

Planning Development Management Committee

OLDFOLD FARM, NORTH DEESIDE ROAD,
MILLTIMBER

DEVELOPMENT INCLUDING RESIDENTIAL
COMPRISING APPROX. 550 HOUSE UNITS,
COMMERCIAL, PRIMARY SCHOOL,
ASSOCIATED ANCILLARY USES AND
INFRASTRUCTURE IMPROVEMENTS
INCLUDING ROAD JUNCTION FORMATION ON
A93

For: CALA Management Ltd & Seven Inc Trades
of Aberdeen Trades Widows' Fund

Application Type : Planning Permission in
Principle

Application Ref. : P130378

Application Date: 21/03/2013

Officer: Matthew Easton

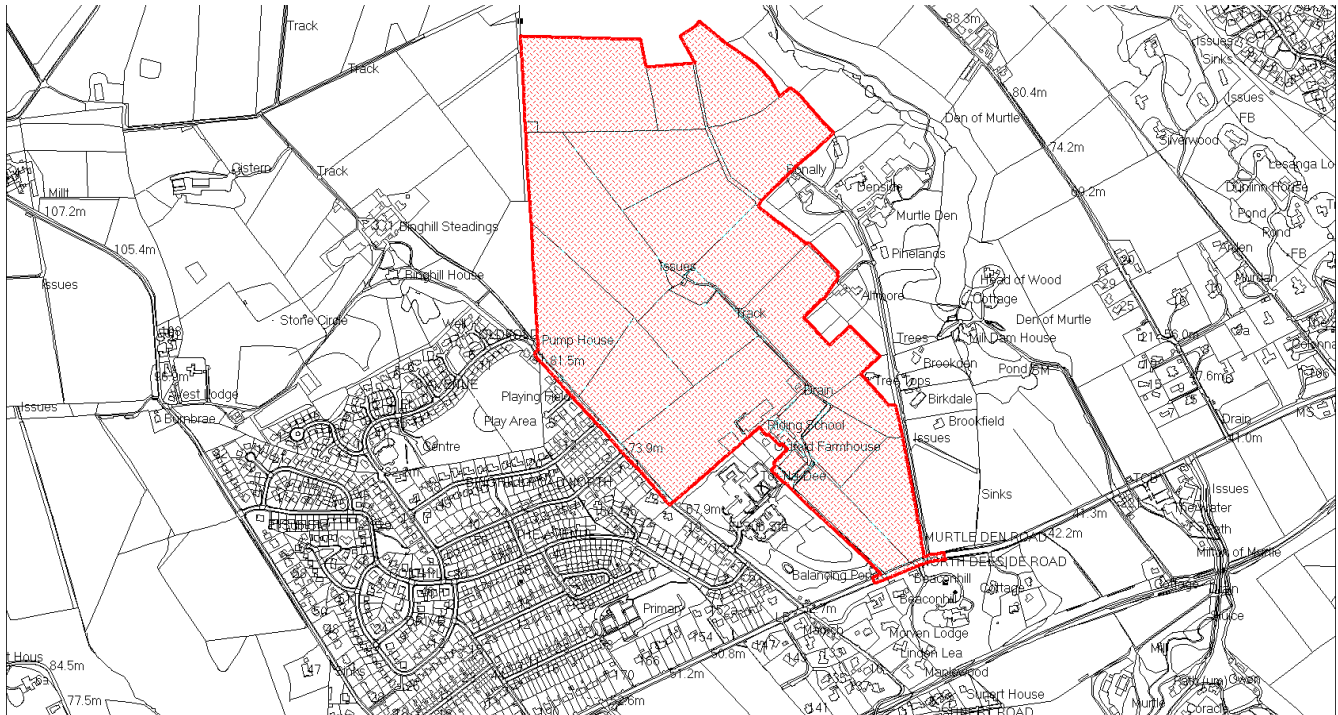
Ward : Lower Deeside (M Boulton/A Malone/M
Malik)

Advert : Dev. Plan Departure

Advertised on: 17/04/2013

Committee Date: 24/04/2014

Community Council : Comments



RECOMMENDATION: Willingness to approve, subject to conditions, but to withhold the issue of the consent document until the applicant has entered into a section 75 legal agreement with the Council to secure –

- 1) The provision of 25% affordable housing in accordance with the Development Framework and Masterplan and include a range of delivery options, including on-site provision.**
- 2) Developer contributions towards primary education provision and a proportionate element of land for a new school (to include community facilities, library facilities, sports & recreation facilities and playing field provision);**
- 3) Developer contributions towards secondary education, community facilities, healthcare provision, the core path network and the strategic transport fund; and**
- 4) Developer contributions towards improvements at the North Deeside Road / Kirk Brae junction.**

DESCRIPTION

The site is located immediately to the east of the built up area of Milltimber and comprises approximately 48 hectares of open countryside.

The southern boundary is defined by North Deeside Road (A93). The western boundary is formed by the residential development at the former Tor-na-dee hospital, now known as Woodland Grove which is set within mature woodland. The trees within Tor-na-Dee and those surrounding the Oldfold Farm buildings are subject of tree preservation order no.170. The western boundary then follows Binghill Road along the eastern edge of Milltimber for approximately 575m and continues across fields.

The northern boundary is formed by mature mixed woodland at Den of Murtle, which is designated as a Local Nature Conservation Site, noted for the quality of its wet woodlands and woodland flora. There are also sizeable areas of standing water.

The woodland continues around to the east to Murtle Den, which comprises thirteen large homes accessed via a private road within a woodland setting. Murtle Den Road and the grounds of houses along it, delineates the east boundary of the site.

The land is comprised predominately of improved grassland, which is used for livestock grazing. Buildings forming Oldfold Farm are located in the south western side of the site, where there are also riding stables. Most fields are defined by stone walls and some by post and wire fences.

The site has a southerly aspect with views out over the Deeside valley. It rises gently from North Deeside Road towards the Den of Murtle and there is a difference of around 40m between the lowest and highest parts of the site.

There are no significant watercourses within the site, although there are areas where water naturally gathers and which have become boggy.

RELEVANT HISTORY

- In June 2011 CALA submitted a proposal of application notice to the Council indicating their intention to carry out public consultation on the proposed development.
- The Oldfold Development Framework was approved as interim planning guidance by the Enterprise, Planning and Infrastructure Committee on 31st January 2012.
- An Environmental Impact Assessment (EIA) screening opinion was issued by the Council in February 2012 which determined that an environmental statement would not be required to accompany any planning application.
- The Oldfold Development Framework was approved by the Scottish Government on 22nd April 2013 and thereafter adopted as supplementary guidance.

PROPOSAL

Planning permission in principle is sought for a residential development comprising approximately 550 residential units, commercial floor space, a replacement primary school, associated ancillary uses and infrastructure improvements which would include a new junction between the A93 and the Oldfold site.

Indicative proposals are shown in the Design and Access Statement, which is largely identical to the Development Framework and Masterplan. It will be expected that the matters specified in conditions applications which come forward with the detailed layout of the development shall be in accordance with the Framework and Masterplan and the Design and Access Statement. The key aspects of the development are –

- A total of 20 development blocks within the main development which would comprise of a variety of house types and densities. Higher density areas would be located at the centre of the development, with lower densities on the edges, linking the site to the wider countryside and existing Milltimber community. The lower densities are expected to be up to 17 dwellings per hectare with the higher density expected to be 20+ dwellings per hectare. The mix of house types would include terraced, semi-detached and detached properties.
- A development block separate from the main development and located to the north of Murtle Den Road. It would accommodate nine large detached properties and be accessed by an extension to Murtle Den Road.
- A mixed use local centre to provide support services for the expanded Milltimber community. It would be located on the primary road through the development close to Binghill Road. It would feature up to 1000m² of commercial floor space in a mix of unit sizes ranging from 75m² to 200m² which could be occupied by uses such as shops, cafes, nursery/crèche, small offices and community uses.

- A new primary school to replace the existing Milltimber Primary School would be built adjacent to the local centre, on the west side of the development. The school would accommodate the additional pupils generated by the development as well as those from the existing community.
- There would be six areas which would each have their own distinct character which takes account of their context and use –
 - *Binghill* which would provide the interface with the existing Milltimber settlement.
 - *North Deeside Road* which would act as the gateway to the development from the A93
 - *Den of Murtle* in the north which would integrate the development into the countryside and surrounding woodland.
 - *Oldfold* where the majority of residential units and the neighbourhood centre would be located.
 - *Murtle Park* which would address the eastern boundary with the existing Murtle Den Road and provide a woodland buffer.
 - *Murtle Den* which would be distinct from the wider development and feature detached housing within a woodland setting.

The primary vehicular access to the development would be via a new traffic light controlled junction on North Deeside Road. It would be located 60m west of Murtle Den Road and 200m east of the Binghill Road / Beaconhill Road junction. Secondary access to the development would be provided by two new junctions onto Binghill Road, close to the existing junctions with Binghill Road North and Binghill Hedges.

The site would feature a hierarchy of streets which would aid navigation through the development and integrate the development with the existing urban fabric of Milltimber.

The alignment of Core Path AP10, connecting Milltimber and Cults, would be included within the site.

It is anticipated that 25 units would be built in 2015 and 50 units per annum thereafter.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?130378>. On accepting the disclaimer enter the application reference quoted on the first page of this report. The following documents have been submitted –

- Design and Access Statement
- Planning Delivery Statement
- Copy of comments submitted by CALA to the Council's Primary School Estates Review
- Transport Assessment
- Pre-Application Consultation Report

- Ecological Surveys

PRE-APPLICATION CONSULTATION

The proposed development was the subject to pre-application consultation in 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. The consultation involved two public exhibitions and meetings with community groups.

- The first public exhibition event was held at the Waterwheel Inn located between Bielside and Milltimber on the 23rd and 24th June 2011. A total of 163 members of the public attended the events and staff from CALA and the Seven Trades as well as their design, transportation and engineering consultants were available to answer questions.
- A public meeting was held on 7th September 2011 in the Woodlands Grove Community apartments where CALA explained directly to those attending the proposals for Oldfold.
- A second public exhibition was held at the Waterwheel Inn on 24th November 2011. The event was attended by 38 people comprising a mix of community members, CALA representatives and local members.

A report on the public consultation that was undertaken has been submitted as part of this application. The report details the feedback that was received from the community, any changes that have been made to the development proposals in light of the comments that were received, as well as providing justification for why some suggestions were rejected.

