

# Planning Development Management Committee

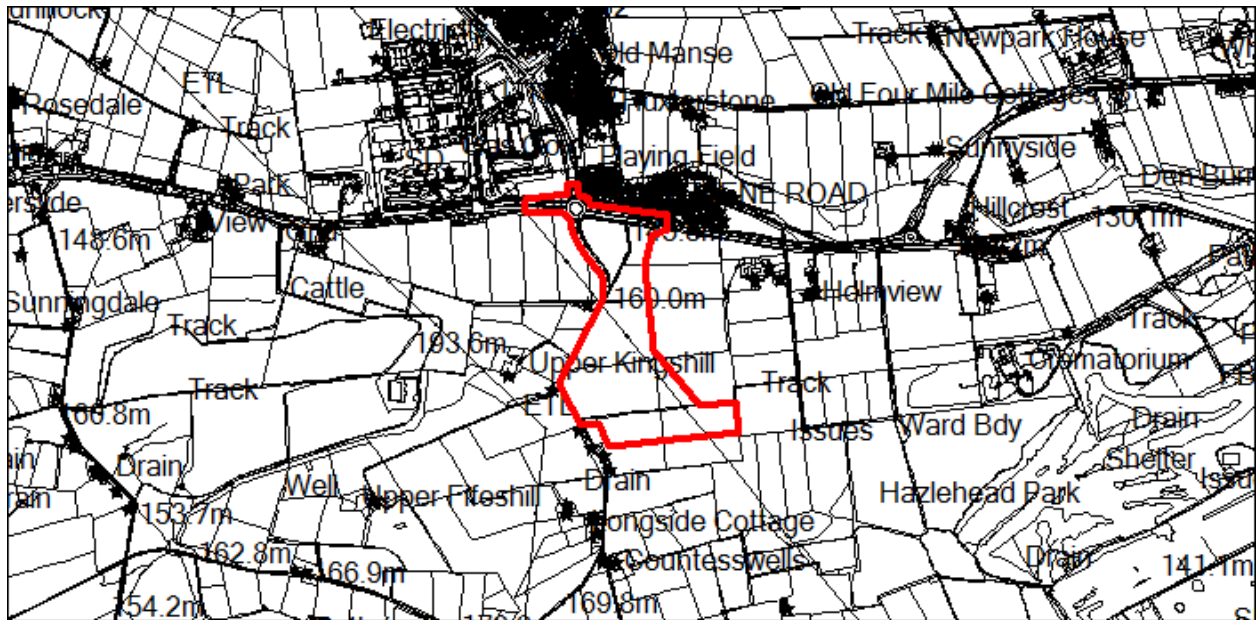
A944 KINGSWELL JUNCTION &, LAND AT  
BELLFIELD FARM SOUTH OF

UPGRADE OF KINGSWELLS JUNCTION ON  
THE A944 AND CONSTRUCTION OF ALL-  
VEHICLE WESTERN ACCESS ROAD,  
FOOTPATHS AND CYCLE PATHS FROM THE  
A944 TO THE PROPOSED OP58  
COUNTESSWELLS DEVELOPMENT SITE

For: Heron Property Limited, c/o agent

Application Type : Planning Permission in  
Principle  
Application Ref. : P141889  
Application Date: 19/12/2014  
Officer: Paul Williamson  
Ward : Lower Deeside (M Boulton/A Malone/M  
Malik)

Advert : Can't notify neighbour(s)  
Advertised on: 21/01/2015  
Committee Date: 17/09/2015  
Community Council : Comments



## RECOMMENDATION:

Approve subject to conditions

## **DESCRIPTION**

The application site of 20.57 hectares relates to predominantly agricultural land located in the vicinity of the Kingswells roundabout at the A944 / Kirk Brae interchange. The land rises up from the north to the south, with it falling again towards the south of the site. To the east is agricultural land associated with Bellfield Farm. To the south and west, are further agricultural fields, together with some sporadic residential dwellings. To the north is the settlement of Kingswells, with the Park and Choose Site, and 'Prime 4' Business Park to the north west.

