

Full Council

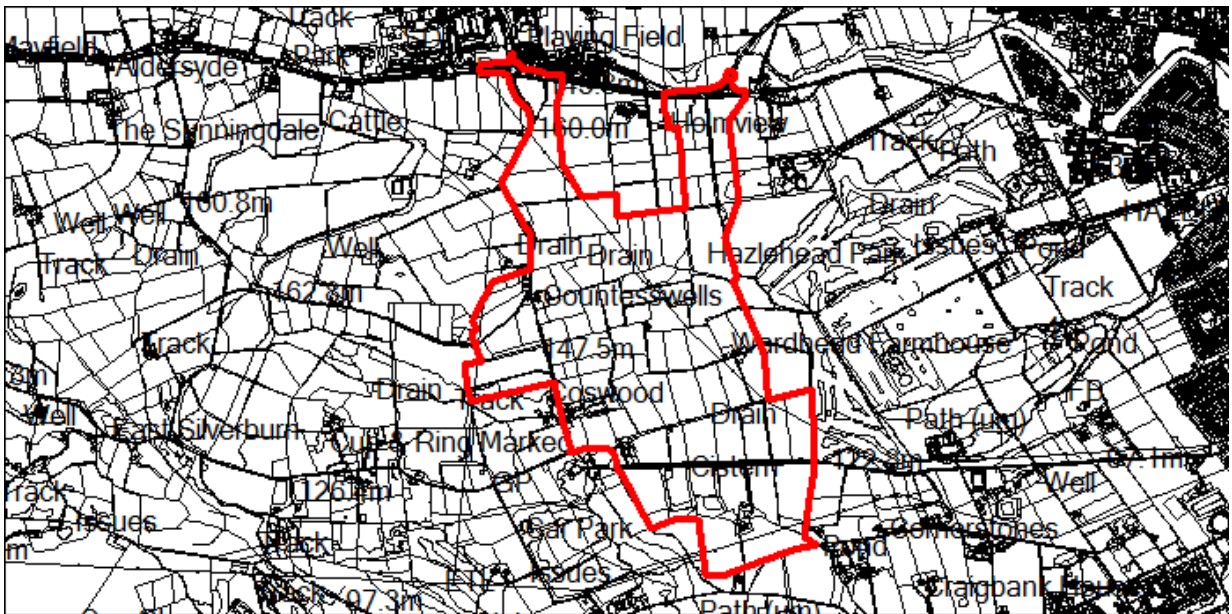
**ABERDEEN LOCAL DEV' PLAN SITE OP58, COUNTESSWELLS
LYING WEST OF HAZLEHEAD PARK**

**RESIDENTIAL-LED MIXED USE DEVELOPMENT INCLUDING
APPROXIMATELY 3000 HOMES, EMPLOYMENT,
EDUCATION, RETAIL, LEISURE AND COMMUNITY USES
AND ASSOCIATED NEW AND UPGRADED ACCESS ROADS,
LANDSCAPING AND ANCILLARY ENGINEERING WORKS**

For: Countesswells Consortium

Application Type : Planning Permission in Principle
Application Ref. : P140438
Application Date: 27/03/2014
Officer: Paul Williamson
Ward : Lower Deeside (M Boulton/A Malone/M Malik)

Advert : Can't notify neighbour(s)
Advertised on: 16/04/2014
Committee Date: 19 August 2015
Community Council : Comments



RECOMMENDATION:

Approve subject to conditions

DESCRIPTION

The application site covers 214.72 hectares of predominantly agricultural land between Kingswells to the north and Cults to the south, approximately 5.5 km from the City Centre.

To the west the site is bound by Kirk Brae (C128C) and Countesswells Wood. To the south, the site straddles Countesswells Road, and borders the Foggieton Wood. To the east, the site is adjacent to Hazlehead Wood, while to the north is the A944/Skene Road.

There are a number of sporadic dwellings spread over the application site, while the Loanhead Equestrian Centre has already been demolished as part of the wider development proposals.

Also within the site are a number of pockets of trees and woodland, together with the Cults Burn, drainage ditches and dykes. A core path also links the Countesswells Wood and Hazlehead Woods cutting west to east across the site.