The main concerns raised were in relation to –

- the capacity of the road network to accommodate the additional development. The aspiration to create and new bus service through the development and Milltimber attracted criticism and scepticism;
- the principle of any expansion of Milltimber;
- the density and number of homes proposed;
- the location of the proposed new primary school and the capacity of existing schools to accommodate further development;
- the proposal to accommodate employment land within the development;
- the provision of affordable housing in Milltimber
- loss of greenfield land;
- the provision of a neighbourhood commercial centre;
- the provision of open space and parks;
- the inability of existing sewers and other infrastructure to cope with additional development;
- impact on Binghill Road;
- impact on Woodland Grove Community
- the location and safety of the SUDS ponds;
- nuisance from construction traffic;
- the number of proposed homes to be served by Murtle Den Road and impact on that community.

In support of the development the following matters were raised –

- the extent of open space and parks to be provided;
- the opportunity to provide retail and work opportunities for local people;
- the new primary school;
- the proposed quality of space and layout;
- the density and number of homes proposed;
- the potential for affordable housing to cater for either local young people or older residents;

The consultation process informed both large scale changes to layout and small scale matters of detail. The key changes that took place in the masterplan as a result of the consultation were:

- the location of the A93 junction
- the alignment of the primary street
- the location of the primary school
- the location and nature of employment land
- the interface with Binghill Road and
- the interface with Murtle Den.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because more than five objections have been received. Accordingly, the application falls out with the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team –

Murtle Den Road – The applicants have agreed to upgrade Murtle Den Road to an adoptable standard. This includes the existing road and any extension to the north. It has been agreed that a reduced standard of road construction can be applied which should consist of a single track road with passing places at 50-60m intervals, street lighting, drainage, turning facility at the northern end of the road (within the development site) and a footway to one side of the carriageway. The existing standard of road construction will require to be investigated, and if this does not meet current design standards it will require to be reconstructed. The detail of this can be resolved through the RCC process and conditioned to any planning consent

Public Transport – Paragraph 168 of Scottish Planning Policy (SPP) is clear that planning permission should not be granted for sites that generate significant travel demand and are out with 400m walk distance of public transport services. PAN75 reinforces this threshold in paragraph B13, which states that accessibility of public transport from residential developments should be less than 400m.

Given that the development cannot meet this requirement for approximately two thirds to three quarters of the development (by area); concern is raised in respect of the lack of public transport and these concerns should be highlighted to Committee Members. However, should the Committee be minded to approve the application, it is requested that a condition be attached to any consent that the closest bus stops to the development on the A93 be upgraded to a minimum standard of shelter, seating, lighting and raised kerbs. The footway on the development side of the A93 should be widened to a minimum of 2m in width along the site frontage.

Layout – The applicant will only be able to complete Aspirational Core Path (ACP) 10 within the site boundary. This route should be completed to a minimum standard of 3m in width and be a shared use facility for all users excluding motorised vehicles. It must be lit and surfaced to the satisfaction of the local authority. It must be a segregated route away from roads and must extend the full width of the site to the edge of site boundary and allow for future connection. Links to the main routes within the development must be provided and other routes where appropriate. It must follow the line of ACP10 as outlined in the Councils Core Paths Plan. All this should be secured by condition to any consent to this planning application, and the detail can be established through later applications.

The street hierarchy is generally acceptable and details of actual streets can be determined through detailed application processes. The primary street is important in conveying pedestrians along a continuous route and pedestrian provision will be required to both sides, irrespective of whether or not there is development to the side of the carriageway. On occasion it may be necessary to provide off carriageway facilities for cyclists on secondary streets.

Green Links will be car free routes, and therefore there will be no parking. For the avoidance of doubt it is requested that a condition be applied to any consent preventing parking on Green Links such as they be established through the detailed planning process.

Primary School – The specific requirements of the primary school would be established through the detailed application for the school, it is however important that the principles are established at this stage. The November 2013 TA has adequately addressed these issues, and would ask that they be highlighted through any consent in order that they are incorporated into the application for the school. The applicants' willingness to contribute to a signalised crossing point on Bingham Road is noted, and it is likely that this would be necessary for the residential development alone, irrespective of the school. It is therefore likely to be appropriate that the developer install the crossing point. The position and type of this crossing can be agreed through detailed applications.

Traffic Impact – Modelling for the access arrangements to the development have been received that provide a like-for-like comparison with the scenario that the Council requested be considered. As anticipated the introduction of a second set of traffic signals would, overall, result in more delay to the network and on the

A93 compared to the scenario when the signals at Binghill Road are removed. However, it is highly likely that the removal of the signals would lead to the situation of substantial delay to vehicles trying to leave Beaconhill Road which could amount to several minutes in the PM peak period. With all vehicles routing through the development access the modelling shows that there is the potential for queuing for vehicles exiting the development and Milltimber in the AM peak. While this is reduced with the retention of the Binghill Road signals, those vehicles emerging from Binghill Road would still experience additional delay on the A93 at the new access junction. Removing the Binghill Road signals would result in all vehicles having to access Milltimber via the development access junction, which would produce a relatively large number of right turning vehicles. There is concern that if this is the only access point, the number of occasions that queuing into the westbound lane would occur would be higher than if both sets of signals are in place. The length of the right turn lane that can be provided is limited due to land ownership constraints. Therefore, the proposal for accessing the development and a junction layout in keeping with Fairhursts drawing 83744/1099 Rev C is accepted. It should however be noted that pedestrian and cycle facilities would be required, to integrate with the existing provision on the A93, and the signals should incorporate Toucan crossing facilities to permit access to the Deeside Way.

It is noted that the proposed crossroads at Binghill Road West would be removed and replaced with a mini-roundabout, the principal of which is accepted. Amendments will be required to the layout in drawing 83744/sk8002, however this can be resolved at the detailed design stage. The proposed crossroads would remain at the Binghill Road/ Binghill Hedges junction however it would likely be necessary to install features to increase safety at this junction and restrict traffic speeds; again this can be resolved through detailed applications.

Confirmation from the Councils Education Service that the new school will not be constructed until after the Aberdeen Western Peripheral Route (AWPR) has been constructed has been requested. To date no confirmation has been received. Therefore a condition is requested to any consent for this site that the new primary school not be opened until after the AWPR has been fully completed and opened. This is based on the traffic modelling that has been completed to date within which the school has been modelled only in the post AWPR scenario.

The A93/ Abbotshall Road/ Westerton Road junction has been modelled following the recent submission of the threshold assessment originally requested in December 2012. This has shown that the junction will operate above capacity with the development in place. As the junction is effectively landlocked on all sides by private gardens there is no scope for physical improvements within the control of the developer. Additional surveys have been undertaken which show that despite traffic calming there are a substantial number of vehicles "rat running" along Abbotshall Road and Westerton Road. The removal of these "rat running" vehicles from Abbotshall Road provides some additional relief to the junction in order to accommodate the development traffic. The developers transport consultants have provided an enhanced upgrade of the A93/ Kirk Brae junction in order to provide further relief than that required by the impact of the development directly on this junction alone. This improvement should encourage

drivers to use the Kirk Brae/ North Deeside Road junction as opposed to routing along Friarsfield Road and North Deeside Road. As there are other developments in the area it is preferred that the applicant makes a contribution equivalent to the cost of these works. It is therefore requested that this be subject to a legal agreement, and through this the developer provide a detailed drawing of the necessary proposals which will be costed and agreed with the Roads Authority. A financial contribution equivalent to this amount will then require to be made.

Assessment has been undertaken based on 275 units being completed prior to the impact of the AWPR being taken into consideration. It is therefore requested that a condition be applied to any consent that the development be limited to 275 units prior to the full completion and opening of the AWPR.

A small impact has been identified at the A93 North Deeside Road/ Milltimber Brae junction in the pre-AWPR scenario. However as this is small and the junction will be removed in the post-AWPR scenario, no mitigation is required at this junction.

A small impact has been identified at the North Deeside Road/ Baillieswells Road junction, however with prioritisation of the traffic signal timings this impact can be accommodated within existing capacity. No mitigation works are therefore required.

It was requested that for the initial phase of development, either the number of houses within the development be reduced so that the North Deeside Road/ Kirk Brae junction operated within capacity, or mitigation was carried out to bring the junction within capacity. This has not been done. However it is noted that it is now proposed to provide a financial contribution in lieu of works at this junction for the development as a whole. It would be the preference that the contribution be used, in combination with that from other developments in the area, towards an overall solution at this junction. To that end, the Roads Projects Team are willing to agree that the first phase of the development can progress as intended, despite the junction predicted to operate above capacity in the pre AWPR scenario. For the latter phases the contribution should be provided. The scale of the contribution will need to be agreed; however this can be undertaken following the issuing of any consent and be based on the cost of designing and delivering a no-net-detriment solution for the Oldfold development at this junction. Following any consent being issued, detailed drawings of the proposed mitigation will be required and subsequently costed in agreement with this service. It is requested that a longer than normal time period be provided for the Council to progress and deliver a solution at this junction.

Drainage – A Drainage Impact Assessment for the site as a whole has been received. It is noted that the surface water will be treated by grass conveyance swales and detention basins. The detention basins will additionally act as the attenuation for the development. This is acceptable. No attenuation calculations have been submitted which would be expected at this stage, however the scale of the site means that it is likely that this can be accommodated, and on this one

occasion to allow the development to progress to Committee it is agreed that these calculations should be conditioned to any consent.

Strategic Transport Fund – The site will be eligible for a contribution to the Strategic Transport Fund (STF). As the application is for Planning Permission in Principle it is not possible to make an estimation of the size of the required contribution at this time. It is requested that provision be made within the legal agreement for contribution to the STF to be assessed phase by phase of the development as it is brought forward for detailed planning consent, and in line with the Supplementary Planning Guidance.

Travel Plan – It is requested that a condition be attached to any consent that each house be provided with a Travel Pack prior to occupation.

Conclusion – In light of the comments above, and with the provision of the conditions requested and a legal agreement, the Roads Projects Team have no objection to this development.

Environmental Health – Air quality in the vicinity of the development area is good and the Environmental Health Service's concern would be the impact of the additional vehicle trips on areas of poor air quality/Air Quality Management Areas, such as the city centre and the Anderson Drive corridor. As the development is quite a distance from areas of concern, additional trips on these areas are likely to be insignificant in terms of the overall flow, especially with the AWPR. An air quality assessment in this case is likely to be of limited value and therefore is not necessary.

Developer Contributions Team –

Affordable Housing – The affordable housing requirement would equate to 137.5 units. The Housing Service has advised that for this scale of development all delivery options would require to be included within any legal agreement consisting of sale to RSL of land or completed units, low cost home ownership, off-site contributions, commuted payment or any other options which may be available at the time of delivery.

Primary Education – The zoned Primary School is Milltimber Primary School. A primary school is proposed as part of this application and there have been discussions with the Education Service on the phasing and delivery of the primary school.