## **RELEVANT HISTORY**

In August 2012, the Countesswells Consortium submitted a proposal of application notice (PoAN) to the Council indicating their intention to carry out public consultation on the proposed development. An Environmental Impact Assessment (EIA) Screening Request (Ref: 110826) was responded to by the Council on 7 July 2011 advising that, as a Schedule 2 development with potential significant effects on the environment, an Environmental Impact Assessment would be required. A subsequent Scoping Request (Ref: 120826) was received by the Council on 6 June 2012, which sought to examine the specific content that would need to be covered within the environmental statement which would be required in support of the planning application.

On 3 June 2014, the Enterprise, Strategic Planning and Infrastructure Committee approved the Countesswells Development Framework and Masterplan as Interim Supplementary Guidance. This was subsequently sent to the Scottish Government for formal ratification, which was confirmed on 22 July confirming that they did not intend to intervene in the adoption of the Development Framework and Phase 1 Masterplan as Supplementary Guidance to the Local Development Plan. The Development Framework and Masterplan have therefore been formally Adopted as Supplementary Guidance.

The over-arching Planning Permission in Principle (Ref: 140438) was initially considered 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.

The over-arching s75 legal agreement has still to be concluded. At the meeting of the Full Council on 19 August 2015, Members reiterated their previous decision of 8 October 2014 that a single s75 (signed by all relevant parties) is necessary for the PPIp to be released, and that any alternative mechanism for delivery should not be supported.

Parallel detailed applications have also been submitted for Phase 1 infrastructure works (inc SUDS) (Ref: 140435), 124 dwellings at areas C1/C2 (Ref: 140730), and a further 1076 dwellings at area N10 (Ref: 141110), the latter two of which remain pending at this time.

A further parallel application for the provision of an upgraded access solution to the Jessiefield/Switchback roundabout (Ref: 141888) is also to be considered at this meeting.

## **PROPOSAL**

Planning Permission in Principle is sought for the upgrade of the Kingswells Roundabout junction on the A944 in order to provide a connection of a new road (including bus-lane), footpaths and cycle paths into the designated Land Release at Countesswells, identified as Opportunity Site OP58 within the Aberdeen Local Development Plan (2012).

At this time the anticipated design solution which has been tested through the Council's road network models, shows the provision of a new western link road from the OP58 Countesswells site to the Kingswells roundabout, incorporating bus priority measures, cycle paths and footpaths. The roundabout itself would operate as a signalised roundabout, with additional lanes on approach from the south.

## **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=141889>

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

Specifically, the supporting documents include:

- Transportation Assessment dated December 2014 (and subsequent Addendum); and,
- Planning Supporting Statement – December 2014.

## REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because the application has been the subject of a formal objection by the Kingswells Community Council, albeit the extent of land relative to their boundary relates to the northern side of the Kingswells roundabout. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

## CONSULTATIONS

**Roads Development Management** - No objection. The roads and cycle paths are designed to ACC standards, although the proposals would have to be subject to a section 21 Roads Construction Consent procedure. The application is inextricably linked to the parallel planning application 141888 for the Jessiefield roundabout, and either both applications should be approved, or both refused.

The submitted Transport Assessment (TA) from the applicant indicated that traffic generated from 400 houses could be accommodated prior to the completion of the AWPR without any changes to the Kingswells and Jessiefield junctions. The TA also indicated that the Kingswells junction would need to be upgraded in the post AWPR scenario, to enable housing occupation to rise from 400 to 1000 units. Thereafter. No further occupation would be permissible prior to a spine road from the development connecting to the Jessiefield junction, along with improvements to the existing approaches.

