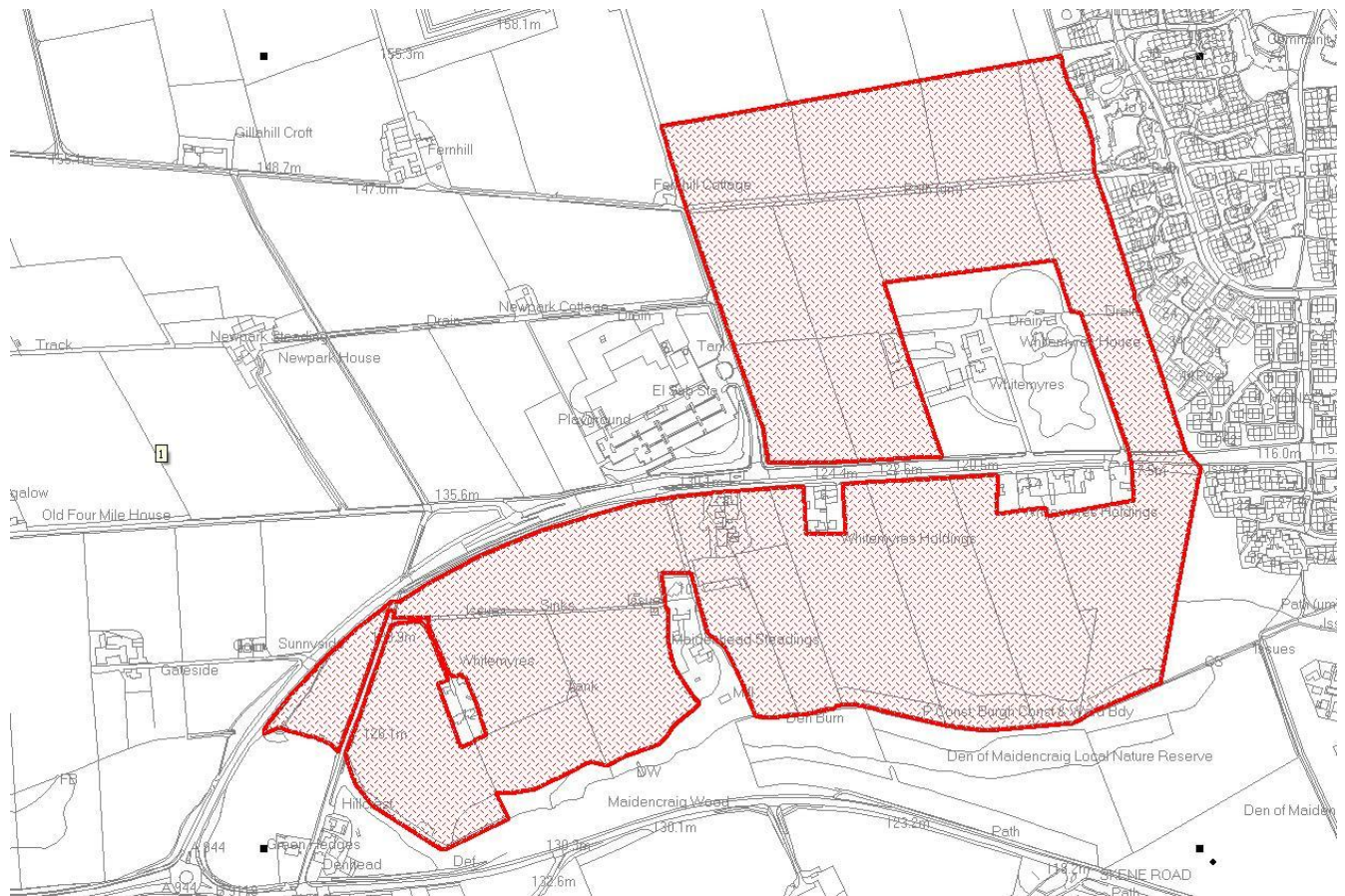
SITE AT MAIDENCRAIG, NORTH AND SOUTH OF THE A944

MIXED USE DEVELOPMENT INCORPORATING RESIDENTIAL, COMMERCIAL USES, COMMUNITY FACILITIES, OPEN SPACE, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE

For: Bancon Developments Ltd

Application Type : Planning Permission in Principle
Application Ref. : P130265
Application Date: 28/02/2013
Officer: Gareth Allison
Ward : Kingswells/Sheddocksley/Summerhill (L Ironside/S Delaney/D Cameron)

Advert : Section 34 -Proj. Pub. Concern
Advertised on: 01/05/2013
Committee Date:
Community Council : Comments



RECOMMENDATION:

Willingness to approve conditionally, but to withhold the issue of the consent document until the applicant has entered into a Legal Agreement to deliver:

- 1) Affordable Housing,**
- 2) Transfer of land ownership to allow potential improvements to the A944,**
- 3) Strategic Transport Fund contributions, and**
- 4) Developer contributions towards:**
 - **Primary Education;**
 - **Community Facilities;**
 - **Recreation Facilities;**
 - **Library Facilities;**
 - **Core Path Networks;**
 - **Healthcare Facilities;**
 - **Flood Prevention Scheme; and**
 - **Road improvements to mitigate the impact of development.**

DESCRIPTION

The application site refers to two specific areas of land located to the west of the city centre. Identified as Maidencraig North East (OP44) and Maidencraig South East (OP43) under the Aberdeen Local Development Plan, they lie to the north and south of the Lang Stracht (A944). Zoned under the Land Release Policy (LR1), the sites provide a combined opportunity for 750 no. homes. The whole of the site has a southern aspect, sloping from north to south, and in terms of landscaping is generally undefined, with a typically rural identity running through both areas.