The Council's Education Service is clear that the capacity of Milltimber Primary School is 9 classrooms and with the current mix of pupils comprising composite classrooms the functional capacity sits at 225. However it is noted that the school roll forecasts show a maximum capacity 270. Additional accommodation will therefore be required prior to reaching this capacity however on the basis of the methodology as set out in the roll forecasts the higher capacity figure (270) has been used for the purpose of the calculations.

Education contributions are calculated on the average of over capacity over a 5 year period. Oldfold would be developed out over a longer period beyond the school roll forecast period. However in order to provide certainty an average has been calculated on the basis of the full 550 units averaged out over a 5 year period. The average over capacity over the 5 year period of the full development of 550 units is 61.8 pupils.

A site for the primary school and pitch has been identified within the Oldfold masterplan and extends to 6.15 acres. This development will be required to reserve the site for this use and contribution to a proportionate element of the land take for the replacement school (4/15ths). The value of the land is subject to a separate valuation exercise. Phasing of the school site is likely to be prior to 2019 and agreement will require to be reached in relation to servicing of the school site.

Secondary Education – The zoned Secondary School is Cults Academy. Education contributions are calculated on the average of over capacity over a 5 year period. This development will be developed out over a longer period beyond the school roll forecast period. However in order to provide certainty an average has been calculated on the basis of the full 550 units averaged out over a 5 year period. The average over capacity over the 5 year period of the full development of 550 units is 40.2 pupils.

Community Facilities – In order to fully utilise the public halls and other community facilities, improvements will be necessary. The developer is not at liberty to address existing shortcomings, however, further cumulative development will impact on local venues and it is therefore considered that a contribution is justified. Local facilities, including the community centre, are well used and therefore a contribution is required to mitigate the impact from additional residents utilising these facilities. Details of the specification of the primary school may impact on this level of contribution if facilities are to be provided within the school and in this instance contributions would be directed towards the school.

Sports and Recreation – Confirmation is awaited from the Education Service on the specification of the new school as it is likely to include provision for playing fields and sports and recreation to be available for community use. Contributions required towards these elements are therefore likely to be included within Education contributions.

Library – The new primary school is likely to include a community library provision therefore no contributions are sought.

Core Path Network – The Local Development Plan Action Programme identifies a requirement for implementation of a path identified as Aspirational Path 10 in the Core Paths Plan and upgrades to the Deeside Way. Contributions will be sought to promote and extend the Core Path network in and around Milltimber. However it is acknowledged that site will provide for the implementation of a significant part of AP10 and therefore the overall contribution has been reduced by 50%.

Healthcare – Infrastructure requirements have been calculated with NHS Grampian on the basis of national health standards and by estimating the likely number of new patients generated by each proposed development. Contributions will be calculated using nationally recognised space standards and build costs, based upon the population requirements for GP surgeries, dental chairs and community pharmacies. Any financial contributions will need to be agreed with the Council, in consultation with NHS Grampian, before an application can be determined. Contributions would be utilised towards provision of an extension to Peterculter Health Centre for provision of additional GP space and dental facilities.

Enterprise, Planning & Infrastructure (Flooding) – A full survey of all watercourses both culverted and open remains outstanding. These surveys are critical to understanding the potential impact from any development on properties downstream of the development. Any surveys should be extended downstream to include culverted sections south of the A93

The discharge rate has been calculated as 157.9 litres per second, presumably all discharging to the Oldfold Burn. A topographical survey should be carried out to ascertain if indeed all greenfield run off is discharging to the Oldfold Burn or if there is a split between the two watercourses in the site

Full details of all SuDS facilities including design calculations and drawings should be submitted for approval.

Education, Culture & Sport (Archaeology) – A condition should be attached requiring a the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The programme of archaeological work will include all necessary post-excavation and publication work.

Scottish Environment Protection Agency –

SEPA is satisfied with the submitted assessment of the nearby wetland areas. The wet woodland in the bottom of the small valley is fed by a number of springs running in from the north of the woodland. These have been historically dammed in a number of areas running through the base of the valley and eventually supply the reservoir/loch to the east of the site. We are therefore satisfied that the development will not effect the water levels in this area.

The proposed low density residential area which backs onto Murtle Den is in quite close proximity to the slope which runs down into the wet woodland. Careful drainage is required here to divert any run off along the top of the slope.

It is noted that the waste water drainage from this development would discharge to the public sewer via a new pumping station and rising main. SEPA have no objection to this aspect of the proposal but recommend that confirmation of available connection is gained from Scottish Water.

It is noted that the sustainable drainage (SUDS) proposals would include permeable paving with sub-base for car parking areas and grass swales to two extended detention basins to treat all other surface water run-off on site. This would provide surface water run-off from the site with the best practice two levels of SUDS treatment.

The applicant has therefore demonstrated that for this application for planning permission in principle there is adequate space within the site for SUDS however they have not confirmed how this will be achieved in detail. Therefore, SEPA requests that a condition is attached to the consent requiring the submission of details of a SUDS scheme. If this is not attached, then SEPA objects.

A well designed SUDS scheme can form part of a wider green network, contribute to the amenity of the site and promote biodiversity. Any planting undertaken should use native species with opportunities taken to remove non-native species.

The Hydrology section of the Design and Access Statement makes reference to a number of springs within the site and producing a construction method statement to avoid run-off/sediment impacting on the River Dee. Construction works can increase the risk of water pollution due to the release of sediment from exposed surfaces, contaminant discharges and accidental spillage. SEPA is therefore pleased to note that pollution prevention during construction has been recognised as a potentially important issue and that this will be addressed through the production of the relevant construction method statement/ environmental management plan.

SEPA requests that a condition is attached to the consent requiring that a construction environmental management plan (CEMP) is submitted. If this is not attached, then please consider this representation as an objection.

SEPA requests that a condition is attached to the consent requiring that a site waste management plan is submitted. If this is not attached, then SEPA objects.

Cults, Bieldside and Milltimber Community Council – The Community Council has no strong objections to the development in principle provided that the following matters are addressed –

- the timing of completion of the proposed new primary school should be aligned with the current forecast of pupil demand and capacity limit at the existing primary school.
- the Milltimber community have expressed a strong desire that there should be a single community centre for the whole of the Milltimber population. Any related planning contributions should go towards improving the existing facility.
- the transport assessment should take into account the North Deeside Road / Abbotshall Road / Westerton road junction.
- developments at Oldfold and Friarsfield should be phased so that demands on transport infrastructure do not exceed 85% junction saturation limits.

- Binghill Road will have increased usage and therefore improvements to it will be required.
- Existing roads within Milltimber are unsuitable for buses.
- there is concern with the level of affordable housing proposed as it is not in keeping with the current provision in Milltimber and surrounding areas. However the Community Council support the concept of a flexible delivery mechanism such as commuted sums in lieu of on-site provision.
- drainage and sewerage designs should be adequate.

Police Scotland –

- Pedestrian routes need to be wide, straight, illuminated by uniform lighting and have high levels of natural surveillance;
- landscaping schemes should ensure that natural surveillance is not compromised by inappropriate planting;
- different surface treatments should be used to define public and private spaces.

Scottish Water –

- Scottish Water has no objection to this application.
- Invercarnie Water Treatment works may have capacity to service the proposed development.
- Nigg Waste Water Treatment Works and waste water network may have capacity to service the development.
- Scottish Water's initial investigations have highlighted there may be a requirement for the developer to carry out works on the local water network and waste water network to ensure there is no loss of service to existing customers.

REPRESENTATIONS

Fifteen letters of representation have been received from 10 residential addresses in Milltimber and Murtle Den, the Milltimber Community Association and representatives of the Camphill Communities. The following matters are raised –

Transportation

1. The TA is not independent as it was commissioned by CALA, it has no non-technical summary. Additional traffic data should be submitted to give the public confidence that the figures are accurate.
2. The development would add to congestion along the A93 and Binghill Road.
3. The proximity of the A93 junction to Tor Na Dee Lodge and East Drive (Oldfold Farm access) will cause safety issues.
4. Will a controlled pedestrian crossing be maintained at Binghill Road.
5. How will parking around the school be dealt with.
6. Turning provision for service vehicles should be provided in block U (Murtle Den Road extension).

7. Murtle Den Road should be adopted - until then ACC should grant legal rights for owners to use the extension to the road. Issues with land ownership of Murtle Den Road should be taken into account if it is to be widened.

Access

8. The development would result in an increase in the number of people using the Deeside Railway Line for recreational purposes, thereby resulting in increased anti-social behaviour which would have a negative impact upon the Camphill Communities.
9. The houses proposed on Murtle Den Road should be accessed from the main development and measures should be taken to ensure that traffic is directed away from 'The Cottage'
10. No details of planting or access prevention along boundary with Tor Na Dee.
11. The plans for AP10 sit uncomfortably with maintaining Murtle Den Road as a private road.

Design and Layout

12. The quality of the proposed housing is felt to be in keeping with the standard already in existence in Milltimber.
13. The provision of the Binghill Park and other green space is welcomed and the efforts to minimise the impact of the development on existing residents is appreciated.
14. The limited extent of commercial land use is appreciated – industrial would not be appropriate.
15. The density of housing should be reduced.
16. High quality open space and play areas should be provided
17. Generally very happy with proposed layout and design - look forward to work starting.

Planning Contributions

18. Whilst affordable discounted housing would be appropriate social housing would not be appropriate for Milltimber.
19. Adequate health facilities should be provided / on site.
20. Adequate Police services should be provided.
21. Planning contributions should be provided and in a timely manner.
22. Contributions towards a community centre should be used to enhance the existing centre and not to create a new one.

Education

23. CALA should pay for the new primary school.
24. The new primary school is essential and very much welcomed.
25. What provision would be made for additional children before the new school opens?
26. Adequate nursery provision should be provided.
27. Adequate secondary provision should be provided.

28. Existing school is at capacity.

Drainage

29. Development could result in additional peak flows along drainage channels and the Mill Stream, resulting in flooding within the Camphill Estate.
30. An impact assessment should be undertaken to determine if the sewer system can cope.
31. Upgrading of the sewer system could disrupt the agricultural activities of the Camphill Communities and affect the land's biodynamic and organic status. Assessments should be carried out to determine how the impact can be mitigated. Development could affect the quality or quantity of groundwater supplying a spring to the farm buildings on Camphill's Murtle Estate.
32. Would SUDS alleviate current flooding issues, would ponds have safety provisions included and SUDS should be designed as green infrastructure?