In respect of the general topography, the site is contained within a natural bowl in the landscape, and is not readily visible from the surrounding settlements of Kingswells, Cults and Craigiebuckler. The land to the north of the site is slightly more elevated than that to the south, which is also contained by woodland blocks, which act as a backdrop.

RELEVANT HISTORY

At the meeting of the Planning Development Management Committee on 24 August 2014, the application was referred to the meeting of the Full Council on 8 October 2014. Members agreed to a willingness to approve conditionally, but to withhold the issue of the consent document until the applicant has entered into a legal agreement with the Council to address the following matters:

1. The provision of 25% affordable housing on site in accordance with the Development Framework and includes a range of delivery options, including contributions towards a gypsy traveller halting site;
2. Developer contributions towards primary education provision (one two stream and one three stream school) and a new secondary school plus serviced land for the foregoing;
3. Developer contributions towards community facilities, library, sports provision, playing fields and healthcare;
4. Developer contributions towards the Strategic Transport Fund;
5. Developer contributions towards mitigation on the local roads network together with provision of infrastructure; and,
6. Developer contributions towards the Core Paths Network.

UPDATE FOLLOWING FULL COUNCIL ON 8 OCTOBER 2014

The Countesswells site is in the control of 3 main developers: Stewart Milne Group; Heron Property Ltd; and, IDJ Properties and two other land interests – The Mann family, and the owners of Newton Park. Stewart Milne Group (SMG) has an 84% controlling interest in the overall site. To date, the 3 parties have been unable to reach agreement on a consortium approach to delivery of development, including the timing of build and delivery of infrastructure works. The inability to reach agreement is holding up the delivery of the development, which is central to the Council's Local Development Plan, and wider housing strategy. SMG has indicated its commitment to commence development on the land under its control, and to enter into a section 75 agreement to provide the necessary infrastructure required by the adopted Development Framework, but based on the current delegated approval, a site start cannot be made until the other landowners have also committed to the process as the s75 has to be signed by all parties in the consortium. SMG has therefore requested that the permission in principle be issued with suspensive conditions securing the delivery of the infrastructure. To discharge the conditions and allow development to commence, the Council will require each of the parties to demonstrate how they intend to provide the necessary infrastructure. This may be through entering into a Section 75 Agreement binding their respective ownerships. Whilst normally this would involve a single agreement which would be signed by all those with an interest in the overall site, it is recognised that in this case, in order to allow substantial progress in the short term once Planning Permission in Principle is granted, separate Section 75 Agreements may be necessary.

PROPOSAL

Planning Permission in Principle (PPiP) is sought for a residential development comprising of 3000 units, town and neighbourhood centre (including commercial. Retail and leisure uses), approximately 10 hectares of employment land, community facilities, open space, landscaping and supporting infrastructure including access.

A detailed description of the wider proposal and officers' assessment of its planning merits was contained within the report approved by Members in August 2014, and subsequently by Full Council in October 2014. The original PDMC report and subsequent Council minute are included in the agenda papers for reference. However, it should be noted that the development proposal is entirely unchanged from that previously considered by Members. The purpose of this report is to seek Members approval to utilise an amended means of securing the necessary infrastructure through additional suspensive conditions. Alternatively, should the 3 consortium parties be able to reach agreement in the immediate future, then the traditional means of securing the infrastructure, as approved through the Full Council meeting on 8 October 2014, could be utilised.

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?ref=140438>

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

Specifically, the supporting documents include:

- Drawings
- Planning Statement;
- Pre-application Consultation Report;
- Drainage Assessment;
- Tree and Woodland Survey Report;
- Geo-environmental Desk Study;
- Geo-technical Interpretative Report;
- Transport Assessment;
- Design and Access Statement; and,
- Environmental Statement comprising:
 - Geology and Soils;
 - Land Use, Agriculture and Infrastructure;
 - Hydrology, Drainage and Water Quality;
 - Air Quality;
 - Noise and Vibration;
 - Ecology, Nature Conservation and Biodiversity;
 - Cultural Heritage;
 - Landscape and Visual Impact Assessment;
 - Pedestrians, Cyclists and Community Effects;
 - Traffic and Transport; and
 - Disruption due to Construction.