Recommend that conditions be attached in respect of: further details of the specific proposals, together with confirmation of control over the land required to construct the entire scheme; and, the entire scheme for the Kingswells roundabout shall be built to the satisfaction of the local road authority prior to the occupation of the 401<sup>st</sup> house.

**Environmental Health** - No objection. Recommend that a condition is attached in respect of the submission and approval of an Environmental Management Plan addressing potential impact during the construction phase, specifically addressing impact from noise and dust.

**Communities, Housing and Infrastructure (Flooding)** - No observations.

**Education, Culture & Sport (Archaeology)** – No comments received.

**Cults Bieldside and Milltimer Community Council** – Support the upgrade of the Kingswells junction and the construction of an all vehicle transport western access route. The provision of this proposal, along with 141888 at the Jessiefield junction, provides a more sensible solution to managing vehicle access to the planned Countesswells development. A condition should be attached to ensure that the delivery of the access road and Kingswells junction upgrade should be no later than the sale of the 400th house;

**Kingswells Community Council** – Indicated that all upgrades to each junction (Kingswells and Jessiefield) should be addressed at the same time and in a single visit. Previous discussions with the Roads Department indicated that the sole access to the development should connect into Jessiefield to optimise performance of the Kingswells roundabout. The proposed Kingswells junction is contrary to the expectations of the Roads Department, and is therefore a concern

to KCC. There should only be north/south access across the Kingswells roundabout if there is shown to be no impact on that junction. The Jessiefield junction is considered to require a flyover to ensure continued flows. ACC should ensure that Strategic Transport Fund monies should be used towards the upgrade of the Jessiefield Junction so that a satisfactory solution can be reached which also takes account of the Maidencraig development. The use of a signalised junction at Jessiefield should be avoided, particularly at off-peak times. KCC would favour a timetable that would complete the Jessiefield junction before any upgrade of the Kingswells junction, as it would provide a choice of routes during the construction of the wider development. A sketch design was also provided illustrating the preference for a grade separated solution at the Jessiefield location. Ultimately the improvements should be delivered before the sale of the 300<sup>th</sup> house. The approval of alternative access solutions could lead to confusion and uncertainty over what shall be delivered.

## **REPRESENTATIONS**

A total of 7 letters of representation have been received. The 5 objections/concerns raised relate to the following matters –

- The road should be in place before any construction goes ahead;
- Neighbour notification was not received with regard to these proposals;
- The additional of additional traffic on the Kirk Brae is not going to improve the already congested situation;
- Detailed consideration must be given against all future developments in the area, and not just this specific proposal, as the Kingswells roundabout cannot take any more congestion;
- The bus lane proposals for entry onto the A944 shall not optimise rapid transit of passengers by bus. The better solution is to exclude general traffic from the south to the Kingswells junction (which was part of the original proposal);
- The proposal shall extend into the Green Belt, as is not justified as essential enabling infrastructure, as the second access is not required;
- The proposals may remove the existing functional slip road along the A944 which help improve continuous traffic flows;
- Proposed traffic light phasing must ensure the existing east/west traffic flows are maintained;
- Emergency vehicles may be blocked if further congestion occurs;
- The proposal is contrary to the access strategy proposed through the parallel application for planning permission in principle (140438) which Members are already minded to approve;
- The proposals are also contrary to the Approved Supplementary Guidance contained within the Countesswells Development Framework and Phase 1 Masterplan, which proposed a principle access into Jessiefield, and a secondary link for public transport and existing access into the Kingswells roundabout;
- These revised proposals would result in uncertainty with potential significant impacts on other approved, allocated or proposed developments that access onto the A944;
- The proposals would alter approved travel plans for adjacent travel plans for the adjacent Prime4 development;

