

EXTRACT FROM THE MINUTE OF THE MEETING 16 JANUARY 2014

LOIRSTON, NIGG - 130892

2. The Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee express a willingness to approve the application in respect of planning permission in principle for a proposed residential development of up to 1,067 houses, eight hectares of employment land including commercial, leisure and office uses, a neighbourhood centre comprising retail and commercial uses, community facilities, a primary school, landscaping, open space and recreational facilities, but to withhold the issue of the consent document until the applicant had entered into a legal agreement with the Council to address (1) affordable housing provision; (2) developer contributions relating to:- community library, cultural facilities and services, education, healthcare, indoor and outdoor sporting facilities, outdoor recreation and core paths network; (3) Strategic Transport Fund contributions; and (4) contribution in lieu of mitigation of local roads network impact affecting Wellington Road, and subject to the following conditions:-

(1) That no development shall be undertaken in any phase unless a detailed phasing programme outlining the delivery of buildings, open space and roads infrastructure across the entire application site has been submitted to, and approved in writing by the planning authority via a formal 'Matters Specified in Conditions' (MSC) application; (2) That no part of the employment element of the development shall be occupied until a Travel Plan, aimed at encouraging more sustainable means of travel, has been submitted to and approved in writing by the planning authority in consultation with Transport Scotland. The Travel Plan will identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan. It will incorporate measures designed to encourage modes other than the private car; (3) That prior to the commencement of any works in any phase on site a detailed scheme for surface water drainage shall be submitted to and agreed by the planning authority, in consultation with SEPA. The scheme shall detail 3 levels of SUDS treatment for any hardstanding, yard areas on sites proposed for Class 5 and 6 industrial uses, 2 levels of sustainable drainage SUDS treatment for all roads and other areas of hardstanding/carparking and 1 levels SUDS treatment for roof run off, and all work shall be carried out in accordance with the approved scheme; (4) That the LNCS designation boundary shall be implemented in full throughout the construction, operation and decommissioning of the development. There shall be no development, machinery movement or operations within the buffer zone without the agreement of the planning authority in consultation with SEPA. The buffer zone shall be identified on the ground, and no development adjacent to the LNCS shall take place unless the LNCS boundary has been protected with appropriate protective fencing as shown in figure 2 of BS5837 or such alternative as may be agreed with the planning authority in writing; (5) That no development shall take place within any phase until a detailed geo-environmental investigation has been undertaken to identify potential impacts on wetlands within 250m of Loirston Loch and an associated scheme of mitigation is submitted to and approved by the planning authority in

consultation with SEPA, once approved the agreed scheme shall be implemented in full; (6) That prior to the commencement of any works on site that the location (NGR of source) of the private water supplies serving Charleston Cottage, Moss-side Croft and Tillyhowes Banchory Devenick are identified, and should they fall within 100m of roads, tracks or trenches or within 250m of borrow pits or foundations as proposed within the development that a quantitative hydrogeological assessment and where appropriate scheme of mitigation is developed by the applicant and agreed with the planning authority in writing in consultation with SEPA, once approved the agreed scheme shall be implemented in full during operation of the site; (7) That no development shall be undertaken within any respective phase of the development until such time as a scheme detailing the incorporation of appropriate buffer strips around water courses within that phase has been formally submitted to, by way of an application for the Approval of Matters Specified in Conditions (AMSC), and approved in writing by, the planning authority; (8) That no development shall commence within a given phase until site specific Construction Environmental Management Plan(s) (CEMP(s)) have been submitted to and approved in writing by the planning authority, via a formal application for MSC, in consultation with SEPA, SNH or other agencies as appropriate for that phase. All works on site must be undertaken in accordance with the approved CEMP(s) unless otherwise agreed in writing with the planning authority. The CEMP(s) must address the following issues:-

- Surface water management
- Site waste management
- Watercourse engineering including crossings
- Peat management
- Pollution prevention and environmental management

(9) That no development shall commence within any of the respective phases until such time as details of waste management proposals for that phase of development, including arrangements for the segregation, storage, collection and management of residential, commercial and business waste, by way of an application for the AMSC, have been submitted to, and approved in writing by, the planning authority; (10) That no works in connection with phases 1A, 1b, 1C and the site of the relocated primary school (site E9 and the adjacent site E1) shall take place unless a detailed Flood Risk Assessment (FRA) for that phase has been submitted to and approved by the planning authority, via a formal application for MSC, in consultation with SEPA and, where necessary based on the findings of the FRA, appropriate mitigation measures and/or adaptations to the development layout has been made; (11) That, unless the planning authority has given written approval for a variation, no development pursuant to any of the individual phases of the development hereby approved (as detailed in the Phasing Strategy to be agreed in connection with Condition 1 of this consent) shall take place other than in full accordance with a detailed masterplan for that particular phase that has been submitted to and approved in writing by the planning authority via a formal application for MSC. The masterplan(s) shall show in detail how all development within that phase will comply fully with the principles and criteria laid down by the approved Loirston Development Framework, Loirston Design and Access Statement and guidance in "Designing Streets" and "Designing Places" in terms of:- (i) block structure; (ii) access and connectivity (including