Situated adjacent to Sheddocksley on the western edge of the City, OP44 has a gradual slope from the north of the site down to the A944. The area extends to 22.8 hectares, and comprises the fields which surround Whitemyres House (Grade B listed) and Old Whitemyres Farmhouse (Grade Cs listed), and Fernhill Farm. The northern section of the boundary with Sheddocksley is defined by a thick tree belt, and the southern section by areas of hedgerow and sporadic trees. Further tree planting forms the northern boundary of the site, which in combination with general topography, screens the site from the north.

OP43, located west of the Summerhill residential area, is much more undulating in nature, extending to 29.8 hectares and encompassing the land from the A944 in the north, dropping steeply to the southern boundary with Den of Maidencraig. Beyond the Den Burn Valley to the south of the site is the Den of Maidencraig Local Nature Reserve, with Queens Road beyond. There is a Tree Preservation Order to the south of the Maidencraig Steadings, which contains 1no. Grade Cs listed building, with a further Order covering part of Maidencraig Wood.

RELEVANT HISTORY

Maidencraig south east was originally identified within the Aberdeen Local Plan 2008 as Strategic Housing Land Reserve (SHLR30). The Local Plan (p28)

confirmed that this site would be planned through the Local Development Plan. Both sites were then identified in the Aberdeen Local Development Plan 2012 under Policy LR1: Land Release and are suitable for development within the 2006-2016 plan period.

PROPOSAL

This is an application for Planning Permission in Principle for mixed use development incorporating residential, commercial uses, community facilities, open space, landscaping and associated infrastructure.

Supporting Documents

The application has been supporting with the following documents:

- Maidencraig Masterplan;
- Maidencraig Masterplan Pre-Application Consultation Report;
- Maidencraig Masterplan Non-technical Summary;
- Transport Assessment;
- Drainage Impact Assessment;
- Masterplan Drainage Impact Assessment;
- Ecological Assessment; and
- Badger Protection Plan.

All drawings and the supporting documents listed above relating to this application can be viewed on the Council's website at –

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?130265>

On accepting the disclaimer enter the application reference quoted on the first page of this report.

PRE-APPLICATION CONSULTATION

The proposed development was the subject to pre-application consultation (PAC) between the applicant and the local community, as required for applications falling within the category of major developments as defined in the 'Hierarchy of Development' Regulations. A Proposal of Application Notice was submitted to the Council on 29th February 2012, and all the statutory requirements of the PAC, including the advertisement of two public events, were met by the applicants.

The applicant's have confirmed that the design for the site has evolved with continued input from the local community, whose input has helped shape the proposals to ensure that they meet the aspirations for the site. Events that took place during the masterplanning process for the sites include:

- Presentation to Mastrick, Sheddocksley and Summerhill Community Council early 2009;
- LDP development bids exhibition 4 June 2009;
- End June 2009 Kingswells Community discussions;
- Meeting with Mastrick and Sheddocksley and Summerhill Community Councils – 8th February 2012; and
- Community exhibition – 29 March 2012 – 30 March 2012.

The public consultation events on the 29th and 30th March 2012 were held at Curl Aberdeen, Eday Road, Aberdeen. The format for both public consultation events was that of a drop-in exhibition with plans, aerial images, site analysis and indicative proposals all being available for inspection. Members of staff from the applicants and their Design Team were available to explain the proposals and record any public comments. It was estimated that more than 100 people attended the two events, with a total of 23 written responses being received in the period after the events. The main issues arising from this consultation included traffic concerns, education, impact on wildlife, and provision of community facilities, health-care and nurseries. Full details of the comments received for the engagement process and the responses made can be found in Appendix 6.1 of the Masterplan and the feedback received through the PAC.

The Maidencraig Masterplan was approved by Enterprise, Planning and Infrastructure Committee as Supplementary Guidance on 22 January 2013. It was ratified as Supplementary Guidance by the Scottish Government in April 2013 following the statutory four week consultation period. The following list highlights those that were consulted, the results of which were then reported to the Enterprise Planning and Infrastructure Committee:

- Mastrick, Sheddocksley and Summerhill Community Council;
- Kingswells Community Council;
- Aberdeen City and Shire Strategic Development Planning Authority;
- Aberdeenshire Council;
- Forestry Commission Scotland;
- Scottish Water;
- SEPA;
- Scottish Natural Heritage;
- Historic Scotland;
- Scottish Enterprise Grampian;
- Transport Scotland;
- NHS Grampian;
- NESTRANS; and
- Planning Gain.

Since the period of submitting the Proposal of Application Notice, the applicants have continued to engage with the Planning Authority and other relevant bodies, including NHS, education and bus providers, throughout the development process prior to the submission of this planning application.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the the Planning Development Management Committee because it has attracted more than five letters of representation. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

ACC Roads Project Team - Request various transport related infrastructure improvements, including off site works and contribution to the Council's Strategic

Transport Fund. The Roads Project Team Memorandum is included with the Committee agenda papers.

Transport Scotland Trunk Road Network Management - No objection subject to condition restricting the number of residential units to be occupied (182 units) prior to construction of the Aberdeen Western Peripheral Route (AWPR), to prevent any adverse affect on the safe and efficient operation of the trunk road network.

ACC Flooding Unit - No objection subject to conditions relating to proposed culverting measures and agreement of developer contribution;

Scottish Water - No objection subject to separate application directly to Scottish Water by applicant for connection to existing infrastructure;

SEPA - No objection subject to further consultation on individual detailed / Matters Specified in Conditions (MSC) application phases for the site;

ACC Environmental Health - Request conditions regarding suppression of dust during construction, control of construction hours, noise nuisance, sewage systems, and refuse disposal;

SNH - No objections subject to conditions relating to badger protection;

Developer Contributions Team - The development must provide an appropriate level of affordable housing on site and/or financial contribution for the same purpose, along with contributions towards enhancement of primary education; community facilities; recreation facilities; libraries; health-care facilities and improvement works and links to the Core Path network in the vicinity. These matters are to be delivered through legal agreement under the provision of S75 of the planning acts;

Education - Advise that the development can be accommodated within existing secondary school capacity but that enhancement of primary school capacity is required.