PRE-APPLICATION CONSULTATION

Pre-application consultation is detailed in the original report, attached.

REASON FOR REFERRAL TO COMMITTEE

This application has been referred back to this meeting of the Council in light of it having made the original decision on 8 October 2014, and the proposed amendment to the specific means of securing the infrastructure being different from that previously delegated to officers on that specific basis.

CONSULTATIONS

The consultation responses are detailed in the earlier report to the meeting of the Planning Development Management Committee August 2014.

REPRESENTATIONS

12 letters of representation were received. Those submissions were all summarised and addressed in the earlier report.

PLANNING POLICY

As summarised in the previous report.

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.

As members will be aware from the text above, this application was submitted on behalf of a consortium containing 3 developers. Following on from the decision of the Council on 8 October 2014 for a willingness to approve this application subject to a s75 planning obligation to secure the necessary infrastructure, and the addition of the agreed conditions, it has unfortunately not been possible for the consortium to sign up to a single s75 agreement.

The lead developer has therefore requested that, in order to help achieve the development in a more timely manner, suspensive conditions be utilised to allow development to commence once each of the developers has committed to the provision of the appropriate infrastructure and signed up to an individual s75 planning obligation with the local authority.

Generally, such a concept would not be utilised by a Local Authority, as the security obtained through a s75 is more legally binding. However in the interests of driving this project (which forms part of the Council's Strategic Infrastructure Plan) forward it was considered prudent to ascertain the potential legal implications of undertaking such a move. As such, the Council together with SMG have jointly sought external legal advice from Roy Martin QC. This advice has indicated that the use of such conditions would be lawful, and would enable the development to proceed, once each respective developer has signed up to their part of the wider Developer Obligations. In addition, in order to provide greater comfort to Officers and Members alike, it has been requested that a "Letter of Undertaking" be provided on behalf of the applicants with regard to their commitment to enter into a s75 legal agreement in early course, in order to purify the newly added conditions.

It should be pointed out that there are risks associated with this approach. If an agreement is not reached with the other consortium partners beyond SMG (who have indicated their willingness in principle, to fulfill their own obligations through a s75 in due course), then there could be a shortfall in funding for necessary infrastructure. The biggest potential impact faced by the Council in this regard would likely be in respect of Education. If the other consortium partners did not sign up to a developer obligation in order to purify any new conditions, then they

themselves would be unable to proceed with developing their land. As such, the implication would be that the required infrastructure/asset may actually need to be designed for a smaller capacity than currently envisaged. It is considered that, should Members be minded to accept this recommendation, it should not act as a precedent in any way for further applications to be handled in such a manner. This approach is only to be taken in light of the unique circumstances surrounding this application, and other proposals being brought forward should follow the established Council requirements relating to entering in to over-arching agreements (Planning obligations) in advance of permission being granted.

As a result of the external legal advice sought, while the preference would be to utilise the standard practice of a solitary legal agreement in advance of the release of the planning permission, in this instance, it is considered reasonable to help facilitate and deliver development of this masterplanned site. This in turn shall provide much need quality homes/commercial space, and the required level of affordable housing in accordance with the Approved Local Development Plan, and the associated Countesswells Development Framework and Phase 1 Masterplan. It would also allow the developer to secure the £80 million guarantee/Bond currently committed through the HM Treasury for the delivery of key infrastructure projects.

With this in mind, it is recommended that members reiterate their earlier decision to approve the proposals, but the addition of the following summarised conditions (in place of the over-arching s75 legal agreement between all the parties) relating to:

Condition 5 – affordable housing

Condition 6 – other developer obligations inc primary and secondary education; community facilities; library; sports provision; playing fields; and, healthcare.

Condition 12 – core paths network

Condition 13 – Mitigation to local roads network

Condition 14 – Strategic Transport Fund (STF).

This shall ensure that the development of the Countesswells site is not compromised, and the commencement of the delivery of the proposals can proceed.

However, it is also requested that delegated authority be granted to the Development Management Manager to conclude a section 75 agreement in accordance with the Council's decision on 8 October 2014 should the application consortium ultimately reach agreement over a single s75, then members commit to their previous decision from 8 October 2014 to grant Planning Permission in Principle subject to the conclusion and registration of a single s75 agreement prior to the issue of the decision notice in respect of the application.