- The proposals would be detrimental to future public transport links between the site and Prime4;
- Contest that the proposals should involve the closure of the Kirk Brae (C128C) to general traffic, and that the figures used within the modelling may be flawed and lack detail;
- The two application proposals form a single strategy for access at the Countesswells development. As such they are inextricably linked, and require consideration at the same time;
- The proposal through the parallel planning application for planning permission in principle (Ref: 140438), would ensure the optimum solution to maintaining existing traffic flows to ensure no net detriment on the surrounding road network;
- The proposal does not provide the flexibility that the aforementioned alternative proposal provides;
- The proposals through 141888 and 141889, would be contrary to sustainable transport objectives;
- The proposals for the Kingswells junction are not essential for the delivery of the identified development site;
- The performance of the Kingswells roundabout would be significantly worse than illustrated within the submitted Transportation Assessment;
- There is insufficient geometry to allow further modification of the Kingswells roundabout, and it is not clear that the applicant has control of the necessary land to undertake any further works

It should also be noted that two positive representations were also received, which raised the following points:

- The revised proposals, along with 141888 to the east, are a more logical solution, than a single northern route to/from the Countesswells development site;
- The Aberdeen Cycle Forum are pleased to see segregated cycle/pedestrian paths on both sides of the eastern access road, and that the junction is to be signalised.

## **PLANNING POLICY**

### **National Policy and Guidance**

SPP (Revised June 2014) – 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, subject planning policies, and how they should be exercised to contribute to the objective of sustainable development. The principle policies relating to sustainability and placemaking and subject policies relating to: a Successful, Sustainable Place; a low Carbon Place; a Natural, Resilient Place; and, a Connected Place, are all relevant material considerations.

### **Aberdeen City and Shire Strategic Development Plan (March 2014)**

The SDP sets out the following key objectives for the growth of the City and Aberdeenshire:

- Economic Growth – to provide opportunities which encourage economic development and create new employment in a range of areas that are

- both appropriate for and attractive to the needs of different industries, while at the same time improving the essential strategic infrastructure necessary to allow the economy to grow over the long term.
- Population growth – to increase the population of the city region and achieve a balanced age range to help maintain and improve people’s quality of life.
  - Quality of the environment – to make sure new development maintains and improves the region’s important built, natural and cultural assets.
  - 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 attractive choices.

## **Aberdeen Local Development Plan**

### Policy LR1 Land Release Policy

Opportunity Site OP58 Countesswells, which is the subject of this application, has been zoned under this policy for 2150 homes for the period 2007 – 2016, 850 homes for the period 2017-2030, and a total of 10 hectares of employment land across both periods.

The site is identified as opportunity site OP58 and is described as being a large new community covering 165.1 hectares. It further identifies that a Masterplan will be required.

### 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.

Infrastructure requirements relating to Masterplan Zone sites are set out in Appendix 4. For Countesswells it identifies: contributions towards the cumulative impact of development on the transport network; new road links and major junctions at the A944, with appropriate design standards to accommodate forecasted traffic volumes.

The level of provision or contribution required will relate to the development proposed either directly or to the cumulative impact of development in the area and be commensurate to its scale and impact.

### Policy T1 Land for Transport

Transport infrastructure required to facilitate new development will also be supported in principle, including walking and cycling facilities, new and extended public transport services, and new and improved roads.

### 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.

### 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. To ensure that there is a consistent approach to high quality development throughout the City with an emphasis on creating quality places, the Aberdeen Masterplanning Process Supplementary Guidance will be applied. Landmark or high buildings should respect the height and scale of their surroundings, the urban topography, the City's skyline and aim to preserve or enhance important views.

### 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 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:

1. 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;



2. Obstructing important views of the City's townscape, landmarks and features when seen from busy and important publicly accessible vantage points such as roads, railways, recreation areas and pathways and particularly from the main city approaches;
3. Disturbance, loss or damage to important recreation, wildlife or woodland resources or to the physical links between them;
4. 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 NE2 Green Belt

No development will be permitted in the green belt for purposes other than those essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration or landscape renewal.