Police Scotland - No objection subject to further consultation on individual detailed / MSC application phases for the site; and

Community Council - Comments received, however these relate directly to the Planning System and are not related specifically to this application.

REPRESENTATIONS

A total of 11 No. letters of representations have been received to the application. 10 No. of these were received in respect of the original application submission. A further letter was received from Kingswells Community Council, however as noted above this contained comments relating to the planning system in general, and is not a formal objection to the proposal. Following submission of additional information and supporting documents, neighbours were re-notified and the application re-advertised. 5 No. representations were subsequently received. 1

No. of these was a new representation; the remaining were copies of representations submitted to the original proposal. The main issues contained within all representations can be summarised as follows:

Landscape Impact - The proposal is unnecessary within the city. It would result in a loss of green belt and rural lifestyle and would have an adverse impact on existing wildlife and natural habitats. Furthermore a Tree Preservation Order (TPO) is shown on the plans which is inaccurate and should be removed before any approval is considered.

Existing Amenity - The development would result in a loss of light and privacy of existing residences. Furthermore the proximity of houses to the existing boarding kennels in the south of the site may result in complaints from residents over noise nuisance, subsequently impacting on the amenity and service currently provided by the business.

Drainage - Existing drainage systems would not have the capacity to adequately cope with the new development, which could then have a detrimental impact on both existing and proposed houses, roads and fields. The land shown for the SUDS basin to the south-east of the development is not capable of supporting the infrastructure required to construct the basin and should be moved to the west of the development.

Traffic & Access - Existing road networks within the area are already congested. The proposed development will only lead to further congestion and safety concerns. Access to existing houses within the site should remain unaltered as per existing title deeds, and permission will not be given to developers to cut across this. Advanced Stop Lines should be provided for cyclists, whilst there is a lack of clarity regarding both cycle provision within the main bus route, and the potential conflict between pedestrians and road uses in the Safer Streets Design. The proposed access point at Uist Road is not welcomed by residents.

Local Impact - Existing public transport links are inadequate, which will only be exasperated by the development. Proposed bus links would cause disturbance to existing residents, whilst local schools will not be able to cope with additional numbers as a result of the development. The development would also affect the value of existing residences in the area, and may have a detrimental impact on local services such as phone signal, TV and internet services.

All of the above concerns are taken into full consideration in the evaluation section below.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP) 66 'Housing' - The key objective of the Scottish Government is sustainable economic growth. The planning system should contribute to raising the rate of new house-building by identifying a generous supply of land for the provision of a range of housing in the right places. The

planning system should enable the development of well designed, energy efficient, good quality housing in sustainable locations and allocate a generous supply of land to meet identified housing requirements across all tenures.

SPP 165 'Transport' - Development should encourage greater use of sustainable transport modes. Transport assessments and green travel plans should be a key part assessing development proposals.

Designing Streets: A Policy Statement for Scotland - Provides guidance on street design and marks a change in the emphasis of guidance towards place-making and away from a system focused upon the dominance of motor vehicles.

Aberdeen City and Shire Structure Plan

Economic Growth – The Structure plan sets a target to increase the population of the city region to 480,000 by 2030. It identifies Aberdeen City as a key growth area and allocates a total of 16,500 housing units for the period 2007- 2016. Opportunities should be provided which encourage economic development, improving the essential strategic infrastructure necessary to allow the economy to grow over the long term.

Accessibility – All new development should contribute towards reducing the need to travel and encourage people to walk, cycle or use public transport by making these attractive choices.

Aberdeen Local Development Plan (ALDP)

Policy LR1 – Land Release – The site is zoned as Land Release within the ALDP and encompasses both Opportunity Sites OP43 Maidencraig South East and OP44 Maidencraig North East. Both are identified as opportunities for development, and are allocated under the phase 1 release for housing development in the period from 2007-2016 for 450 and 300 homes respectively, with Policy LR1 stating that housing development within these areas will be approved in principle. Both areas include sections zoned under Policy NE1 Green Space Network, whilst there is risk of flooding to the south east site. The site is identified within the Maidencraig Masterplan which was ratified as Supplementary Guidance by Scottish Government in April 2013.

Policy NE1 – Green Space Network (GSN) – The City Council will protect, promote and enhance the wildlife, recreational, landscape and access value of the Green Space Network. Masterplanning of new developments should determine the location and extent of the Green Space Network within these areas. Development which has any impact on existing wildlife habitats, or connections between them, or other features of value to natural heritage, open space, landscape and recreation must be mitigated through enhancement of Green Space Network.

Policy H3 – Density – The City Council will seek an appropriate density of development on all housing allocations and windfall sites. All residential developments of over one hectare must meet a minimum density of 30 dwellings per hectare (net).

Policy H4 – Housing Mix – Housing developments of larger than 50 units are required to achieve an appropriate mix of dwelling types and sizes, in line with a Masterplan.

Policy H5 – Affordable Housing – Housing developments of 5 units or more are required to contribute no less than 25% of the total number of units as affordable housing, in line with Supplementary Guidance.

Policy I1 – Infrastructure Delivery and Developer Contributions – Development must be accompanied by the infrastructure, services and facilities required to support new or expanded communities and the scale and type of developments proposed.

Policy CF2 – New Community Facilities – In significant greenfield developments, where a likely need is identified through the masterplanning process, sites shall be reserved for new community facilities.

Policy NE4 – Open Space Provision in New Development – Communal or public open space should be provided in all residential developments, including those on brownfield sites.

Policy NE8 – Natural Heritage – Development that, taking into account any proposed mitigation measures, has an adverse effect on a protected species or an area designated because of its natural heritage value will only be permitted where it satisfies the relevant criteria set out in Scottish Planning Policy.