RECOMMENDATION

Approve subject to conditions (listed below)

REASONS FOR RECOMMENDATION

The proposal complies with Policy LR1 Land Release Policy, in that the development proposed including 3000 residential units and up to 10 hectares of employment land is in accordance with the direction for growth set within the Adopted Local Development Plan. The matters raised by objectors have been fully considered, and the various conditions proposed, including limiting the level of occupation of the development prior to the completion of the AWPR, as well as the payment and agreement on Developer Contributions to ensure the provision of schools and affordable housing, would satisfactorily mitigate the impact of the development. The details of each phase of the development will be dealt with by separate applications for Matters Specified in Conditions, with further opportunities for stakeholders comment on the full details. The proposal also complies with policies I1 Infrastructure Delivery and Developer Contributions; T2 Managing the Transport Impact of Development; D1 Architecture and Placemaking; D3 Sustainable and Active Travel; D6 Landscape, BI1 Business and Industrial Land, H4 Housing Mix, H5 Affordable Housing, H7 Gypsy and Traveller Requirements for New Residential Developments, NE1 Green Space Network, NE2 Green Belt, NE4 Open Space Provision in New Development, NE5 Trees and Woodlands, NE6 Flooding and Drainage, and NE9 Access and Informal Recreation within of the Aberdeen Local Development Plan.

CONDITIONS

(1) The development shall be divided into three Areas as shown on Drawing Titled. Countesswells_Phasing 07/05/2015, which drawing is stamped approved as part of this permission. No development shall be undertaken in an Area unless a phasing programme outlining the delivery of development blocks, open space and roads infrastructure within that Area has been submitted to, and approved in writing by the planning authority via a formal 'Matters Specified in Conditions' (MSC) application - in order to ensure development is progressively accompanied by appropriate associated infrastructure, and to inform the timescale for submission of further applications for 'Matters Specified in Conditions' specified in the planning authority's direction stated in this notice.

(2) That no development in connection with each respective block of the planning permission hereby approved shall take place until full details of the siting, design, external appearance and landscaping within the relevant phase of the development and the means of access serving the relevant block of development have been submitted to and approved in writing by the planning authority. The development shall then be implemented in complete accordance with the approved details, or those subsequently approved. Depending on the block, and unless otherwise agreed in writing with the planning authority, the MSC applications shall include (a) a detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed datum point within the relevant block of development;

(b) a detailed drainage plan for the relevant block of development, including full details of the proposed means of disposal of surface water from the relevant block of development, including how surface water run-off shall be addressed during construction, as well as incorporating the principles of pollution prevention and mitigation measures. The final location of Sustainable Urban Drainage Systems (SUDS), including ponds, should be appropriately positioned in accordance with an agreed flood risk assessment; (c) full details of the connection to the existing Scottish Water foul water drainage network for the relevant block of development; (d) details of all cut and fill operations in the relevant block of the development; (e) the details of all roads, footpaths and cycleways throughout the relevant block of the development; (f) details of any screen walls/fencing to be provided within the relevant block of the development; (g) details of all landscaping, planting and screening associated with the relevant block of the development; (h) full details of the layout, siting, design and finish of all residential properties, throughout the relevant block of development; (i) full details of the layout, siting, design and finish of all non-residential properties throughout the relevant block of development. This shall include but is not limited to; community facilities, health centre, schools, commercial premises, energy centres, pumping stations, and water treatment works; and (j) full details of all waste/recycling collection points, for residential and non-residential properties - in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

(3) The landscaping details to be submitted pursuant to condition 2 above shall include (a) existing and proposed finished ground levels relative to a fixed datum point; (b) existing landscape features and vegetation to be retained; (c) existing and proposed services including cables, pipelines and substations; (d) the location of new trees, shrubs, hedges, grassed areas and water features; (e) a schedule of plants to comprise species, plant sizes and proposed numbers and density; (f) the location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment; (g) an indication of existing trees, shrubs and hedges to be removed; (h) a biodiversity action plan; (i) a management plan detailing appropriate management measures for all watercourse buffer strips; and (j) a programme for the completion and subsequent maintenance of the proposed landscaping. All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of each respective phase of the development or such other date as may be agreed in writing with the planning authority. Any planting which, within a period of 5 years from the completion of each phase of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted - in the interests of protecting trees and ensuring a satisfactory quality of environment.