Other Matters

33. Construction would result in disruption to residents and displace traffic.
34. Open space should be open to everyone
35. No indication of steps to be taken to ensure privacy of residents in Woodland Grove (Tor-na-dee) have been provided
36. Further housing is not required
37. The site should remain as green belt
38. Water and power infrastructure is inadequate
39. The proposed homes should be moved to the Countesswells development to save money
40. Views over the field would be lost
41. Overall impression favourable subject to safeguards
42. Existing properties on Murtle Den Road would not have legal access to the extension
43. It would be unfair for individual owners of Murtle Den Road to have to pay for upkeep of the road if owners of the extended part did not.
44. The additional houses and traffic proposed at Murtle Den Road would have an adverse impact upon the character and environment of the road
45. Three to five houses would be more appropriate for Murtle Den Road rather than nine

PLANNING POLICY

National Policy and Guidance

Creating Places (Scottish Government) – Scotland's new policy statement on architecture and place published in June 2013 sets out the comprehensive value good design can deliver. Successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy.

Designing Places (Scottish Government) – Launched in 2001 *Designing Places* sets out government aspirations for design and the role of the planning system in delivering these. The aim of the document is to demystify urban design and to demonstrate how the value of design can contribute to the quality of our lives.

Designing Places is a material consideration in decisions in planning applications and appeals.

Designing Streets (Scottish Government) – *Designing Streets* is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda and is intended to sit alongside *Designing Places*, which sets out government aspirations for design and the role of the planning system in delivering these.

Scottish Planning Policy (Scottish Government) – SPP is the statement of Scottish Government policy on land use planning, and includes the government's core principles for the operation of the planning system and concise subject planning policies. The general policy relating to sustainable development and subject policies relating to open space and physical activity, landscape and natural heritage, transport and housing are all relevant material considerations.

Aberdeen City and Shire Strategic Development Plan 2014 (SDP)

While the preference is for development to take place on brownfield sites, the scale of growth expected will mean that more than half of new development will need to take place on greenfield sites. Reducing travel distances and making walking, cycling and public transport more attractive to people is vital. One or two new secondary schools, associated primary schools and improvements to transport infrastructure will be required to serve new development in the city. The Structure Plan sets out the following key objectives for the growth of the City and Aberdeenshire:

Sustainable mixed communities – to make sure that new development meets the needs of the whole community, both now and in the future and makes the area a more attractive place for residents and businesses to move to.

Accessibility – to make sure that all new development contributes towards reducing the need to travel and encourages people to walk, cycle or use public transport by making these attractive choices.

Aberdeen Strategic Infrastructure Plan 2013 (SIP)

A key aim of the SIP is to enable the delivery of Aberdeen's share of the housing allocations in the Strategic Development Plan and affordable housing.

Aberdeen Local Development Plan 2012 (ALDP)

Policy LR1 (Land Release Policy) – The site is identified in the ALDP as opportunity Site OP62 (Oldfold) which is allocated for 400 homes in the period of 2007-2016 and 150 homes in 2017-2023. Over the period 2007-2023, 5 hectares of employment land is also allocated.

The Oldfold site must be subject of a masterplan and will require (i) a major new road junction connecting the site to North Deeside Road, (ii) a new primary school within the site, (iii) an extension to Peterculter Health Centre to accommodate one extra GP and two dental chairs and (iv) a new community pharmacy.

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. 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 Council will require the developer to meet or contribute to the cost of providing or improving such infrastructure or facilities.

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. Transport Assessments and Travel Plans will be required for developments which exceed the thresholds set out in the Transport and Accessibility Supplementary Guidance. Planning conditions and/or legal agreements may be imposed to bind the targets set out in the Travel Plan and set the arrangements for monitoring, enforcement and review. Maximum car parking standards are set out in Supplementary Guidance on Transport and Accessibility and detail the standards that different types of development should provide.

Policy D1 (Architecture and Placemaking) – To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, orientation, details, the proportions of building elements, together with the spaces around buildings, including streets, squares, open space, landscaping and boundary treatments, will be considered in assessing that contribution.

Policy D3 (Sustainable and Active Travel) – New development will be designed in order to minimise travel by private car, improve access to services and promote access to services and promote healthy lifestyles by encouraging active travel. Development will maintain and enhance permeability, ensuring that opportunities for sustainable and active travel are both protected and improved. Access to, and movement within and between, new and existing developments will prioritise transport modes in the following order – walking, cycling, public transport, car and other motorised vehicles.

Street layouts will reflect the principles of Designing Streets and will meet the minimum distances to services as set out in Supplementary Guidance on Transport and Accessibility, helping to achieve maximum levels of accessibility for communities to employment, essential services and areas of recreation. Existing access rights, including core paths, rights of way and paths within the wider network will be protected and enhanced. Where development proposals impact on the access network, the principle of the access must be maintained through the provision of suitable alternative routes.

Policy D6 (Landscape) – Development will not be acceptable unless it avoids: significantly adversely affecting landscape character and elements which contribute to, or provide, a distinct ‘sense of place’ which point to being either in or around Aberdeen or a particular part of it; disturbance, loss or damage to important recreation, wildlife or woodland resources or to the physical links between them; sprawling onto important or necessary green spaces or buffers between places or communities with individual identities, and those which can provide opportunities for countryside activities.

Policy H3 (Density) – An appropriate density of development is sought on all housing allocations and on developments of over one hectare must meet a minimum density of 30 dwellings per hectare, have consideration of the site’s characteristics and those of the surrounding area, create an attractive residential environment and safeguard living conditions within the development.

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, reflecting the accommodation requirements of specific groups, in particular families and older people. This mix is in addition to affordable housing contributions.

Policy H5 (Affordable Housing) – Housing developments of 5 or more units are required to contribute no less than 25% of the total units as affordable housing.

Policy RT5 (New Development Serving New Development Areas) – Masterplans for sites allocated for major greenfield residential development should allocate land for retail and related uses at an appropriate scale to serve the convenience shopping needs of the expanded local community. Sites should be provided in accessible locations.

Policy NE4 (Open Space Provision in New Development) – The City Council will require the provision of at least 2.8 hectares per 1000 people of meaningful and useful public open space in new residential development. Communal or public open space should be provided in all residential developments, including those on brownfield sites.

Policy NE5 (Trees and Woodlands) – There is a presumption against all activities and development that will result in the loss of or damage to established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity, including ancient and semi-natural woodland which is irreplaceable.

Policy NE6 (Flooding and Drainage) – Where more than 10 homes or greater than 100m² floor space is proposed, the developer will be required to submit a Drainage Impact Assessment. Surface water drainage associated with development must: be the most appropriate available in terms of SUDS; and avoid flooding and pollution both during and after construction.

NE8 (Natural Heritage) – Developments that, taking into account, any proposed mitigation measures, has an adverse effect on protected species or an area designated because of its natural heritage value will only be permitted where to satisfies the relevant criteria in SPP.

Applicants should submit supporting evidence for any development that may have an adverse effect on a protected species demonstrating both the need for the development and that a full range of possible alternative courses of action has been properly examined and none found to acceptably meet the need identified.

Policy NE9 (Access and Informal Recreation) – New development should not compromise the integrity of existing or potential recreational opportunities including access rights, core paths, other paths and rights of way. Wherever appropriate, developments should include new or improved provision for public access, permeability and/or links to green space for recreation and active travel.

R2 (Degraded and Contaminated Land) – The City Council will require that all land that is degraded or contaminated, including visually, is either restored, reclaimed or remediated to a level suitable for its proposed use. This may involve undertaking site investigations and risk assessments to identify any actual or possible significant risk to public health or safety, or to the environment, including possible pollution of the water environment, that could arise from the proposals. Where there is potential for pollution of the water environment the City Council will liaise with SEPA.

Policy R7 (Low and Zero Carbon Buildings) – States that all new buildings, in order to meet with building regulations energy requirements, must install low and zero-carbon generating technology to reduce the predicted carbon dioxide emissions by at least 15% below 2007 building standards.

Supplementary Guidance

Oldfold Development Framework and Masterplan – The Development Framework and Masterplan provides a two-dimensional spatial framework that analyses the context of the site and outlines the vision for the future of the Oldfold site. It goes on to explain the design evolution of the proposed layout and highlight matters relating to access, connectivity, transportation, landscaping etc. It also discusses the proposed character areas of the development and potential phasing.

The following supplementary guidance (SG) documents are also of relevance to the assessment of this application:

- Affordable Housing SG
- Low and Zero Carbon Buildings SG
- Infrastructure and Developer Contributions Manual SG
- Open Space SG
- Transport and Accessibility SG
- Trees and Woodlands SG

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.

Principle of Development

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 and generality of the proposed layout rather than any detailed design. Applications for matters specified in conditions would address the detailed layout and position & appearance of buildings.

Phasing of Housing

The allocation of the site was pursued through the Aberdeen Local Development Plan (ALDP) preparation process with the site being identified for development by the Council, subsequently ratified by the Reporter appointed by the Scottish Government and thereafter by the full Council. This process culminated with the adoption of the ALDP in February 2012 which allocated Oldfold as a housing land release site (Policy LR1) for 550 homes and 5 hectares of employment land.

The ALDP sets out that the OP62 allocation should provide 400 homes within the phase one of the plan (2007-2016), with a further 150 homes provided in phase two (2017-2023) which it is expected would be released by the next version of the ADLP, anticipated adopted taking place 2016.

Planning permission in principle is sought through this application for all 550 homes at once, which therefore technically represents a departure from the phasing proposed in the ALDP and is contrary to Policy LR1 (Land Release Policy).

Since the adoption of the ALDP in February 2012, the Aberdeen City and Shire Strategic Development Plan (SDP) has been published and was approved by Scottish Ministers on 28th March 2014. The SDP continues the growth aspirations of the previous Structure Plan and specifies an allowance of 12,000 housing units on greenfield sites within Aberdeen in phase one (up to 2016). In second phase (2017-2026) 5000 units are allowed for.

The Main Issues Report (MIR) for the next ALDP was published in January 2014 and stakeholder and public consultation is now being reviewed. The MIR considers the overall vision and strategy of the existing LDP to be appropriate. In

accordance with the SDP, the MIR also proposes that the next ADLP carries forward and releases the current phase two allocation of 150 homes to the period of 2017-2026.

It is apparent that the Councils latest position on the future development of the city continues the growth strategy within the current strategic and local development plans. Despite this, it must be noted that the MIR is only a consultation document at this stage and the proposed ALDP is not expected to be published in early 2015. Thus, approving both phases of the housing at Oldfold would still be contrary to the current ALDP.

The applicant has provided indicative build rates and anticipates that 25 units would be completed in 2015 and thereafter 50 units per annum, with development completing around 2025. This build rate would result in only 75 units being completed by the end of 2016, significantly below the expectations of the ALDP which anticipated 400 units completed within phase one.