Policy T2 – Managing the Transport Impact of Development – New developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated.

The following policies are also of relevance:

- Policy D1: Architecture and Placemaking;
- Policy D3: Sustainable & Active Travel;
- Policy D6: Landscape;
- Policy NE5: Trees & Woodlands;
- Policy NE6: Flooding & Drainage;
- Policy NE9: Access & Informal Recreation;
- Policy NE10: Air Quality;
- Policy R6: Waste Management Requirements for New Development; and
- Policy R7: Low & Zero Carbon Buildings.

Aberdeen City Council Supplementary Guidance (SG)

The following SG documents are relevant material considerations:

- Maidencraig Masterplan;
- Transport & Accessibility;
- Affordable Housing;
- Landscape Strategy Part 2 – Landscape Guidelines;
- Open Space;

- Protecting Trees & Woodlands;
- Trees & Woodland Strategy for Aberdeen;
- Drainage Impact Assessments;
- Infrastructure & Developer Contributions Manual;
- Air Quality Supplementary Guidance;
- Waste Management; and
- Low & Zero Carbon Buildings.

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) 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.

For the purpose of this evaluation; the application is for planning permission in principle and accordingly, the consideration of each aspect of the proposal will deal primarily with the principle of the development rather than any specific details of design, materials etc.

Principle of Development

SPP sets out the Government's core principles that underpin the modernised planning system. It states the system 'should be genuinely plan-led' and there should be 'a clear focus on the quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment'. SPP also states that the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places, whilst protecting and enhancing the quality of the natural and built environment as an asset for that growth. It states that planning authorities should take a positive approach to development. It is in this context that the application requires to be assessed.

The proposed mixed use development fully accords with the aspirations of SPP 66 'Housing' and the Aberdeen City & Shire Structure Plan 2009, in particular its targets for housing provision. The allocation of the site was pursued through the ALDP preparation process with the site being identified for development by the Council, and subsequently ratified by the Reporter appointed by the Scottish Government and thereafter by the full Council. The submitted plans show a scheme that fulfils the phased release housing allocations identified within Policy LR1 of the ALDP and the relevant Opportunity Sites. The proposed development has been supported by a process of community and pre-application consultation by the applicant, incorporating the preparation of the Maidencraig Masterplan; now adopted as Supplementary Guidance, which has informed the overall development approach to the site.

The allocation of the site in the ALDP includes a 70m wide belt of GSN running along the eastern edge of the site. Areas of woodland to the north; and the Den of Maidencraig Local Nature Reserve to the south; offer valuable contributions to the GSN. The Masterplan process identified the need to connect both areas along the eastern boundary of the site, providing a visual buffer between the site

and Sheddocksley / Summerhill, and avoiding fragmentation of the GSN. Through the Masterplan process it was also agreed to provide a second strip along the western edge of the site. Whilst the eastern belt would be less than 70m deep as indicated in the ALDP, the benefits of the additional belt are considered sufficient to mitigate the lesser depth:

- Additional links between the woodlands to the north and the the Den of Maidencraig to the south;
- Connection of 2 no. additional green corridors to the south of the site;
- A combined depth in excess of the 70m depth that would be provided by 1 no. belt;
- Adequate width in both belts to provide shelter and wildlife habitats; and
- Better connection and permeability of the GSN within the site as a whole.

The Planning Authority is satisfied that, notwithstanding the lesser depth of the eastern belt as previously indicated in the ALDP, the combined areas of GSN within the whole site are sufficient to protect and enhance the existing wildlife, recreational, landscape and access value of the GSN. The final locations and extent of GSN within the site have been fully informed by the Masterplanning process for the development, complying with Policy NE1 of the ALDP.

Maidencraig Masterplan

The proposal accords with the general aspirations of this document, which 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.

The indicative development layout, form and scale are considered to respect the nature of the existing site; connecting to the established residential areas to the east whilst providing a soft transition between the urban realm and countryside to the west, and so according with the contextual requirements of Policy D1 of the ALDP. The general scale and pattern of development proposed on the site and its urban form are considered to accord with the wider objectives of Designing Streets, and it has been demonstrated that adequate public open space would be provided within the site as per Policy NE4 of the ALDP. An acceptable mix and variety of dwelling types and sizes are proposed throughout the site, in line with the approved Masterplan and Policy H4 of the ADLP. Owing to the proposed nature and location of development, there would be no adverse impact on the privacy or amenity of existing residents resulting from the scale or proximity of housing proposed. It is noted that such elements will be assessed in full detail through the detailed / MSC application process. With regards the amenity of proposed residences, it is noted that there exists on the southern site a long established animal boarding establishment. This not only caters for dogs and cats but also includes the Dog Action Working Group Scotland (DAWGS) which finds homes for unwanted pets. There is therefore the potential for noise nuisance, such as dog barking, to any new housing nearby. With this in mind, and also having considered the general environmental impact of the development, the Council's Environmental Health Officer has requested the imposition of conditions in order to protect the amenity of nearby residents and

prevent risk of environmental pollution. Again, the finer details such as house location / proximities etc will be dealt with through the detailed / MSC applications process.

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 of the ALDP (ie 30 units per hectare) cannot be applied in isolation. One should take a balanced approach and recognise that no two sites within the city are the same.

It must be noted that the purpose of this policy is to fulfil the strategic targets of the Structure Plan. This states that developments such as this should 'generally have no less than 30 dwellings per hectare' and should be 'in line with approved supplementary guidance'. 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 there is a clear need for the level of proposed development on a site to be considered within the context of the surrounding area and its particular characteristics, and matters such as the relationship between existing residential areas, surrounding rural space, and the level of open space provision on site are also relevant considerations in establishing this. So whilst it is acknowledged that the density of development proposed (approximately 18 units per hectare) is considerably below policy expectations, the proposed density would actually be considered appropriate in terms of the context of the site; given the suburban residential edge to the east, and the rural nature of the adjacent lands to the north, west and south. Furthermore, it accords with the ALDP allocation (identified as minimum 16 units per hectare) and the approved Masterplan SG. The Planning Authority is thereby satisfied that failure to meet the guidelines of Policy H3 would not justify refusal of the application, given that the density figures exceed those allocated for the site under Policy LR1 of the ALDP and the approved SG, and thereby comply with the strategic visions of the Structure Plan.