A number of exceptions are listed which includes: Essential Infrastructure, such as electronic communications infrastructure and electricity grid connections, transport proposals identified in the LDP, such as the AWPR, as well as roads planned through the masterplanning of new housing and employment allocations, which cannot be accommodated other than in the Green Belt.

#### 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.

Appropriate measures should be taken for the protection and long term management of existing trees and new planting both during and after construction. Buildings and services should be sited so as to minimise adverse impacts on existing and future trees and tree cover. Native trees and woodlands should be planted in new development.

#### Policy NE6 Flooding and Drainage

Development will not be permitted if:

1. It would increase the risk of flooding;
2. It would be at risk itself from flooding;
3. Adequate provision is not made for access to water-bodies for maintenance; or
4. It would result in the construction of new or strengthened flood defences that would have a significantly damaging effect on the natural heritage interests within or adjacent to a watercourse.

Connection to the public sewer will be a pre-requisite of all development where this is not already provided.

## **Supplementary Guidance**

Countesswells Development Framework and Phase 1 Masterplan was considered at the meeting of the Enterprise, Strategic Planning and Infrastructure Committee on 3 June 2014, where Members were minded to approve the Development Framework and Masterplan as Interim Guidance to the Aberdeen Local Development Plan (2012). The Scottish Ministers have subsequently confirmed on 22 July that they do not intend to intervene in the adoption of the Countesswells Development Framework and Phase 1 Masterplan as supplementary guidance to the Adopted Aberdeen Local Development Plan. The CDF has therefore been formally adopted as Supplementary Guidance to the LDP.

Archaeology and Planning

Drainage Impact Assessments

Infrastructure and Developer Contributions Manual

Transport and Accessibility

Trees and Woodlands

## **Other Relevant Material Considerations**

None relevant to this application.

## **Proposed Aberdeen Local Development Plan**

Policy LR1 – Land Release Policy

Policy LR2 – Delivery of Mixed Use Communities

Policy D1 – Quality Placemaking by Design

Policy D2 – Landscape

Policy I1 – Infrastructure Delivery and Planning Obligations

Policy T1 – Land for Transport

Policy T2 – Managing the Transport Impact of Development

Policy T3 – Sustainable and Active Travel

Policy NE2 – Green Belt

Policy NE5 – Trees and Woodlands

Policy NE6 – Flooding, Drainage and Water Quality

## **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

The wider site at Countesswells is allocated as an opportunity site within both the extant (OP58) and proposed (OP38) Local Development Plans (LDP) for a development 3000 houses and up to 10 hectares of employment land. The

Council have already supported this allocation through their willingness to grant the parallel (over-arching) PPIp planning application (140438). As such, this application, in tandem with application 141888 relating to the Jessiefield roundabout, offers an alternative design solution (to that indicated within the over-arching PPIp application) in securing the necessary transportation upgrade to the existing road network to accommodate the provision of the new development. As such, Roads Officers are content with the information provided for both options at this time, albeit subject to the submission of the final design solutions and appropriate assessment. The proposal is therefore considered compliant with Policy LR1 in respect of Land Release for new development.

Local Development Plan policy NE2 in respect of Green Belt, does indicate that essential infrastructure associated with the delivery of masterplanned sites in the LDP, shall be treated as an exception to the general policy stance of a presumption against development. As such, the proposal is also considered to accord with those principles within Policy NE2.

#### Countesswells Development Framework

It should be noted that the access strategy for the Approved Development Framework (DF) for this site indicates that the primary connection to the north onto the A944 would be to the Jessiefield junction, with a secondary 'bus and local access only' connection into the Kingswells roundabout, which would see the southbound arm of the latter closed to the majority of traffic.

The DF does however indicate that the exact detail of the proposals will be determined following further detailed analysis and design through the TA process. In this instance, the submission of a TA has indicated that the alternative solution tabled by one member of the wider 'Countesswells Consortium' would also meet with the requirements of Roads Officers, and can therefore be accepted subject to the imposition of suspensive planning conditions.