It has also been intimated by the applicant that in order to continue seamlessly with the build programme from phase one to phase two, the certainty which having planning permission for all 550 units, is required. There are also upfront infrastructure costs such as the new junction, contributions towards the primary school and potential water infrastructure upgrades required to be funded.

Taking into account the indicative build-rate and the stages of the planning process which still need to be completed before work can start on site, the risk is very low that the number of completed units before 2017 would exceed that allocated to the phase one period. The granting of consent for both phases at Oldfold would also bring certainty for the developer which would assist in the delivery of the development. Therefore although contrary to Policy LR1 (Land Release Policy) it is considered acceptable to permit the full allocation of housing at Oldfold at this stage.

Employment Land

The employment element of the allocation is not allocated to any specified plan phase, and may be provided in full in the current plan period. One block within the development is identified as being for commercial and community uses and amounts to 1.18 hectares. This is significantly below the 5 hectares identified for Oldfold within the ALDP.

The Oldfold Development Framework and Masterplan, which has been adopted as supplementary guidance by the Council, does not include 5 hectares of employment land. The Framework and Masterplan included a detailed analysis of the context of the Oldfold site and explored how an expansion of Milltimber could be accommodated. There are no local services or employment uses within Milltimber at the moment and through the Development Framework and Masterplan, it was concluded that 5 hectares of employment land would be inappropriate. It was considered that the creation of a local neighbourhood centre with approximately 1000m² of floor space for local shops, cafes and small offices

would be appropriate for the size of the development and the character of Milltimber.

The reduction in the level of employment land from the expected by the ALDP is contrary to the plan's overall strategy of creating sustainable communities, which have a mix of residential and employment land which in turns reduce the need to travel by car between home and work. However as already noted, the Development Framework and Masterplan, which has been adopted as supplementary guidance, is promoting an alternative approach which it is considered is appropriate for Milltimber.

Failure to provide sufficient employment land within the city represents a risk to the ALDP's aim of expanding the population of Aberdeen. Within the current plan period (2007-2023), 105 hectares of employment land has been provided, with a further 70 hectares allocated as strategic reserve land for the period 2024-2030. The amount of land allocated for employment is significantly more than it is expected will actually be required. Therefore the failure to provide the allocated 5 hectares at Oldfold is not expected to have an adverse impact on the ability of the city to accommodate new or expanded employment uses.

Density and Mix

The density of development proposed at Oldfold is on average 20.7 units per hectare (excluding the Murtle Den block). This figure is below the minimum of 30 dwellings per hectare which is required by Policy H3 (Density).

Notwithstanding the above, it is worth noting that 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 cannot be applied in isolation. The policy also requires developments to have consideration for the sites characteristics and those of the surrounding area.

The Development Framework and Masterplan has taken into account the characteristics of the Oldfold site and existing Milltimber settlement, where the average density is approximately 17 units per hectare. Therefore, in order to take into account the context, it is proposed that there would be a mix of densities throughout the site. Low (17/ha) and medium (17-22/ha) densities would feature in the south, east and north parts and higher densities (22+/ha) are proposed in the core of the development, around the school and neighbourhood centre.

Although the proposed average density is lower than that required by Policy H3, consideration has been given to the context of the surrounding area in order to create an attractive residential environment which would respect its surroundings. Despite the lower than required density, the proposal would still meet the full housing allocation of 550 units for the site and be in compliance with the adopted Framework and Masterplan. Therefore although the proposed densities are not fully compliant with Policy H3, they are consistent with the Development Framework and Masterplan and appropriate for the context of the site.

The Design and Access statement shows that there would be an appropriate mix of dwelling types and sizes, in line with the Framework and Masterplan and Policy H4 (Housing Mix).

Compliance With Framework and Masterplan

The Development Framework and Masterplan sets out a clear vision for the site as being an expansion to Milltimber that reflects the quality associated with North Deeside, both in quality of homes provided and the quality of the environment. Oldfold will be a place in which the houses, streets and outdoor spaces all combine to reflect the high standards expected of new development. The approach to development at Oldfold is based on four key issues:

- Respect the setting
- Be part of Milltimber
- Create a community
- Protect and integrate the surrounding landscape.

Proposed pedestrian routes have been designed to actively encourage walking to the primary school and neighbourhood centre. Maximum connectivity is also proposed between the site and Milltimber and connections to the existing cycle network along the A93 and Deeside Railway Path would also be provided. The development would be made up of a strong street hierarchy with a primary street, green links, secondary streets and two types of minor streets. Aspirational Core Path 10 would take a route through the site and connect Binghill Road to Murtle Den Road.

The Council's supplementary guidance on open space requires 4.7 hectares of meaningful and useable public open space for a development of this scale. The Development Framework and Masterplan indicates that 8.1 hectares of meaningful and useable open space could be accommodated within the site as part of the intended layout.

The design and access statement submitted is largely identical to the approved Development Framework and Masterplan which has been adopted as supplementary guidance by the Council. Therefore the proposal accords with the aspirations of this document, which is an important material consideration that weighs in favour of the development.

Transportation

The developer has submitted a Transport Assessment (TA) which examines transportation, traffic and access issues. Concern has been raised that the TA is not independent as it was commissioned by the developers and has no non-technical summary. It is the developer's responsibility to provide a TA for their proposed development and as per normal practice the scope of the TA was agreed with the roads authority prior to its submission. Thereafter it was audited

by the Roads Projects Team and recommendations made to the planning service.

Public Transport Provision

North Deeside Road is the main public transport corridor in Lower Deeside with the nearest bus stops to Oldfold being 53m to the east of the Bingham Road / North Deeside Road junction for eastbound services, and 60m west of the junction for westbound services. There are a total of eight daytime services per hour, in each direction, which provide access to the city centre; these services consist of routes 19 (Platinum Line), 201, 202 and 203. The 19 service, provided by First Bus, operates between Tillydrone and Peterculter via the city centre, at a 12 minute frequency. Stagecoach Bluebird's Royal Deeside services 201-203 operate between Aberdeen Bus Station and Banchory at a combined frequency of every 20 minutes.

Scottish Planning Policy (SPP) states that *“planning permission should not be granted for significant travel generating uses in locations which would encourage reliance on the private car and where...access to public transport networks would involve walking more than 400m... the transport assessment does not identify satisfactory mechanisms for meeting sustainable transport requirements.”*

Two thirds to three quarters of the Oldfold development site would be more than 400m (5–10 minute walk) from the existing bus stops on North Deeside Road and the majority of the site would require a 10-15 minute or 15-20 minute walk to reach North Deeside Road. Therefore in order to investigate possible solutions, the developer has approached both the main public transport operators within the city, with a view to establishing whether it was feasible to re-route buses through the Oldfold development.

The response from Stagecoach Bluebird and First Bus is that the option of diverting the existing services into the development is not considered realistic, as it would result in the services becoming less attractive to existing passengers as a result of the extended journey times, and could result in a requirement for additional vehicles. It is further suggested that bus passengers are attracted to higher frequency services on key corridors and are prepared to walk further than 400m to take advantage of frequent services rather than be restricted to the timetable of a low frequency service which may be within 400m.

Constraints within the local road network prevent the use of full size buses on existing routes into Milltimber such as Contlaw Road and Bingham Road. This has thus far precluded the operation of buses away from the A93 corridor. The North Deeside Road/Oldfold junction and main road through the development would be designed to accommodate buses; however the operators advise that if services were diverted into the development, for the reasons above it would require use of the same access and egress point. Both operators indicate that this would be particularly unattractive to both themselves and existing passengers. They further advise that the scale of development would not support an additional dedicated service to and from the city centre and a direct service would simply provide

excess capacity on the A93 corridor once it left the development, diluting the viability of existing services.

Stagecoach Bluebird suggest that consideration should be given to the provision of a community transport dial-a-ride type of operation which could provide access to bus services along the A93 corridor for areas where operation of full size buses is not possible, or where demands for public transport to not fit well with a timetabled service. This idea was considered by the Roads Projects Team, however it was thought unlikely that enough revenue would be generated to maintain the service after any subsidy from the developer ceased, resulting in the service being withdrawn at that point. Furthermore due to the nature of the dial-a-bus services it would be unlikely that it would be able to provide a sufficient service to be the equivalent of a traditional bus service in terms of taking residents to work. For these reasons dial-a-bus was discounted.

A condition would be attached to any consent that the closest bus stops to the development on the A93 be upgraded to a minimum standard of shelter, seating, lighting and raised kerbs. The footway on the development side of the A93 should be widened if possible to a minimum of 2m in width along the site frontage to accommodate the upgraded infrastructure.

With no viable solution identified to provide public transport to a large portion of the development site, there is clear conflict with the expectations of SPP, PAN75 and the Council's own sustainable transport policies and guidance, which all require new development to be within 400m of public transport provision, the lack of which is likely to encourage the use of the private car. In isolation this would be a reason for refusal of planning permission however this must be balanced against other material considerations and the fact that the whole of the site is allocated for residential within the ALDP.

Primary Vehicular Access (New A93 (North Deeside Road) Junction)

The primary access to the development would take the form of a signalised T-junction on North Deeside Road. The provision of the access at this location is consistent with the Development Framework and Masterplan. It is also the only point at which there is the possibility to access the primary road network.

There are existing traffic signals at the A93/Binghill Road/Beaconhill road junction, approximately 215m to the west of the proposed development site access. Traffic modelling for two scenarios was looked at in relation to how the additional junction could be accommodated.

The first scenario would see the existing traffic signals remain and the introduction of a second set of signals at the new T junction. It is apparent that the introduction of a second set of traffic signals at this new junction would result in additional delay to traffic on the A93. Concern was therefore raised with this arrangement by the Roads Projects Team and the developer was requested to look at a second scenario which removed the existing lights at the A93/Binghill Road/Beaconhill Road junction so that there would only be one set of signals on this section of the A93.

In this second scenario, the lower section of Bingham Road would have to become one-way from south to north due to the removal of the signals and poor visibility. The modelling shows that although the delay to traffic on the A93 would be less, it would be highly likely that the removal of the signals would result in substantial delay to vehicles trying to exit Beaconhill Road onto the A93, which could amount to several minutes in the PM peak period. Similarly, removing the Bingham Road signals and introduction of the one-way section would result in a large number of vehicles having to leave Milltimber and Oldfold via the new Oldfold access junction. This could result in a relatively large number of right turning vehicles at this junction as motorists are more likely to utilise a signalised junction over a non-signalised junction where they do not have priority. The Roads Projects Team has concern that if this is the only access point the number of occasions that queuing into the westbound lane will occur will be higher than if both sets of signals are in place. The length of the right turn lane that can be provided is also limited due to land ownership constraints. Aside from implications on the free flow of traffic, removing the existing signals would potentially restrict and deter pedestrian movement at this location. Cults, Bieldside and Milltimber Community Council has advised that residents of Milltimber have concerns that the removal of the signals would lead to safety concerns and difficulties when entering and exiting Bingham Road and Beaconhill Road.