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.

Flood Risk

The proposed site is bounded to the south by the Denburn while the site to the north has a part open/part culverted watercourse which joins with the Denburn within the boundary of the south site. In support of the application, the applicant has provided full surface water drainage proposals for the development, outlining the proposed method of surface water discharge. A full Drainage Impact Assessment has been submitted, indicating the proposed SUDS facilities in addition to a full investigation and report of all watercourses within the vicinity of the site and the impact which the development shall have on the existing drainage network. Furthermore, a Flood Risk Assessment has also been submitted to indicate any potential risk of flooding which the development poses to the existing communities. Formal consultation with SEPA during the application process has confirmed that flood risk is not so significant that the

development potential of the site is compromised or that refusal is warranted. Subject to further consultation on all future detailed / MSC applications, there are no objections. The Council's Flooding Engineers have evaluated the proposals, including all information provided in the supporting documents, and have confirmed that subject to a financial contribution towards the provision of a proposed flood prevention scheme downstream of the development, they are satisfied that the drainage proposals are adequate for the development and would not pose a risk to existing communities, in line with Policy NE6 of the ALDP. The value of the contribution and schedule for payments shall be agreed through Legal Agreement. Scottish Water has confirmed no objections subject to a separate application being made to Scottish Water for connection to the existing infrastructure.

Landscape Setting and Wildlife

It is noted that a development of this size will have an inevitable degree of impact upon existing landscape and wildlife, in particular on a site such as this which has had such limited farming or active uses over the years. However, it must also be accepted that the site has been zoned and allocated, through the appropriate procedures, for housing development. Therefore, the specific impact on landscape and wildlife is unfortunately not sufficient reason to justify refusal of the application. Rather, such impact must be managed to the highest degree possible, to enable the housing development to be delivered with minimal impact, and where possible to protect and enhance remaining areas of habitat and landscape. In this regard, a detailed Ecological Assessment has been provided in support of the application, which formed the basis for formal consultation with the Council's Environmental Planner and S.N.H. Neither has raised objections, subject to conditions requiring the following:

- Submission of a Nature Conservation Management Plan that incorporates the Local Nature Reserve and the Green Space Network; and
- Submission of a finalised Badger Protection Plan prior to any works commencing on site.

Purification of the above conditions would thereby ensure compliance with Policy NE8 of the ALDP, and fulfil the Planning Authority's duty with regard to ensuring adequate protection is afforded to a protected species. Additional impacts on all other identified flora, habitat and species would be dealt with through the detailed / MSC application process for each individual phase of the development.

Pedestrian & Cycle Access

The development will provide various pedestrian and cycle connectivity both within and outwith the application site. The Council's Roads Engineer has confirmed no objections subject to conditions requiring:

- Precise details of identified pedestrian and cycle connections from the eastern side of the site, north of the A944, to the existing residential area to the east;
- Precise details of the proposed pedestrian and cycle access link to the B9119 to the south east of the development, including an investigation of the existing infrastructure that would form part of this route;
- Full implementation of a Prohibition of Driving Order on Core Path 29; and

- Details of additional pedestrian and cycle access to the Lang Stracht.

It is agreed that appropriate conditions be attached in respect of all of the above.

Public Transport

The Masterplan process identified that the site would be served by an extension to the existing bus service serving Skye Road and Lewis Road, however it proved difficult to both reach agreement with the public transport operators over this proposal, and provide a route that does not present detriment to existing public transport users. An alternative proposal has now been presented which shows that new bus stops can be installed on the A944. The Council's Roads Engineer is willing to accept this proposal, provided that acceptable pedestrian accessibility to the proposed new bus stops from the development site can be established through the detailed / MSC application process for each phase of the development.

Vehicular Access

An analysis of both the existing road network and the proposed infrastructure has identified various impacts/issues that require to be addressed by the developer to enable the development. Sufficient detail has been provided at this stage to show that solutions are available, however the specifics of each need to be identified and agreed. These issues can be identified as follows:

- Relevant orders required to prevent vehicular access from the existing insert road set back to the south of the A944;
- Relevant orders required to prevent vehicular access along the western part of the insert road (i.e. those to the west of the western access);
- Primary access by means of three new junctions (as per ALDP Infrastructure Requirements for Masterplan Zones);
- Various junction improvements along the A944 network;
- Provision of a segregated cycle facilities at various junctions along the A944;
- Safeguarding a corridor of land of sufficient size necessary to allow the future upgrade/dualling of the A944;
- Financial contribution to provide a solution to the collective impact, from this and other developments in the area, on the A944 Lang Stracht/ B9119 Skene Road (Switchback) junction;
- Restriction on maximum number of units to be occupied (182 units) prior to completion and opening of the Aberdeen Western Peripheral Route.

Each of the above specifics can be addressed by either use of planning conditions or Legal Agreement under the provision of S75 of the planning acts.

Travel Plan

In line with the Transport and Accessibility Supplementary Guidance a residential Travel Plan and Residential Travel Packs will be required for this development. Provision of these prior to occupation can be secured by condition.

Strategic Transport Fund

The development is eligible for a contribution to the Strategic Transport Fund, which can be addressed through Legal Agreement.

Transport Summary

For the above reasons, and subject to appropriate conditions and legal agreement, the proposed roads, transport and aspects of the development would be seen to accord with the relevant provisions of Policies D3, T2 and NE9 of the ALDP, SPP Transport and the strategic Accessibility targets of the Structure Plan.