(4) The details to be submitted pursuant to condition 2 for each respective block of the development shall show the proposed means of disposal of foul and surface water from the relevant block of the development within the form of a SUDS and include a development impact assessment and detailed design and

methodology statement. Unless otherwise agreed in writing by the planning authority, in consultation with SEPA, the development shall connect to the public sewer and the relevant block of the development shall not be occupied unless the agreed drainage system has been provided in its entirety and maintained thereafter throughout the lifetime of the consent in accordance with the approved maintenance scheme. The details required shall also include details of the future long term maintenance of the system covering matters such as (a) inspection regime relating to matters such as outlets/inlets; (b) frequency and method of cleaning of filter trenches, removal of silt etc; (c) grass cutting (and weeding) regime for swales; (d) means of access for future maintenance; (e) how to ensure that planting will not be undertaken over perforated pipes; and (f) details of the contact parties for future factoring/maintenance of the scheme to protect the water environment and help reduce flooding - to protect the water environment and help reduce flooding.

(5) No development shall be undertaken in an Area of the development unless (i) a scheme for the provision of affordable housing as part of the relevant phase in the phasing programme approved in writing by the planning authority has been submitted to and approved in writing by the Council and (ii) the provision of affordable housing has been secured to the reasonable satisfaction of the Council as planning authority. The scheme shall include: (a) the numbers, type, tenure and location of the affordable housing provision to be made, which shall consist of not less than 25% of the number of housing units in the phase; (b) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing in the phase; (c) the arrangements for the transfer of land or units to an affordable housing provider; and (d) provision for, or an equivalent financial contribution towards, a gypsy/traveller halting site. Once agreed, the scheme shall be implemented in complete accordance with the details as so agreed, unless otherwise approved in writing by the planning authority – in order to ensure the delivery of an appropriate level of affordable housing throughout the development;

(6) No development shall be undertaken in an Area of the development unless (i) a scheme for the provision of primary and secondary education, community, library, sports/recreation and healthcare facilities to serve the Area has been submitted to and approved in writing by the Council and (ii) the provision of primary and secondary education, community, library, sports/recreation and healthcare facilities has been secured to the reasonable satisfaction of the Council as planning authority. Once agreed, the scheme shall be implemented in complete accordance with the details as so agreed, unless otherwise approved in writing by the planning authority – in order to ensure the delivery of supporting infrastructure;

(7) Prior to the commencement of a block of development, as identified in the approved phasing programme required by condition 1, full details of the proposed street design for that block, which shall contain, but not be limited to, a parking strategy, road junctions and visibility splays, cycleway provision, gradients, level details, finishing/surfacing materials and crossing points, shall be provided for the further written approval of the planning authority in consultation

with the roads authority. The development shall be carried out in complete accordance with such a plan and buildings shall not be occupied unless the streets and parking areas for the respective block are complete and available for use unless otherwise agreed in writing by the planning authority as part of an occupancy plan - in the interests of road safety.

(8) Unless otherwise agreed in writing by the planning authority, no more than 300 residential units within the overall development shall be occupied until an upgraded Jessiefield roundabout and connecting road into the application site has been constructed in complete accordance with a scheme to be submitted to, and approved in writing by, the planning authority - in the interests of road safety.

(9) Prior to the opening of the AWPR, a scheme for the provision of a bus gate on Kirk Brae (C128C) close to the Kingswells roundabout shall be submitted to, and approved in writing by, the planning authority. Thereafter the scheme shall be implemented in complete accordance with the details as so agreed, unless otherwise approved in writing by the planning authority - in the interests of road safety.

(10) Unless otherwise agreed in writing by the planning authority, no more than 2,000 residential units within the overall development shall be occupied until a further upgrade solution to the Jessiefield roundabout has been constructed in complete accordance with a scheme to be submitted to, and approved in writing by, the planning authority or an equivalent financial contribution thereto has been made - in the interests of road safety.