#### Infrastructure Provision

As acknowledged above, Roads Officers are satisfied with the detail provided through the TA and the additional information received. As such, it is considered that the principle of ensuring that the necessary infrastructure can be put in place to support this new community, and the scale and type of developments proposed therein. Roads Officers are satisfied with the thresholds for dwelling occupations identified through the submitted TA, and such restrictions can be adequately controlled by planning condition. The proposal is therefore in accordance with Policy I1 of the LDP.

It should be noted that this application, along with the parallel application 141888, do not actually permit the construction of any dwellings or employment proposals, and relate solely to the provision of roads connections within the identified red line site boundary. The onus is therefore on the developers of the wider site to conclude the negotiations on the wider s75 developer obligation (legal agreement), or through a separate planning application to secure the overall

development, and commit to the provision of the necessary infrastructure to serve the entire allocation within the LDP.

In respect of the aspirations of the LDP to ensure that new development seeks to minimise the traffic generated and ensure that provision is made for sustainable transportation means and active lifestyles, the proposals do cater for connections for public transportation, and cycling. The wider development also caters for improved pedestrian connectivity to the core path network as well. Therefore the proposal also accords with the principles of Policies T1, T2 and D3 of the LDP.

#### Landscape, Design and Visual Impact

As part of the over-arching PPIp, the submitted EIA acknowledged that the overall proposals would have a noticeable impact on the landscape of the area through its progression from undeveloped land to a new settlement. As such, the provision of the road linkage into the site is necessary to ensure that it is adequately serviced. The ultimate detail of the road into the site, and the associated junction improvement shall require the provision of adequate landscaping to help integrate them into the wider area. This can be adequately controlled through planning conditions. This would either be through an application for Matters Specified in Conditions, or a future Detailed Planning Application, which would provide the final details for the proposed layout. However, it should be noted that the provision of such infrastructure is for a functional purpose, and must be designed as such in accordance with the standards of the Roads Authority. The proposal is not however considered to have any conflict with Policies D1 or D6.

#### Trees and Woodlands

Small pockets of trees alongside the A944 and Kirk Brae would likely be affected by the proposed infrastructure connection. However, the loss of small parts of these areas are not considered to be to the extent that would significantly detract from the wider area. In any case, the final details through either an application for Matters Specified in Conditions, or Full planning application, would need to demonstrate measures for mitigation of the loss of existing trees.

#### Representations

*In respect of the issues raised in the submitted representations, which have not already been addressed above:*

- The neighbour notification, and parallel advertisement in the local press, was carried out as per legislative requirements;
- Detailed consideration has been given to existing committed developments in the area, and the specific anticipated impacts of the proposed development, in identifying the current design solution;
- The proposal shall extend into the Green Belt, as is not justified as essential enabling infrastructure, as the second access is not required;
- Roads officers shall ultimately require to be satisfied that the means of signalisation prioritises the dominant flows which have been modelled;
- Generally, most Travel Plans are subject of ongoing review to take account in changing circumstances, therefore an amendment to an existing Travel Plan to

would be necessary regardless of which access solution is ultimately implemented for the Countesswells site;

- While concern has been raised over the flexibility that the overarching Consortium proposal provides, roads officers are satisfied with the details provided in order to mitigate solely against the impacts of the wider proposed development;;

- Further submissions shall be necessary to demonstrate that the ultimate design solution can be delivered within land in the control of the applicant. As such, the initial assessment of the TA has indicated that the design solution tabled can work.

### Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved at the meeting of the Communities, Housing and Infrastructure Committee of 28 October 2014. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to public consultation through the Main Issues Report; and
- the level of objection raised in relation these matters as part of the Main Issues Report; and
- the relevance of these matters to the application under consideration

The foregoing can only be assessed on a case by case basis. In relation to this particular application, the policies of the Proposed LDP largely reiterate those of the extant Plan, and therefore no new policy matters are raised.