Education & Medical Facilities

The ALDP indicates a requirement for contribution for enhancement of secondary school capacity at Northfield and Hazlehead Academies. However further consultation with the Council's Education Service and the Developer Contributions Team has shown that this is not in fact required to accommodate the development. A contribution is however required in relation to enhancement of primary education facilities off site. Likewise and in line with ALDP recommendations, a contribution is required for health-care facilities within the development site. Provision of such contributions will be delivered by Legal Agreement, in line with Policy I1 of the ALDP.

Developer Contributions

The applicants have agreed to a comprehensive developer contributions package for this site, to deliver an appropriate level of affordable housing on site along with contributions towards enhancement of primary education; community facilities; recreation facilities; libraries; health-care facilities; and improvement works and links to the Core Path network in the vicinity. These matters will ensure compliance with Policies H5 and I1 of the ALDP, and are to be included in the Legal Agreement under the provision of S75 of the planning acts, in addition to the transfer of land ownership, required infrastructure mitigation measures, and Strategic Transport Fund contribution as identified under the relevant sections above.

Matters Raised in Letters of Representation

Issues relating to landscape and wildlife impact; existing and proposed amenity; drainage; traffic/access; public transport; and impact on education facilities, have been addressed in the relevant topic sections identified above and have been the subject of lengthy discussion with the relevant statutory consultees. Further to these, the remaining points raised in representations can be addressed as follows:

- *The development would result in a loss of green belt.*
The site is zoned as Land Release for housing development. Notwithstanding the rural nature of the site, there would be no loss of green belt.
- *A TPO is shown on the plans which is inaccurate and should be removed before any approval is considered.*
The TPO shown on the plan matches those on the Planning Authority's records. In any case, the impact of the development on individual trees would be considered through the detailed / MSC application process, and would not prevent determination of this application.

- *The land shown for the SUDS basin to the south-east of the development is not capable of supporting the infrastructure required:*
 The drainage plans have been fully evaluated through the relevant consultations. Notwithstanding this, it is for the applicant to show through the detailed / MSC application process, by way of fully detailed plans, that the proposed basin can be constructed in this location.
- *Access to existing houses within the site should remain unaltered as per existing title deeds, and permission will not be given to developers to cut across this:*
 Existing access arrangements, including rights of way, are private legal matters between the individual parties involved. They are not material planning considerations and would not prevent determination of this application.
- *The proposed access point at Uist Road is not welcomed by residents:*
 The Masterplan identified a need for connections outwith the site to existing residential areas. The specific location and details for these connections will be dealt with and agreed through the detailed / MSC application process.
- *The development would decrease the value of existing residences:*
 The value of properties is not a material planning consideration and cannot be taken into account when determining this application.
- *The development would have a detrimental impact on local services such as phone signal, TV and internet services:* There is no evidence to suggest this is the case. Access to such services is not a material planning consideration.

On the basis of the above, it is considered that there are no grounds for refusal of the application. The low volume of objections received in relation to the size of the overall proposal is considered to be indicative of a successful community engagement process.

Conclusion

Subject to imposition of conditions and Legal Agreement to ensure infrastructure provision and appropriate development of the site, the principle of the proposed development would be considered to accord with all required policies and guidance, with the exception of proposed density across the site conflicting with Policy H3 of the Aberdeen Local Development Plan. However, balanced against this, such a density would be of appropriate scale for the nature of the site; complying with the relevant land release policies, the approved Masterplan supplementary guidance, and the strategic targets of the Structure Plan; and as such would be considered acceptable for this site. Full consideration has been given to all concerns raised in representations, but neither do they outweigh the policy position as detailed above, nor do they justify further amendments to the plans or refusal of the application. All other relevant material considerations have been fully considered and in line with these the Planning Authority recommends a willingness to approve, subject to conditions and Legal Agreement.

RECOMMENDATION

Willingness to approve conditionally, but to withhold the issue of the consent document until the applicant has entered into a Legal Agreement to deliver:

- 5) Affordable Housing,**
- 6) Transfer of land ownership to allow potential improvements to the A944,**
- 7) Strategic Transport Fund contributions, and**
- 8) Developer contributions towards:**

- **Primary Education;**
- **Community Facilities;**
- **Recreation Facilities;**
- **Library Facilities;**
- **Core Path Networks;**
- **Healthcare Facilities;**
- **Flood Prevention Scheme; and**
- **Road improvements to mitigate the impact of development.**

REASONS FOR RECOMMENDATION

Subject to imposition of conditions and a Legal Agreement, the principle of the proposed development would be considered to accord with Scottish Planning Policy and Guidance; the Aberdeen City & Shire Structure Plan 2009; Policy LR1 'Land Release Policy' of the Aberdeen Local Development Plan; and Aberdeen City Council's Supplementary Guidance including the Maidencraig Masterplan. Whilst it is noted that proposed density across the site conflicts with Policy H3 of the Aberdeen Local Development Plan, it would be of appropriate scale for the nature of the site; complying with the relevant land release policies, the approved Masterplan supplementary guidance, and the strategic targets of the Structure Plan; and on balance would be considered acceptable. Full consideration has been given to all concerns raised in representations, but neither do they outweigh the policy position as detailed above, nor do they justify further amendments to the plans or refusal of the application. All other relevant material considerations have been fully considered in reaching this recommendation.

CONDITIONS

it is recommended that approval is granted subject to the following conditions:-

(1) that no individual phase of the development pursuant to the planning permission in principle hereby approved shall be carried out until such time as a further application for that individual phase has been made to the planning authority for approval of the matters specified in this condition and such approval has been granted; unless the planning authority has given written approval for a variation; these matters being details of the:

- (a) means of access and car parking, cycle parking and motorcycle parking;
- (b) siting, design and external appearance of the building(s);
- (c) hard and soft landscaping of the site;

- (d) tree survey to show details of all existing trees, and those to be removed, retained and planted, which a scheme for protection of those to be retained on site during construction works;
- (e) site and plot boundaries and enclosures;
- (f) arrangements for the segregation, storage, collection and management of residential, commercial and business waste arising from within that phase; and
- (g) low zero carbon equipment or carbon reduction measures to meet the requirements of the Council's SPG on reducing carbon emissions from new development.