(11) That no development shall commence on a phase of the development until details of an appropriate segregated cycle connection to the crossing on the A944 towards the Prime 4 Business Park, have been submitted to, and approved in writing by the planning authority. Thereafter the approved connection shall be provided in complete accordance with the details as so agreed - in the interests of road safety and sustainable transportation measures.

(12) No development shall commence on an Area of the development until (i) a scheme for connections of the area to the Core Path Network ex adverso the development site, or an equivalent financial contribution thereto, has been submitted to, and approved in writing by, the planning authority and (ii) the provision of such connections has been secured to the reasonable satisfaction of the Council as planning authority. Thereafter the scheme shall be implemented in complete accordance with the details as so agreed, unless otherwise approved in writing by the planning authority – in the interests of maintaining and enhancing connectivity through and beyond the site;

(13) No development shall commence on an Area of the development until (i) the methodology for detailed analysis of the impact of the traffic generated by that phase and any mitigation which may be required as a result of the development, on: (a) Lang Stracht; (b) the Queens/Road/Kings Gate junction; (c) the Springfield Road/Countesswells Road junction; (d) the Kirk Brae/A93 North Deeside Road junction; and (e) the Friarsfield Road./Kirk Brae junction, has been

submitted for the approval of the planning authority and (ii) the provision of such mitigation works has been secured to the reasonable satisfaction of the Council as planning authority. Once agreed, any necessary mitigation works shall be undertaken in complete accordance with the scheme as so agreed, unless otherwise confirmed in writing - in order to ensure there is no net detriment to the surrounding local roads network, and to assist the free flow of traffic.

(14) No development shall commence on an Area of the development until (i) the methodology for the detailed analysis of the impact of the traffic generated by that phase on the strategic road network, and any mitigation which may be required as a result of the development, or an equivalent financial contribution, has been submitted for the approval of the planning authority and (ii) the provision of such mitigation works has been secured to the reasonable satisfaction of the Council as planning authority. Once agreed, any necessary mitigation works shall be undertaken in complete accordance with the scheme as so agreed, unless otherwise confirmed in writing - in order to ensure there is no net detriment to the surrounding local roads network, and to assist the free flow of traffic.

(15) No development shall commence on an Area of the development until a scheme for monitoring the condition of Countesswells Road, from the junction with Kirk Brae to the roundabout at the entrance to the Pinewood/Hazledene residential development, has been submitted for the approval of the roads authority and (ii) the provision of any mitigation measures identified as a result of such monitoring has been secured to the reasonable satisfaction of the Council as planning authority. The scheme shall include: (a) provision for carrying out a joint condition survey (with Roads Development officers) of the relevant part of Countesswells Road prior to commencement of development on that phase in order to establish a base road condition record; (b) survey reviews to be carried out over the construction period of that phase of the development, based on joint visual inspection; and (c) mitigation measures, including carrying out road improvements to address any extraordinary damage to relevant part of Countesswells Road which is attributable to the construction traffic generated by the particular phase of the development.

(16) Prior to the occupancy of each block, parking spaces, surfaced in hard standing materials shall be provided within the site in accordance with the agreed parking strategy in accordance with the Council's Car Parking Standards, unless otherwise agreed in writing with the planning authority - in the interests of road safety.

(17) That prior to the commencement of a phase of the development, a Framework Travel Plan, setting out proposals for reducing dependency on the private car, shall be submitted to and approved in writing by the planning authority - in the interests of reducing travel by private car.

(18) That no commercial/employment or residential element of the development shall be occupied unless there has been submitted to and approved in writing by the planning authority, a comprehensive Travel Plan for that part of the

development, setting out proposals for reducing dependency on the private car. Each Travel Plan shall identify measures to be implemented, the system of management, monitoring, review and reporting, as well as the duration of the plan - in the interests of reducing travel by private car.

(19) That no development shall take place within any individual block unless there has been submitted to, and approved in writing by, the planning authority details identifying safe routes to schools within the proposed development. This shall include details of measures, including a timetable for implementation, required to help ensure safe travel to school and the measures shall be implemented fully in accordance with such a plan - in order to promote sustainable and safe travel.