Concern has been raised in representations with the proximity of the new A93 junction to the access to Tor-na-dee lodge and the track known as East Drive, which provides access to Oldfold Farm access. It is anticipated that this track would be retained as a pedestrian route as part of the development. The Roads Projects Team has raised no concerns with regards to the proximity of this or the Tor-na-dee lodge access.

In conclusion, for these reasons outlined in the second scenario, and despite the fact that the overall network would operate more efficiently with the removal of the traffic signals at the A93/Bingham Road/Beaconhill Road junction, the Roads Projects Team has recommend that the traffic signals be retained, in addition to the installation of the development access road signals. Once installed the traffic signals timings would be optimised to ensure the most efficient flow of traffic.

Secondary Vehicular Accesses (Bingham Road)

Two secondary accesses to the development would be provided onto Bingham Road. The first would be located opposite Bingham Hedges. As cross-roads are generally discouraged, it is likely that it would be necessary to install features to increase safety and reduce speeds at this junction. The second access would be located at Bingham Road West where a mini-roundabout is proposed. These connections are designed principally to provide local access to the proposed mixed use centre and new primary school. Significant vehicular use of either of these routes by future residents of Oldfold is not envisaged, as the priority route to North Deeside Road would be via the new principal route to the signalised site access. Similarly it is not envisaged that existing residents would route through the proposed site in significant numbers given that the existing route to the

Binghill Road signalised junction provides a more direct connection onto North Deeside Road.

Both these connections are in accordance with the development framework and masterplan and are accepted in principle by the Roads Projects Team. Conditions have been attached requiring detailed design proposals to be submitted.

Traffic Impact on Local Road Network

Traffic modelling has been carried out by the developer and audited by the Roads Projects Team. It is assumed that no more than 275 homes would be constructed prior to the opening of the Aberdeen Western Peripheral Route (AWPR). It is also anticipated that the mixed use centre and new primary school would not be open before this date.

The four junctions noted below have been analysed in detail. Beyond these junctions the significance of development traffic is increasingly reduced as it distributes over the wider network and detailed analysis is therefore not required.

- In the pre-AWPR scenario, a minor impact has been identified at the North Deeside Road (A93) / Milltimber Brae (B979) junction, however as the impact would only be minor and the junction would be removed once the AWPR is open, no mitigation measures are therefore requested.
- A minor impact has been identified at the North Deeside Road (A93) / Bieldside Station Road / Baillieswells Road (Cults) junction; however with prioritisation of the traffic signal timings this impact can be accommodated within the existing capacity of the junction. Therefore no mitigation works are required.
- North Deeside Road (A93) / Kirk Brae (Cults) is expected to operate marginally over capacity in the pre-AWPR phase, which although undesirable, would be a short term issue which would be relieved by the eventual implementation of the AWPR. However as the Oldfold development progresses, the junction will again operate over capacity, with the impact of the AWPR taken into consideration. It has therefore been recommended by the Roads Projects Team that the developer should pay a financial contribution towards improvements at this junction. The contribution, in combination with that from other developments in the area, would be used towards a solution at this junction to be designed and progressed by the Council. The contribution amount is yet to be agreed; however it would be based on the cost of designing and delivering a no-net-detriment solution for the development at this location. It would be secured through a section 75 legal agreement.

Traffic Impact on Wider Road Network

The developer would be required to contribute towards the Strategic Transport Fund (STF) which aims to gather contributions to pay for significant transport projects to mitigate congestion caused by the cumulative impact of developments throughout the city. The level of contribution payable will be dependent on the composition of the development, and will be determined as the detailed design of the development evolves. Contributions can be secured as part of a section 75 legal agreement.

Murtle Den Road

The nine homes proposed to the north of Murtle Den Road would be accessed via Murtle Den Road. This has been agreed in the Development Framework and Masterplan as the most appropriate access solution. Although it has been suggested that five homes would be more appropriate, the Development Framework and Masterplan consider that nine homes set within large woodland grounds would be acceptable.

The Roads Projects Team has indicated that Murtle Den Road should be upgraded to adoptable standard in order to provide satisfactory access. The Council and applicant have agreed that the normal standard which would be expected on a residential street can be reduced in order to maintain the special character and appearance of Murtle Den Road. This would consist of a single track road with passing places at 50-60m intervals, street lighting, drainage, turning facility at the northern end of the road and a footway to one side of the carriageway. The current standard of the road's construction will require to be investigated, and if this does not meet current standards it will require to be reconstructed to an adoptable standard. It is intended that the Council would thereafter adopt Murtle Den Road and be responsible for its maintenance. The detailed design of the upgraded road and extension to the road would be agreed through matters specified in conditions. To that end a condition has been attached requiring details to be approved by the Council prior to development commencing on the nine homes proposed to the north of Murtle Den (block U). Any legal or ownership disputes with regards to land required in order to upgrade Murtle Den Road are not material planning considerations and will need to be resolved by the applicant and any interested parties.

It is not considered that the increase in level of traffic associated with nine additional homes would significantly affect the character of Murtle Den Road.

Taking the above in account, the concern raised that the plans for AP10 sit uncomfortably with maintaining Murtle Den Road as a private road are considered to have been addressed.

Ecology

Development of this scale on greenfield land will inevitably have an impact upon existing landscape and wildlife. The site has been allocated through the appropriate local development plan process and therefore the loss of greenfield land in itself would not be sufficient reason to justify refusal of the application. Any impact on habitats or species however must be managed to allow the development to be delivered with minimal impact.

A habitat survey has been carried out to determine what flora and fauna are present on the site. The conclusion was that habitats on the site are largely unremarkable with the site being dominated by grassland and areas of woodland and scrub at the edges.

There are however a number of protected species which occur on the site or in close proximity

Bats

Bats are a European protected species under the Conservation (Natural Habitats, &c.) Regulations 1994 and as such it is illegal to amongst other things either deliberately or recklessly capture, injure or kill a wild bat or deny it the use of its roost.

A bat survey has been carried out and a potential bat roost was identified within the Oldfold Farm buildings. Prior to demolition of the farm a further survey will be required to determine what mitigation measures need to be agreed. Should a direct impact be unavoidable then a license would need to be obtained from Scottish Natural Heritage to disturb any bats or their roosts.

The woodland margins of the site are used for foraging by bats however the wide open fields of the development site provide a poor habitat. The creation of strong tree-lines though the site will encourage bats and are welcomed.

Badgers

Badgers and their setts are protected by the Protection of Badgers Act 1992. A badger survey has been carried out and no badger setts were identified on the site, however setts were recorded in the woodland to the north and east. Due to the close proximity the development has the potential to impact upon their activity. However it is anticipated that the housing proposed within woodland at Murtle Den and parkland in the north of the site would provide continued opportunities for badgers. A condition has been attached requiring a badger protection plan to be submitted prior to the commencement of development at any of the blocks within phase 5 or block U.

Birds

Thirty species of birds were identified on or adjacent to the site, several of which are birds of high conservation concern or identified as priority species. Those

species which depend on trees for cover, nesting and feeding would be provided with enhance opportunities though the proposed landscaping and tree planting associated with the development.

In summary the submission of further information would ensure compliance with Policy NE8 (Natural Heritage) of the ALDP, and fulfil the planning authority's duty with regard to ensuring adequate protection is afforded to a protected species.

Drainage

A drainage impact assessment has been submitted which explains how the principles in relation to drainage would be addressed.

Foul Water

New foul sewers and a foul pumping station would be provided within the development. The pumping station would be provided towards the south east corner of the site and would pump flows to the south west of the site along North Deeside Road where it would discharge to the existing Scottish Water sewer network. SEPA has no objection to the proposed foul drainage proposals.

Scottish Water has indicated the Invercarnie Water Treatment Works and waste water network that would service the area may have capacity to service the proposed development. No objection is raised to the proposal, however connection to the network can only be given when the appropriate application and technical details have been received by Scottish Water. Where upgrading work is required it may be necessary for the developer to fund works to enable their development to connect.

Surface Water

New surface water sewers and sustainable urban drainage (SUDS) features would be provided to service the site and would be located within the new roads and areas of open space. Surface water would be treated in the following ways –

- run-off from driveways within individual house plots would be drained to sub-soils at source via soakaways;
- run-off from the proposed access roads would be drained directly to the proposed surface water sewers via traditional trapped gullies.
- Car parking areas would be provided permeable paving with stone filled filter trenches located beneath the car parking areas; these measures would then discharge into the new sewers.
- The new surface water sewers would discharge into grass conveyance swales which in turn discharge flows into one of two extended detention basins located in the south east corner and the east side of the site. The combination of the grass swales and the extended detention ponds would provide the whole development area with the required two levels of treatment. The detention basins would be designed as part of the open space within which they would be located. Should they need to be fenced off for safety

reasons this would be done sensitively so that they still contribute to the design of the open space.

The Drainage Impact Assessment indicates that the rate and volume of surface water run-off post development would not exceed the run-off from the existing greenfield site, which is required by drainage best practice. Developers are not expected to address existing flooding problems.

The wet woodland at Den of Murtle (a Local Nature Conservation Area) is dependent on the hydrology of the area and although out-with the site, there is the potential for the development to have an impact on it. An assessment of nearby wetland areas has been submitted for review to SEPA and identified that the wet woodland at Den of Murtle is fed by a number of springs running in from the north of the woodland. These have historically been dammed at a number of locations and eventually supply the loch/reservoir to the east of the site. SEPA are therefore satisfied that the development would not effect the water levels in this area.

The concerns of the Camphill Community in terms of the potential for downstream flooding are noted and would be addressed through a full survey of watercourses and topographical survey as requested by the Flood Prevention Unit. Ideally this should be provided up-front but given its absence, a condition has been applied requiring its submission and approval along with all drainage matters, prior to development commencing.

Through the submission of applications addressing foul and surface water drainage the proposal would be in accordance with Policy NE6 (Flooding and Drainage).

Contamination

Due to the existing use as a farm, there is the potential for ground around the farm to have become contaminated. Therefore a condition has been attached requiring submission of an investigation to determine the nature and extent of any contamination and thereafter a remediation plan to address any significant risks and ensure the site is fit for the proposed residential use. Subject to a satisfactory report being submitted the proposal would be in accordance with Policy R2 (Degraded and Contaminated Land).