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

(2) that this planning permission in principle shall lapse unless an application for approval of the matters specified in all condition(s) attached to this grant of planning permission in principle has been made before whichever is the latest of the following;

- (a) the expiration of 3 years from the date of this grant of planning permission in principle;
- (b) the expiration of 6 months from the date on which an earlier application for the requisite approval of matters specified in conditions was refused;
- (c) the expiration of 6 months from the date on which an appeal against such refusal was dismissed;

- in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006, and to allow a reasonable time period for construction work to begin on all phases of the development.

(3) that this planning permission in principle shall lapse on the expiration of 2 years from the approval of matters specified in conditions being obtained (or, in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development to which the permission relates is begun before that expiration - in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006, and to allow a reasonable period of time to enable the development to be completed.

(4) that, unless the planning authority has given written approval for a variation, the details and phasing of the development shall follow the general principles established in the Masterplan dated April 2013, stamped copies of which are attached to this planning permission. In particular the areas identified as Phases 3a and 4, as indicated on page 54, 'Section 5.1 Phasing' of this document, will show evidence that the location, design and construction of the new housing have taken account of the need to to protect residents from potential noise nuisance arising from the proximity to Albion Kennels - to ensure that the agreed design principles and phasing are followed through to the detailed stages of the development, and to protect the amenity of residents.

(5) that all planting, seeding and turfing, comprised in any scheme of landscaping approved under Condition (1) attached to this grant of planning permission in principle, shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.

(6) that,

(a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme showing the precise location, layout, design and construction method of the most eastern primary access junction with the A944, including capacity, distribution, signalling, operational flow, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning Authority;

(b) no individual residential property hereby approved 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.

- in the interests of road safety.

(7) that,

(a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme, showing the precise location, layout, design and construction method of both the central and most western primary access junctions with the A944, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. Such details shall include capacity; distribution; signalling; operational flow, and a phasing plan which clearly identifies triggers and timescales for implementation in relation to the overall phasing of the site;

(b) no building shall be occupied within any individual phase identified through the phasing plan under part (a) of this condition, unless the necessary roads infrastructure improvements required for that phase have been fully implemented in accordance with the approved plans, unless the planning authority has given written approval for a variation.

- in the interests of road safety.

(8) that,

(a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme, showing the precise location, layout, design and construction method of A944 junction improvements, including the A944 / Stronsay Drive junction, together with provision of segregated cycle facilities at each, has been submitted to, by means of a formal

application for approval of matters specified in condition, and approved in writing by the planning authority. Such details shall include a phasing plan which clearly identifies triggers and timescales for implementation in relation to the overall phasing of the site;

(b) no building shall be occupied within any individual phase identified through the phasing plan under part (a) of this condition, unless the necessary roads infrastructure improvements required for that phase have been fully implemented in accordance with the approved plans, unless the planning authority has given written approval for a variation.

- in the interests of road safety.

(9) that,

(a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme showing all elements required to implement and enforce a Prohibition of Driving Order on Core Path 29, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. Such details shall include all physical infrastructure alterations, and a phasing plan which clearly identifies triggers and timescales for implementation in relation to the overall phasing of the site;

(b) no building shall be occupied within any individual phase identified through the phasing plan under part (a) of this condition, unless the Prohibition of Driving Order has been fully implemented in accordance with the approved plans, unless the planning authority has given written approval for a variation.

- in the interests of road safety.

(10) that,

(a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme showing a proposed management plan to deal with all access issues through the entire length of the insert road set back to the south of A944, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. Such details shall include provision for emergency access, prohibition orders, all physical infrastructure improvements, and a phasing plan which clearly identifies triggers and timescales for implementation in relation to the overall phasing of the site;

(b) no building shall be occupied within any individual phase identified through the phasing plan under part (a) of this condition, unless the management plan has been fully implemented in accordance with the approved plans, unless the planning authority has given written approval for a variation.

- in the interests of road safety.

(11) that, unless the planning authority has given written approval for a variation, no more than Phase 1 comprising 182 residential units shall be occupied until the Aberdeen Western Peripheral Route (AWPR) has been constructed - in the interests of road safety and the free flow of traffic.

(12) that,

(a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme showing the design and construction of culverts linking the north and south developments beneath the A944 has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. Such details shall include a phasing plan which clearly identifies triggers and timescales for implementation in relation to the overall phasing of the site;

(b) no building shall be occupied within any individual phase identified through the phasing plan under part (a) of this condition, unless the culvert scheme has been fully implemented in accordance with the approved plans, unless the planning authority has given written approval for a variation.

- to mitigate the potential risk of flooding which the development poses to the existing communities.

(13) that,

(a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed plan identifying appropriate exclusion zone boundaries for the main and subsidiary badger setts, as identified in the Badger Protection Plan, dated June 2013, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority;

(b) unless the planning authority has given written approval for a variation through consultation with Scottish Natural Heritage, no construction works pursuant to the planning permission in principle hereby approved shall take place within any exclusion zone as identified in the above plan.

- to ensure protection of wildlife habitats within the site.

(14) That, notwithstanding the details contained within the Badger Protection Plan, dated June 2013, and unless the planning authority has given written approval for a variation through consultation with Scottish Natural Heritage, no development pursuant to the planning permission in principle hereby approved shall take place unless a Pre-construction Survey has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. The survey will be undertaken a minimum of 12 months prior to construction commencing; within a radius of 1km around the whole development site, and shall include an up to date assessment of badger activity on the development site. It shall also highlight whether any badgers setts exclusions are required, and if so, consider alternative sets and potential locations, having regard for restrictions arising from the breeding season - to ensure protection of wildlife habitats within the site.