street hierarchy and integration with the existing/future vehicular/pedestrian network and adjoining development); (iii) landscape framework (ensuring high quality integrated treatment of the public realm in compliance with the approved strategic landscape plan, tree protection, protection of wildlife, arrangements for the management and maintenance of open space, treatment of car parking and detail of local/district level open spaces and implementation of civic spaces); (iv) land use and density (including building heights and detailed typologies, density, details of any affordable housing provision and commercial space); (v) drainage (including provision for SUDS); (vi) character (including architectural treatment to provide character areas responding to context, ensuring a high quality palette of materials, use of street trees and boundary treatments); (vii) ensuring implementation of the key structural elements including the connections to the A956, the Primary Street, Loirston Square, the new Primary School and Lochside and Gateway Open Space areas; (viii) protection of trees and protected species; and (ix) the sequence of demolition, development and provision of key elements (e.g. open space, commercial elements, roads, footpaths, etc.) within each phase to ensure that development within the phase is implemented in a planned and co-ordinated manner; unless the planning authority has given written consent for a variation; (12) That no development shall take place within a given phase until the applicant has secured the implementation of a programme of archaeological work relating to that phase in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority via a formal application for MSC. Any programme of archaeological work will include all necessary post-excavation and publication work; (13) That no development pursuant to this planning permission in principle shall commence on site unless a scheme for the provision of a site for Gypsies and Travellers on the site or on the larger OP77 site, in accordance with Aberdeen City Council's adopted 'Gypsy and Traveller Sites' Supplementary Guidance has been submitted to and approved in writing by the planning authority, by means of approval of a formal AMSC application or a formal planning application, including as a minimum the following details:-

- the location and area of land to be set aside for the site, number of pitches and means of pedestrian and vehicular access
- a timescale for its delivery
- a mechanism to ensure that delivery will happen in this timescale

No more than 500 residential units on the application site shall be occupied unless any scheme for the provision of a Gypsy and Travellers site thereby approved by the planning authority has been implemented, unless the planning authority has given written approval for a variation; (14) That no individual development plot shall be occupied unless an access junction has been implemented and is fully operational to the finalised agreed layout in accordance with drawing number TP058/SK/101 or TP058/SK/100 or such other drawing as may subsequently be approved in writing for the purpose by the planning authority; (15) That no more than 300 houses on the application site shall be occupied unless a second access junction has been implemented and is fully operational to the fully agreed layout in accordance with drawing number TP058/SK/101 or TP058/SK/100 or such other drawing as may subsequently be approved in writing for the purpose by the planning authority;

(16) That no development pursuant to this planning permission shall take place within any given phase until such time as further formal application has been made detailing cycle routes and facilities within that phase of the proposed development, incorporating direct links to existing off-road paths and/or on-road links via suitable on and off road paths, providing direct routes to the access points for the site; (17) That no development pursuant to any phase within this planning permission shall take place until such time as further formal application has been made identifying safe routes to schools within the proposed development; (18) That no development within any phase shall be undertaken until such time as further details demonstrating a layout capable of accommodating a bus service, and incorporating proposals for the appropriate restriction of traffic on Redmoss Road to allow only walking, cycling and public transport, have been submitted to the planning authority via a formal application for MSC, and that such details have been approved by that authority and thereafter implemented in full; (19) That no development within any phase pursuant to this grant of planning permission in principle shall be undertaken until a scheme addressing any significant risks from contamination to the site from adjacent former land use (Charleston Landfill) has been submitted to and approved by the planning authority via a formal application for MSC. 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: (a) an investigation to determine the nature and extent of contamination; (b) a site-specific risk assessment; (c) a remediation plan to address any significant risks and ensure the site is fit for the use proposed; and (d) verification protocols to demonstrate compliance with the remediation plan; (20) That no development within any phase pursuant to this grant of planning permission in principle shall take place unless an appropriate drainage impact assessment, including results and calculations of 1 in 10, 1 in 30 and 1 in 200 year sensitivity tests and a full investigation and report of all watercourses within the vicinity of the site and the impact which the development shall have on the existing drainage network, has been submitted to the planning authority and subsequently approved via a formal application for MSC; (21) That no development within any phase shall take place until a scheme addressing the following matters within that phase has been submitted to and approved by the planning authority via a formal application for MSC, and that thereafter any recommended mitigation measures have been fully implemented. Those requirements are:-

- (i) Taking cognisance of the Scottish Government's Planning Advice Note 1/2011, Planning and Noise, a scheme for protecting the proposed dwellings from road traffic noise shall be determined and agreed with the Environmental Health and Planning Services such that external noise levels do not exceed LAeq 16hr 55dB during the day time period 0700-2300 in any rear garden areas. The road traffic noise levels should be determined in accordance with the principals set out in "Calculation of Road Traffic Noise" (CRTN), DoT Welsh Office, HMSO, 1988;