### Summary

It is acknowledged that the Council have already indicated a willingness to approve the wider Countesswells development, through its decision of 8 October 2014, which was reiterated on 19 August 2015. That proposal, has established the principle of the access strategy identified through the Supplementary Guidance in the form of the Countesswells Development Framework and Phase 1 Masterplan. However, through analysis of the submitted TA from this member of the wider Countesswells Consortium, it has been concluded that this alternative access strategy is also a workable solution, subject to the provision of the finite detail required by Roads Officers. As such, the proposal is considered to be in accordance with the relevant policies of the Local Development Plan, and associated Supplementary guidance

## **RECOMMENDATION**

**Approve subject to conditions**

## **REASONS FOR RECOMMENDATION**

The proposal complies with Policies I1 Infrastructure Delivery and Developer Contributions and NE2 Green Belt of the Local Development Plan, in that the development proposed provides an alternative access strategy to the delivery of the over-arching land release at Countesswells (OP58) for 3000 residential units and up to 10 hectares of employment land. The specific details of the road junction connections to the A944 will be dealt with by separate applications for Matters Specified in Conditions, with further opportunities for stakeholders to comment on the full details.

## **CONDITIONS**

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

(1) That no development in connection with the planning permission hereby approved shall take place until full details of the siting, design/specification, and landscaping have been submitted to and approved in writing by the planning authority by way of separate application(s) for matters specified in condition (MSC applications). The development shall then be implemented in complete accordance with the approved details, or those subsequently approved. The MSC applications shall include (a) a detailed levels survey of the site and cross sections showing proposed finished road levels relative to existing ground levels and a fixed datum point; (b) a detailed drainage plan, including full details of the proposed means of disposal of surface water from the 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) details of all cut and fill operations; (d) the details of all roads, footpaths and cycleways including bus lanes and tie-ins to existing/proposed roads (including confirmation of control over necessary land); (e) details of any screen walls/fencing to be provided; (f) details of all landscaping, planting and screening associated with the development - in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

(2) The landscaping details to be submitted pursuant to condition 1 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 1 for the development shall show the proposed means of disposal of surface water from the development in accordance with 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 agreed drainage system shall be 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) Prior to the commencement of any works in the development, the location (NGR of source) and type (surface water or groundwater) of the private water supplies serving 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) by way of separate application(s) for matters specified in condition (MSC applications).. Once approved, the agreed scheme shall be implemented in full - in order to protect the water environment and its users.

(6) That no development pursuant to this planning permission shall commence unless the following has been approved by way of formal applications(s) for approval of matters specified in condition:

- 1) a detailed and finalised Construction Environment Management Plan including site specific construction method statements, measures to minimise the risk of sediment entering watercourses on the site, and the mechanism for compliance; and
- 2) 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. 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.

(7) Prior to the commencement of any work in 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 by way of formal application(s) for approval of matters specified in condition. 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/deculting 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.

(8) No development in 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 by way of formal application(s) for approval of matters specified in condition. Thereafter no development shall take place within 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 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.

(9) No development shall take place 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 by way of formal application(s) for approval of matters specified in condition. 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.



(10) That no development 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 by way of formal application(s) for approval of matters specified in condition 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.

(11) 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) has been submitted to and approved in writing by the planning authority by way of formal application(s) for approval of matters specified in condition. 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.

(12) That the agreed works pursuant to Condition 1 shall be carried out in their entirety, and to the satisfaction of the Planning Authority, prior to the occupation of the 401st house constructed on the Countesswells development site as identified in the OP58 designation with the Aberdeen Local Development Plan (2012) - in the interests of road capacity and safety.

### Informatives

INFORMATIVE 1: that this planning permission in principle shall lapse unless a further application(s) for approval of the matters specified in condition(s) attached to this grant of planning permission in principle has been made before whichever is the latest of the following;

(i) the expiration of 3 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;

- 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.

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.