(15) that no development pursuant to the planning permission in principle hereby approved shall take place unless a Nature Conservation Management Plan, that incorporates the Local Nature Reserve and the Green Space Network, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority - in the interests of retaining and increasing the wildlife of the remaining habitats.

(16) that,

(a) unless the planning authority has given written approval for a variation, no individual phase of the development pursuant to the planning permission in principle hereby approved shall take place unless a full site waste management plan for the processing of construction and demolition waste for that individual phase has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority;

(b) no work shall be carried out within that individual phase unless the management plan is fully implemented in accordance with the approved plans.

- to ensure that waste on the site is managed in a sustainable manner.

(17) that,

(a) no individual phase of the development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme showing the precise location, layout and construction method of adequate pedestrian and cycle connectivity from that individual phase to the A944 has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority;

(b) no individual residential property hereby approved within that individual phase shall be occupied unless the relevant scheme under part (a) of this condition has been fully implemented in accordance with the approved plans.

- in the interests of promoting sustainable connections outwith the site.

(18) that,

(a) no development within the area identified as Phase 1b, as indicated on page 54, 'Section 5.1 Phasing' of the Masterplan dated April 2013, stamped copies of which are attached to this planning permission, pursuant to the planning permission in principle hereby approved, shall take place unless a detailed scheme showing the precise location, layout, design and construction method of pedestrian and cycle connectivity from the eastern side of the development, north of the A944, to the existing residential area to the east, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority;

(b) no individual residential property hereby approved within that individual phase shall be occupied unless the relevant scheme under part (a) of this condition has been fully implemented in accordance with the approved plans.

- in the interests of promoting sustainable connections outwith the site.

(19) that,

(a) no development within the area identified as Phase 1a, as indicated on page 54, 'Section 5.1 Phasing' of the Masterplan dated April 2013, stamped copies of which are attached to this planning permission, pursuant to the planning permission in principle hereby approved, unless a detailed scheme showing the precise location, layout, design and construction method of pedestrian and cycle connectivity from the south-eastern side of the development to the B9119, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. This

scheme shall include an investigation of the existing infrastructure that would form part of this route, to establish the current status of the infrastructure and identify any infrastructure improvements that are required;

(b) no individual residential property hereby approved within that individual phase shall be occupied unless the relevant scheme under part (a) of this condition has been fully implemented, including all identified infrastructure improvements, in accordance with the approved plans.

- in the interests of promoting sustainable connections outwith the site.

(20) that,

(a) no individual phase of the development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme showing the precise location, layout, design and construction method of acceptable pedestrian access to the proposed bus stops within that phase; and upgrading of each identified bus stop as necessary to provide a minimum provision of shelter, seating, lighting, timetable information and raised kerbs, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority;

(b) no individual residential property hereby approved within that individual phase shall be occupied unless the relevant scheme under part (a) of this condition has been fully implemented in accordance with the approved plans.

- in the interests of pedestrian connectivity and sustainable public transport facilities.

(21) that,

(a) no individual phase of the development pursuant to the planning permission in principle hereby approved shall take place unless a fully detailed SUDS scheme, to comply with the Drainage Impact Assessment, reference B9204, dated 05/09/2013, for that individual phase has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority;

(b) no individual residential property hereby approved within that individual phase shall be occupied unless the relevant scheme under part (a) of this condition has been fully implemented in accordance with the approved plans.

- in the interests of protection of the water environment.

(22) that,

(a) unless the planning authority has given written approval for a variation, no individual phase of the development pursuant to the planning permission in principle hereby approved shall take place unless the implementation of a programme of archaeological work (to include all necessary post-excavation and publication work) has been secured for that individual phase in accordance with a written scheme of investigation that has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by, the planning authority;

(b) no work shall be carried out within that individual phase unless the programme of archaeological work has been fully implemented in accordance with the approved plans.

- in the interests of protecting the historic heritage of the City.

(23) that,

(a) unless the planning authority has given written approval for a variation, no individual phase of the development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme in respect of that individual phase, showing suitable dust suppression measures to be incorporated within the procedures for demolition and construction, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. Such details shall include the provision of dust suppression equipment during periods of dry weather, and measures to prevent the potential for mud and/or other debris from vehicular traffic being deposited on the A944 public highway adjacent to the site;

(b) no work shall be carried out within that individual phase unless the relevant scheme under part (a) of this condition has been fully implemented in accordance with the approved.

- in order to prevent dust arising on site giving rise to nuisance and to prevent the risk of environmental pollution.

(24) that no individual employment based development pursuant to the planning permission in principle hereby approved shall be occupied unless a detailed Green Transport Plan for that individual development, which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority - in order to encourage more sustainable forms of travel to the development.

(25) that no individual residential property on any individual phase of the development pursuant to the planning permission in principle hereby approved shall be occupied unless a comprehensive Residential Travel Pack for that individual phase has been:

(a) submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority; and

(b) subsequently provided to occupants of each residential property to be occupied. The Pack will set out proposals for reducing dependency on the private car, including information on external connectivity to key facilities, and will provide, in consultation with local schools and the planning authority, information on safer routes to schools – in the interests of promoting sustainable transportation.

INFORMATIVES

that, unless the planning authority has given written approval for a variation, no work on any phase of development pursuant to the planning permission in principle hereby approved shall take place:

- (a) Outwith the hours of 0700-1900 hours Monday to Friday;
- (b) Outwith the hours of 0900-1600 hours on Saturdays; and
- (c) At any time on Sunday except for works inaudible outwith the application site.

- in order to protect the residential amenity of domestic dwellings adjacent to the site from any potential noise nuisance arising from the proposed construction work and deliveries.

Dr Margaret Bochel

Head of Planning and Sustainable Development.