Planning Contributions

The developer has agreed a package of planning contributions to mitigate against the impact of the development on local infrastructure and services. All contributions and phasing of payments would be secured by a section 75 legal agreement and would be timed appropriately to mitigate the scale of development at each phase.

Affordable Housing

The developer has agreed to provide affordable housing at a rate of 25%. The Council's Housing Service has advised that for this scale of development all delivery options would require to be included within any legal agreement. Options for delivering affordable housing include sale to registered social landlord (RSL) of land or completed units, low cost home ownership, off-site contributions, commuted payment or any other options which may be available at the time of delivery.

Concern has been raised by a small number of objectors with the idea of social housing being introduced to Milltimber and in particular the perceived type of tenants which a registered social landlord caters for. One of the overarching objectives of the ALDP is to create sustainable mixed communities with a mixture of house types, house sizes and tenures. Therefore the proposed to include affordable housing on site is consistent with the aims of the ALDP. Claims that anti-social behaviour would take place are unfounded and are not considered to be a material consideration. Notwithstanding and importantly there is an expectation that a substantial proportion of the units would be provided on-site.

Subject to the conclusion of a legal agreement to secure the required provision, the proposal would be in accordance with Policy H5 (Affordable Housing).

Primary Education

A new primary school with nursery to replace the existing Milltimber Primary School would be built adjacent to the local centre, on the west side of the development. The school would accommodate the additional pupils generated by the development as well as those from the existing community. The existing school also accommodates pre-school children within a nursery and it is anticipated that this would form part of the new school also.

The developer has agreed to provide a financial contribution plus a proportionate element of land for the school. The timing of the school provision would be determined through the section 75 legal agreement and would be appropriate to the demand on the school roll.

The school is also likely to accommodate sports and community facilities. The location of the new school would be adjacent to the proposed neighbourhood centre and has been chosen as it would be within an 800m walk distance of all units within Oldfold. It would also be convenient for those living within the existing parts of Milltimber. The specification, layout and design of the school would be determined through a future planning application. Parking provision, including drop-off areas which are safe and easy to access would be provided. Appropriate Safe Routes to School would be identified and an appropriate crossing facility on Binghill Road would be provided to ensure the safe movement of pedestrians and cyclists between Milltimber and Oldfold.

Secondary Education

Oldfold would be within the zone for Cults Academy. The average over capacity over the 5 year period of the full development of 550 units is 40.2 pupils. The developer has agreed to pay contributions towards secondary education provision at Cults Academy in line with the level of impact the development would have.

Community Facilities

Contributions would be provided to improve community facilities in Milltimber as a result of the additional pressure placed on them. Milltimber Community Hall is located at Oldfold Walk, within the Meadows area of Milltimber and is operated by Milltimber Community Association (MCA), a self-financing charity. MCA and Cults, Bielside and Milltimber Community Council (CBCMC) have both indicated that their preference would be for any contributions to help expand the facilities at community hall rather than establish any competing facilities. This is acceptable in principle however details of the specification of the primary school may impact on this level of contribution if facilities are to be provided within the school and in this instance contributions would be directed towards the school.

Sports & Recreation Facilities

Confirmation is awaited from the Council's Education Service on the specification of the new school as it is likely to include provision for playing fields and sports and recreation to be available for community use. Contributions required towards these elements are therefore likely to be included within Education contributions.

Library

The new primary school is likely to include for community library provision, therefore no contributions are sought in this regard.

Core Path Network

The Local Development Plan Action Programme identifies a requirement for implementation of a path identified as Aspirational Path 10 (AP10) in the Core Paths Plan and upgrades to the Deeside Way. AP10 crosses through the middle of the site in an east/west orientation and the intention is to provide this path in order to create a pedestrian and cycle link (3m wide) between Binghill Road and Murtle Den Road and the Council are currently undertaking work on the detailed alignment to the east of Murtle Den Road. It is acknowledged that site will provide for the implementation of a significant part of AP10 and therefore the overall contribution has been reduced by 50% to take this into account.

Healthcare

Healthcare contributions would be provided and utilised towards provision of an extension to Peterculter Health Centre to provide additional GP space and dental facilities. It would not be proportionate to require new health facilities within

Oldfold and the most viable option has been identified as expanding existing facilities.

Time Periods

The planning authority has powers to direct that the duration of consent granted may differ from the usual periods stated in legislation, which is 3 years from the grant of Planning Permission in Principle. In this instance, the scale of the housing allocation is of considerable scale and there is little realistic prospect that full details of the entire 550 homes and associated works would be ready to be submitted within a period of 3 years. The scale of the allocation is such that it is clear that there is reasonable justification to deviate from the usual periods. It is considered appropriate to grant a period of 5 years and a direction reflecting this would be attached to the grant of planning permission in principle.

Relevant Planning matters raised by the Community Council

- The timing of provision of the new primary school and matters relating to the community centre contributions was dealt with under the Planning Contributions Sections of the report.
- The junction at North Deeside Road / Abbotshall Road / Westerton road has not been analysed in detail as explained in the 'Traffic Impact on Local Road Network' Section of this report.
- The development would be phased with infrastructure provided at the appropriate time.
- Arrangements at Binghill Road are explained in the transportation section of this report.
- The situation with buses is explained in the Public Transport' section of this report.
- The proposals for affordable housing are explained in the developer contributions section of this report.
- Drainage and sewerage matters are addressed in the drainage section of this report.

Relevant Planning matters raised by representations not already addressed

- Construction Traffic – Concern has been raised that construction would result in disruption to residents and displace traffic. A development of this scale will inevitably create disruption however this would not be a competent reason for refusal.
- Policing – The policing of the area is not a matter which is attributable to particular developments and therefore planning contributions are not sought.
- Open space should be open to everyone – Open space would be for everyone and would not only be for those living within the development.

- Tor-na-Dee Boundary – The existing boundary with Tor-na-Dee is likely to remain, along with the access track to Oldfold farm house. Exact details of planting to enhance the existing landscaping would be agreed through detailed applications.
- Water and power infrastructure is inadequate – The developer would need to agree any connection to or upgrading of water and power infrastructure with the relevant authorities.
- Views over the field would be lost – loss of a view is not a material planning consideration however the development would be integrated into the landscape to limit any impact on landscape setting.
- Increase in people using and being anti-social on the former Deeside Railway Line – Whilst the proposed development may lead to an increase in the level of users on the popular former railway for recreational purposes, which is to be welcomed, there is no evidence to suggest that this would have an impact on the level of anti-social behaviour which takes place in the area.
- The housing should be moved to Countesswells – The Oldfold site has been allocated through the Aberdeen Local Development Plan (ALDP) preparation process with the site being identified for development by the Council, subsequently ratified by the Reporter appointed by the Scottish Government and thereafter by the full Council.

Summary

The development plan must be considered as a whole. Most developments will comply with some policies and conflict with others. Therefore, a judgement needs to be made about the weight to be given to and the balance between each policy.

Although, as set out in the evaluation, the proposal does not comply with some of expectations and policies relating to phasing, provision of employment land and public transport, for the reasons set out earlier in this report, the indicative proposals do represent a considered and appropriate expansion of Milltimber. The proposed development also represents a relatively straightforward site, which is free from significant constraints. The development of Oldfold would assist in the delivery of affordable housing and Aberdeen's share of the housing allocations within the Strategic Development Plan, which is a priority of the Council's Strategic Infrastructure Plan. As such, it is considered that notwithstanding conflict with some aspects of the development plan, on balance the benefit to the City in terms of the increased supply of housing would justify approving the application.

RECOMMENDATION: Willingness to approve, subject to conditions, but to withhold the issue of the consent document until the applicant has entered into a section 75 legal agreement with the Council to secure –

- 1) The provision of 25% affordable housing in accordance with the Development Framework and Masterplan and include a range of delivery options, including on-site provision.**
- 2) Developer contributions towards primary education provision and a proportionate element of land for a new school (to include community facilities, library facilities, sports & recreation facilities and playing field provision);**
- 3) Developer contributions towards secondary education, community facilities, healthcare provision, the core path network and the strategic transport fund; and**
- 4) Developer contributions towards improvements at the North Deeside Road / Kirk Brae junction.**

REASONS FOR RECOMMENDATION

The proposed development relates to a site zoned for residential and employment development in the Aberdeen Local Development Plan (ALDP) through Policy LR1 (Land Release) across two phases. Consent is now sought for both phases and taking into account the indicative build-rate and the stages of the planning process which still need to be completed before work can start on site, the risk is very low that the number of completed units before 2017 would exceed that allocated to the phase one period. The granting of consent for both phases at Oldfold would also bring certainty for the developer which would assist in the delivery of the development. Therefore although contrary to Policy LR1, it is considered acceptable to permit the full allocation of housing at Oldfold.

The failure to provide 5 hectares of employment land is contrary to the ALDP's overall strategy of creating sustainable communities, which have a mix of residential and employment land which in turns reduce the need to travel by car between home and work. However, the Development Framework and Masterplan, which has been adopted as supplementary guidance, is promoting an alternative approach which it is considered is appropriate for Milltimber and would still provide employment opportunities and local services.

The Design and Access Statement is in full accordance with the framework and Masterplan. Due regard has been paid to Policy D1 (Architecture and Placemaking) and national design policies in the preparation of the spatial strategy for Oldfold. A satisfactory level of open space in accordance with Policy NE4 (Open Space Provision in New Development) would be provided and a route for Aspirational Core Path 10 has been identified in accordance with Policy NE9 (Access and Informal Recreation).

Although the proposed average density of development is lower than that expected by Policy H3 (Density), consideration has been given to the context of the surrounding area in order to create an attractive residential environment which would respect its surroundings. Despite the lower than required density, the proposal would still meet the full housing allocation for the site and be in compliance with the adopted framework and masterplan. An appropriate mix of

house types and sizes would be provided in accordance with Policy H4 (Housing Mix).

Matters relating to drainage and hydrology can be appropriately assessed via further submissions. thereby satisfying the provisions of policy NE6 (Flooding and Drainage).

The submission of further information would ensure compliance with Policy NE8 (Natural Heritage), and fulfil the planning authority's duty with regard to ensuring adequate protection is afforded to a protected species. Due regard would be given to existing trees and Policy NE5 (Trees and Woodland) through submission of a tree survey.

In accordance with Policy I1 (Infrastructure Delivery and Developer Contributions), a new primary school would be provided on site and appropriate level of financial contributions to mitigate against the impact on primary and secondary education, community, library and sports & recreation facilities, healthcare and core path network. Affordable housing would be provided at a rate of 25% in accordance with Policy H5 (Affordable Housing).