(20) That no dwellings shall be occupied until such time as a public transport strategy, including proposals for the provision of either new or extended bus services linking the development with the existing public transport network, and details of the phased implementation of the strategy, have been submitted to and approved by the planning authority. Thereafter the agreed strategy shall be implemented in full in accordance with such a scheme, unless otherwise agreed in writing with the planning authority - in the interests of encouraging the use of public transport.

(21) The proposed development shall be limited to 1,000 residential units; 1,000 square metres GFA Class 4 office space; 2,500 square metres GFA Class 1 retail space; and associated ancillary uses for the period prior to the AWPR being open to traffic, and the consequent removal of trunk road status for the A90 Anderson Drive - to limit the scale of the development to that considered within the supporting Transportation Assessment, in order to minimise the impact of development on the safety and free flow of traffic on the trunk road.

(22) That no commercial development within the block that includes the 'town centre' (including the 2,500 square metres single unit of retail floorspace indicated in the approved Countesswells Development Framework) shall take place unless there has been submitted to and approved in writing by, the planning authority a Retail Impact Assessment (RIA) for the town centre. The RIA shall assess the proposed scale and mix of town centre uses (Class 1, 2, 3, 7 and 11) and any impact on nearby town, district and neighbourhood centres and the city centre, together with an assessment of the scale and mix of town centre uses that are required to meet the retail and leisure needs of Countesswells residents and adjacent residential communities. The assessment should also demonstrate how town centre uses should be phased to ensure the vitality and vibrancy of the town centre. The precise level of retail and town centre uses shall be informed by the outcome of the RIA to ensure that there is no significant adverse impact on pre-existing centres - in order to ensure that the level of retail floorspace is appropriate to the size of settlement.

(23) No development in any individual block shall take place unless it is carried out in full accordance with a scheme to address any significant risks from contamination on the site that has been 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 (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. No building(s) in the respective block shall be occupied unless (a) 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 and (b) a report specifically relating to the building(s) has 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 - to ensure that the site is suitable for use and fit for human occupation.

(24) Notwithstanding the indicative layout in figure 96 of the Design and Access Statement (110342_das, Rev 140324), prior to the commencement of any works in any phase of the development, the location (NGR of source) and type (surface water or groundwater) of the private water supplies serving Bogskeathy and Upper Kingshill shall be identified. Should they be groundwater fed and fall within 100m of roads, tracks or trenches or within 250m of foundations as proposed within the development, a quantitative hydrogeological assessment shall be submitted and, where appropriate, a scheme of protection and/or mitigation shall be 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 - in order to protect the water environment and its users.

(25) That no development in each independent block pursuant to this planning permission shall commence unless (a) a detailed and finalised Construction Environment Management Plan (CEMP) is in place including site specific construction method statements, measures to minimise the risk of sediment entering watercourses on the site, and the mechanism for compliance, for that block; and (b) details of the SUDS scheme, its adoption and maintenance, in order to manage sediments and pollutants from construction and operation of the development have been submitted to and approved in writing by the planning authority in consultation with SEPA. The mitigation measures outlined in the CEMP shall be informed by the result of a full ground (water and soil) investigation study. All works on site must be undertaken in accordance with the approved CEMP unless otherwise agreed in writing with the planning authority - in order to prevent potential water pollution and to minimise the impacts of construction works on the environment

(26) Prior to the commencement of any work in any block of the development, a detailed scheme for the protection and enhancement of the water environment shall be submitted to, and approved in writing by, the planning authority in consultation with SEPA. This shall include (a) confirmation of the location of all

existing water bodies on site and demonstration of how they have been positively incorporated into the layout of the development, including appropriate buffer zones between the top of the bank of the watercourse and the development; (b) full details relating to the realignment/deculverting of any watercourse on site including the Cults Burn. Any re-designed watercourses shall be designed to accommodate the 1 in 200 year flow from the whole catchment. This shall include a low flow channel designed to accommodate the 1 in 2 year flow set within a wider channel capable of conveying the 1 in 200 year flow. In addition, appropriate buffer zones shall be included between the edge of the wider channel (i.e. the extent of channel utilised during high flows) and the development; (c) full details relating to any other proposed engineering activities in the water environment, including the location and type of any proposed watercourse crossings. Any proposed watercourse crossings shall be designed to accept the 1 in 200 year flow. All works on site must be undertaken in accordance with the approved scheme unless otherwise agreed in writing with the planning authority in consultation with SEPA - to protect and improve the water environment and to protect people and property from flood risk.