- (ii) The internal noise level, assessed with windows closed, within any dwelling shall not exceed the WHO Community Noise Guideline Value of LAeq 30dB within bedrooms for the night time period 2300-0700 and LAeq 55dBA within outdoor living areas;
- (iii) The internal noise level, assessed with windows closed, within any dwellings or noise sensitive building shall not exceed Noise Rating Curve 35 between the hours of 0700 and 2200 and Noise Rating Curve NR 25 at all other times to protect the occupants from fixed plant such as fans, chimneys, ventilation exhausts and inlets associated with existing industrial premises or associated with the completed development;
- (iv) No development shall take place within any phase until the applicant undertakes a survey to determine the impact of noise, from business premises in the locality of that phase, on the development using the principles set out in British Standard BS 4142:1997 - Method for Rating Industrial Noise affecting Mixed Residential and Industrial Areas, or a method agreed by the Environmental Health and Planning Services. The survey shall be submitted to and approved by the Environmental Health and Planning Services via a formal application for MSC and shall identify (1) the maximum Rating Levels; and (2) the minimum Background Noise Level to which any part of the development will be exposed. If the maximum Rating Levels exceed those set out below then a scheme for protecting the proposed dwelling(s) from industrial noise shall be included as part of the noise survey with no dwelling being constructed at any location at which the Rating Levels cannot be met.

Open site/external*	Measurement Location Easting, Northing	Site Standard	
		Rating Level (LAr,Tr) dB	
		Day	Night
	393651,801909	45.1	36.1

*These Rating Noise Levels are based on existing background noise levels at the proposed Loirston site presented in AECOM Noise and Vibration Assessment carried out for the Environmental Statement dated June 2013 for the proposed mixed use development (Section 11.1). If it can be satisfactorily demonstrated that at a particular location the existing background noise level, excluding, existing industrial noise, is greater than LA90,T40.1 and LA90,T31.1 for the day and night time periods, respectively, then, with agreement with the local authority, these background noise levels could be used to derive Rating Levels that should not be exceeded (i.e. background noise level plus 5dB).

The assessment should take into consideration existing industrial noise/services noise and consented developments in the vicinity of the proposed development, which includes the proposed Balmoral Business Park;

(22) That no development shall be undertaken within any phase unless the impact and significance of the construction and development works on air quality within that phase in the vicinity of sensitive receptors have been assessed and determined in accordance with the Institute of Air Quality Management: Guidance on the Assessment of the Impact of Construction on

Air Quality and the Determination of their Significance, December 2011 and Guidance on Air Quality Monitoring in the Vicinity of Demolition and Construction Sites, and a Dust Management Plan, detailing the dust mitigation measures and controls, responsibilities and any proposed monitoring regime has been submitted to and approved by the planning authority via a formal application for MSC, in consultation with the Council's Environmental Health Service prior to the commencement of any demolition or construction works;

(23) That no development within any phase shall take place unless a further formal application for MSC, detailing a scheme for external lighting of pedestrian/cycle routes within that phase has been submitted to and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme;

(24) That no development within any of the respective phases of the development granted planning permission in principle shall take place unless a scheme detailing cycle storage provision for development within that phase has been submitted to, and approved in writing by the planning authority by way of a formal application for MSC, and thereafter implemented in full accordance with said scheme;

(25) That no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a strategic landscape masterplan for the entire site, which shall be in the form of a formal application for MSC and shall include appropriate Arboricultural Impact Assessments detailing all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting;

(26) That all planting, seeding and turfing comprised in the approved scheme of landscaping for any phase of the development shall be carried out in the first planting season following the completion of that phase of development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority;

(27) That no development within any phase shall take place unless any scheme for the protection of all trees to be retained on the site within that phase of construction works, approved by the planning authority in connection with condition 25, has been implemented;

(28) That any tree work which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of the planning authority; any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998: 2010 "Recommendations for Tree Work" before the building hereby approved is first occupied;

(29) That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the planning authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks;

(30) That no development pursuant to any given phase of the planning permission in principle hereby granted shall be undertaken until such

time as the further approval of the planning authority has been sought and granted, via a formal application for MSC, in relation to the long-term management and maintenance of open space within that phase of the development; (31) That no buildings within any respective phase of the development hereby approved shall be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to the planning authority via a formal application and subsequently approved by that authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full; and (32) That no development within any respective phase of the development hereby approved shall be commenced unless full details of the design and external finishing of buildings contained within that phase, expanding upon the design elements of the phase-specific masterplan to be submitted and approved in connection with condition 11, has been submitted to and approved in writing by the planning authority by way of a formal application for MSC.

The Committee was advised by Mr Tom Rogers, Team Leader (Roads Projects), that the new junction referred to for the proposed football stadium would be built by the developer and would not form part of the contribution required for local roads mitigation, which was for improvements to Wellington Road, the southbound junction and an additional lane on the northbound carriageway.

The Committee resolved:-

to approve the recommendation subject to the addition of a suitable condition to provide a form of mitigation in terms of the displacement of the breeding reed bunting.