Appropriate means of access from North Deeside Road and Binghill Road has been agreed in principle with the Council's Roads Projects Team. Contributions would be provided towards improvements at the North Deeside Road / Kirkbrae junction and the strategic transport fund to mitigate the wider impact on the network.

Despite discussions with public transport operators, no viable solution has been identified which would provide a satisfactory level of access to bus routes. Therefore a large portion of the development site would be in excess of 400m away from a bus stop. Therefore there is clear conflict with SPP, PAN75 and the Council's Policies T2 (Managing the Transport Impact of Development) and Policy D3 (Sustainable and Active Travel). Whilst this is far from ideal, the Council has ambitious targets for house building within the city and Oldfold represents a relatively straightforward site, which is free from significant constraints which could delay development. The Design and Access Statement is in full accordance with the adopted Oldfold Development Framework and Masterplan and the result would be an attractive, coherent and otherwise acceptable expansion of Milltimber. It is considered that notwithstanding conflict with some aspects of the development plan, on balance the benefit to the City in terms of the increased supply of housing would justify approving the application.

CONDITIONS

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

- (1) PHASING

All development shall take place in accordance with the phasing strategy contained within section 6.1 of the Oldfold Design and Access Statement, unless otherwise agreed through the submission of a matters specified in conditions application for an alternative phasing programme covering the same matters - in order to ensure development is progressively accompanied by the appropriate associated infrastructure.

(2) PROVISION OF AWPR

No more than 275 residential units shall be occupied unless all legs of the Aberdeen Western Peripheral Route (AWPR) have been constructed and are fully operational - there would be insufficient capacity on the local road network unless the AWPR is available to mitigate the impact of the proposed development.

(3) PROVISION OF MIXED USE CENTRE

No more than 264 units shall be completed before the proposed mixed use centre within block G has been completed and is available for use - in order to ensure provision of support services at an appropriate time for the expanded Milltimber Community.

(4) PROVISION OF VEHICLE ACCESS FROM NORTH DEESIDE ROAD (A93)

No residential unit within any phase (except phase 1 block U) shall be occupied unless the proposed signalised junction between the site and North Deeside Road (A93) has been constructed in accordance with Fairhurst drawing 83744/1099B (or such other drawing as may subsequently be approved in writing for the purpose by the planning authority) and is fully operational - in order to provide satisfactory access to the site and mitigate the impact of the proposed development on the road network.

(5) PROVISION OF VEHICLE ACCESS FROM BINGHILL ROAD (1)

No development within phases 3, 4 or 5 shall take place unless a matters specified in conditions application for the provision of access into the development at the existing Bingham Road and Bingham Road West junction has been submitted to and approved by the planning authority - in order to provide satisfactory access to the site and mitigate the impact of the proposed development on the road network.

(6) PROVISION OF VEHICLE ACCESS FROM BINGHILL ROAD (2)

No development within phases 4 or 5 shall take place unless a matters specified in conditions application for the provision of access into the development at the existing Bingham Road and Bingham Hedges junction has been submitted to and approved by the planning authority - in order to provide satisfactory access to the site and mitigate the impact of the proposed development on the road network.

(7) UPGRADING OF MURTLE DEN ROAD

No development within phase 1 block U shall take place unless a matters specified in conditions application for the upgrading of Murtle Den Road has been submitted to and approved by the planning authority.

(8) PROVISION OF SIGNALISED CROSSING POINT AT BINGHILL ROAD

No development within phases 4 or 5 shall take place unless a matters specified in conditions application for a signalised crossing point on Bingham Road has been submitted to and approved by the planning authority. The specification and exact location shall be agreed through the said application - in order to provide satisfactory linkages between the existing Milltimber settlement and the development site.

(9) DRAINAGE

That no development in any phase shall take place unless a matters specified in conditions application comprising a scheme of all foul and surface water drainage works for the whole development has been submitted to and approved by the planning authority in consultation with SEPA. The scheme shall include a topographical survey and survey of all watercourses (both open and culverted) within the site and any areas downstream which may be affected by the development - in order to safeguard water qualities in adjacent watercourses and to ensure that the proposed development can be adequately drained.

(10) ARCHAEOLOGY

No development within any particular phase shall take place unless a matters specified in conditions application comprising programme of archaeological work in accordance with a written scheme of investigation for that particular phase has been submitted to and approved by the planning authority - in order to protecting any items of historical importance as may exist within the development.

(11) CONTAMINATION

No development within any particular phase shall take place unless a matters specified in conditions application comprising a scheme to deal with any contamination within that particular phase has been submitted to and approved in writing by the planning authority. The scheme shall follow the procedures outlined in Planning Advice Note 33 Development of Contaminated Land and shall be conducted by a suitably qualified person in accordance with best practice as detailed in BS10175 Investigation of Potentially Contaminated Sites - Code of Practice and other best practice guidance and shall include:

1. an investigation to determine the nature and extent of contamination,
2. a site-specific risk assessment,
3. a remediation plan to address any significant risks and ensure the site is fit for the use proposed.

No building(s) within any particular phase shall be occupied unless -

1. any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken for that phase and
2. a report specifically relating to the building(s) within that phase have been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out, unless the planning authority has given written consent for a variation.

The final buildings within any particular phase shall not be occupied unless a report has been submitted and approved in writing by the planning that verifies that completion of the remedial works for that phase, unless the planning authority has given written consent for a variation - in order to ensure that the site is fit for human occupation.

(12) BAT SURVEY

No development associated with the demolition of the Oldfold farm buildings shall take place unless a matters specified in conditions application comprising a bat survey has been submitted to and approved by the planning authority. The survey must be carried out in accordance with the Councils Supplementary Guidance 'Bats and Development' and identify any mitigation measures required to address any impact on bats or their roosts - in order to mitigate any potential impact on protected species.

(13) BADGER PROTECTION

No development shall take place in block U or phase 5 unless a matters specified in conditions application comprising a badger protection plan has been submitted to and approved by the planning authority. The protection plan must include a survey which has been undertaken a minimum of 12 months prior to construction commencing; within a radius of 1km around the development site, and shall include an up to date assessment of badger activity in the development site surroundings. Any required mitigation measures to minimise disturbance to badgers must be identified and be in accordance with Scottish Natural Heritage best practice guidance - in order to mitigate any potential impact on protected species.

(14) TREE SURVEY

No development within any particular phase shall take place unless a matters specified in conditions application comprising a tree survey for that particular phase has been submitted to and approved by the planning authority. The survey shall be undertaken in accordance with the Councils Supplementary Guidance 'Trees and Woodland - in order to safeguard any trees of value within and surrounding the site and assist in integrating existing trees into the development.

(15) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

That no development within any particular phase shall take place unless a matters specified in conditions application comprising a site specific construction environmental management plan (CEMP) for that particular phase has been submitted to and approved by the planning authority in consultation with SEPA - in order to control pollution of air, land and water.

(16) SITE WASTE MANAGEMENT PLAN

That no development within any particular phase shall take place unless a matters specified in conditions application comprising a site specific site waste management plan (SWMP) for that particular phase has been submitted to and approved by the planning authority in consultation with SEPA - in order ensure that waste on the site is managed in a sustainable manner.

(17) LAYOUT AND DESIGN

No development within any particular phase shall take place unless for that phase a matters specified in conditions application has been submitted to and approved by the planning authority comprising –

- a) details of existing and proposed site levels;
- b) details of layout, design and external appearance of -
 - i. buildings and ancillary structures;
 - ii. vehicular, cycle & pedestrian accesses and car & motorcycle parking;
 - iii. short and long term secure cycle parking;
 - iv. storage areas for waste and recyclables;
 - v. plot boundary enclosures;
 - vi. exterior lighting;
 - vii. play zones (if relevant to that phase and in accordance with the Development Framework and Masterplan);
- c) details of compliance with the Council's supplementary guidance on Low and Zero Carbon Buildings.

- in order to ensure a satisfactory design and layout of the plot, integrate the development into the surrounding landscape, ensure provision of a suitable level of parking and ensure provision of satisfactory drainage arrangements.

(18) LANDSCAPING

No development within any particular phase shall take place unless a matters specified in conditions application comprising a scheme of hard and soft landscaping covering all areas of public and private green space for that particular phase has been submitted to and approved by the planning authority. The scheme shall be in accordance with the Development Framework and Masterplan and include details of -

- (a) tree and shrub numbers, densities, locations, species, sizes and stage of maturity at planting;
- (b) proposed hard surface materials;
- (c) existing stone field boundaries and how they would be integrated into the finished development;
- (d) the existing hedge on the boundary between the site and Binghill Road and how it would be integrated into the finished development;
- (e) arrangements for the management and maintenance of open space - in order to integrate the development into the surrounding area.

(19) BUS STOP IMPROVEMENTS

No unit within any phase shall be occupied unless a matters specified in conditions application comprising unless a matters specified in conditions application has been submitted to and approved by the planning authority for the improvement of the existing bus stops at the following locations -

- a) on the north side of North Deeside Road, 27m west of Murtle Den Road;
- b) on the south side of North Deeside Road, opposite Beaconhill Lodge;
- c) on the south side of North Deeside Road, 53m east of Binghill Road.

The said scheme should consider the provision of bus shelters, timetables, lighting, boarding kerbs, and clearway markings at each bus stop, taking into account the locational characteristics of each stop - in order to encourage the use of public transport.

(20) RESIDENTIAL TRAVEL PACK

No unit within any phase shall be occupied unless a matters specified in conditions application comprising a residential travel pack, aimed at encouraging use of modes of transport other than the private car, has been submitted to and approved by the planning authority – in order to encourage use of more sustainable modes of transport.

(21) SAFE ROUTES TO SCHOOL

The primary school shall not be occupied unless a matters specified in conditions application which identifies safe routes to the new primary school from within the development and the existing settlement of Milltimber and any associated work to create the safe routes, has been submitted to and approved by the planning authority - in order to promote sustainable travel and ensure compliance with policy D3 (Sustainable and Active Travel) of the Aberdeen Local Development Plan.

DIRECTION

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

that the subsection (2)(a)(i) of section 59 shall apply as respects the permission with the substitution for the period of 3 years referred to in that subsection of 5 years, as is considered appropriate by the planning authority in this instance on the basis of the scale of the allocation. The provisions of section 59(2) shall therefore be read as follows;

that this planning permission in principle shall lapse unless a further application or applications for approval of the matters specified in all conditions attached to this grant of planning permission in principle across the entire site has been made before whichever is the latest of the following;

- (i) the expiration of 5 years from the date of this grant of planning permission in principle;
- (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval of matters specified in conditions was refused;
- (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed;

- pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997.

INFORMATIVE:

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 - pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997.

Dr Margaret Bochel
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