(27) That the development hereby approved shall be connected to the public waste water system in line with PAN 79 Water and Drainage. Any necessary upgrades to the public waste water system should be in place prior to the occupation of the phase of development requiring the upgrade - in order to ensure the appropriate connection is made to ensure satisfactory disposal of sewerage, and thereby maintain and improve standards of environmental quality, public health and amenity.

(28) Development in any individual block shall not commence until a water efficiency statement to illustrate the measures proposed to incorporate water saving technology, has been submitted to and approved in writing by the planning authority. The measures contained therein shall thereafter be implemented, as approved - in order to ensure targets towards sustainability measures are met.

(29) No development in any particular phase of the development hereby approved shall take place unless surveys for protected species (red squirrel/bats/badgers) for that phase have been carried out and submitted to and approved in writing by the planning authority. Thereafter no development shall take place within the relevant phase of the development unless detailed mitigation measures to safeguard any identified protected species have been submitted to and approved in writing by the planning authority. No development shall take place within the relevant phase unless the mitigation measures which have been agreed in writing by the planning authority are carried out in accordance with the agreed scheme - to ensure the protection of protected species.

(30) That all works should be carried out in accordance with the approved Summary of Environmental Commitments containing within Chapter 18 of the Environmental Statement carried out by Ironside Farrar dated March 2014 - in order to ensure that appropriate mitigation measures are in place to minimise the

environmental impacts of the development.

(31) No development shall take place within any individual block until the applicant has secured 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 publications - in the interests of protecting items of historical importance as may exist within the application site.

(32) No demolition of any traditional farmstead buildings or development shall take place prior to a photographic survey being undertaken by the developer and approved by the planning authority. All elevations, both internal and external, together with the setting of the farmstead, and any unusual feature/s, shall be photographed and clearly annotated on a plan. Photographs, which should be digital on cd, shall be clearly marked with place name for identification, national grid reference and planning reference and deposited in the local sites and monuments record - in order to ensure a historic record of the building.

(33) That no development within any individual block shall be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full - to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.

(34) Development in any individual block shall not commence until a bird hazard management plan has been submitted to and approved in writing by the planning authority. The submitted plan shall include details of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with the Advice Note 8 'Potential Bird Hazards from Building Design'. The Bird Hazard Management Plan shall be implemented, as approved, on completion of the development and shall remain in force for the life of the buildings. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the planning authority - it is necessary to manage the site in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Aberdeen Airport.

(35) That no development in any individual block shall take place unless a plan showing those trees to be removed and those to be retained and a scheme for the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the planning authority and any such scheme as may have been approved has been implemented - in order to ensure adequate protection for the trees on site during the construction of the development.

(36) That no part of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) in any individual block has been submitted to and approved in writing by the planning authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the planning authority has given prior written approval for a variation - in order to preserve the character and visual amenity of the area.

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 10 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 condition(s) 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 10 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, as amended by the Planning etc. (Scotland) Act 2006.

INFORMATIVE 1: that this planning permission in principle shall lapse on the expiration of 2 years from the approval of matters specified in conditions being obtained (or, in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development to which the permission relates is begun before that expiration – in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

INFORMATIVE 2: For the avoidance of doubt, the term 'phase' within any condition shall refer to the phases as have been approved under the terms of Condition 1 of the planning permission in principle hereby approved.

INFORMATIVE 3.

Unless otherwise agreed in writing with the Planning Authority, during the construction of any phase of the development, the normal hours of operation for all activity audible at the boundary of the nearest noise sensitive premises shall be between 07:00 to 19:00 hours Monday to Friday; 07:00 to 12:00 hours on Saturday, with no working on Sundays.

INFORMATIVE 4

It is advisable that the developer contact the Council's Waste Aware Team to discuss the appropriate waste storage and uplift arrangements for the residential developments.

INFORMATIVE 5

In the event that during construction, cranes or scaffolding is required, then their use must be subject to separate consultation with Aberdeen International Airport (AIA). We would like to draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome - in the interests of aircraft safety and the operation of Aberdeen Airport.

Daniel Lewis

Development Management Manager