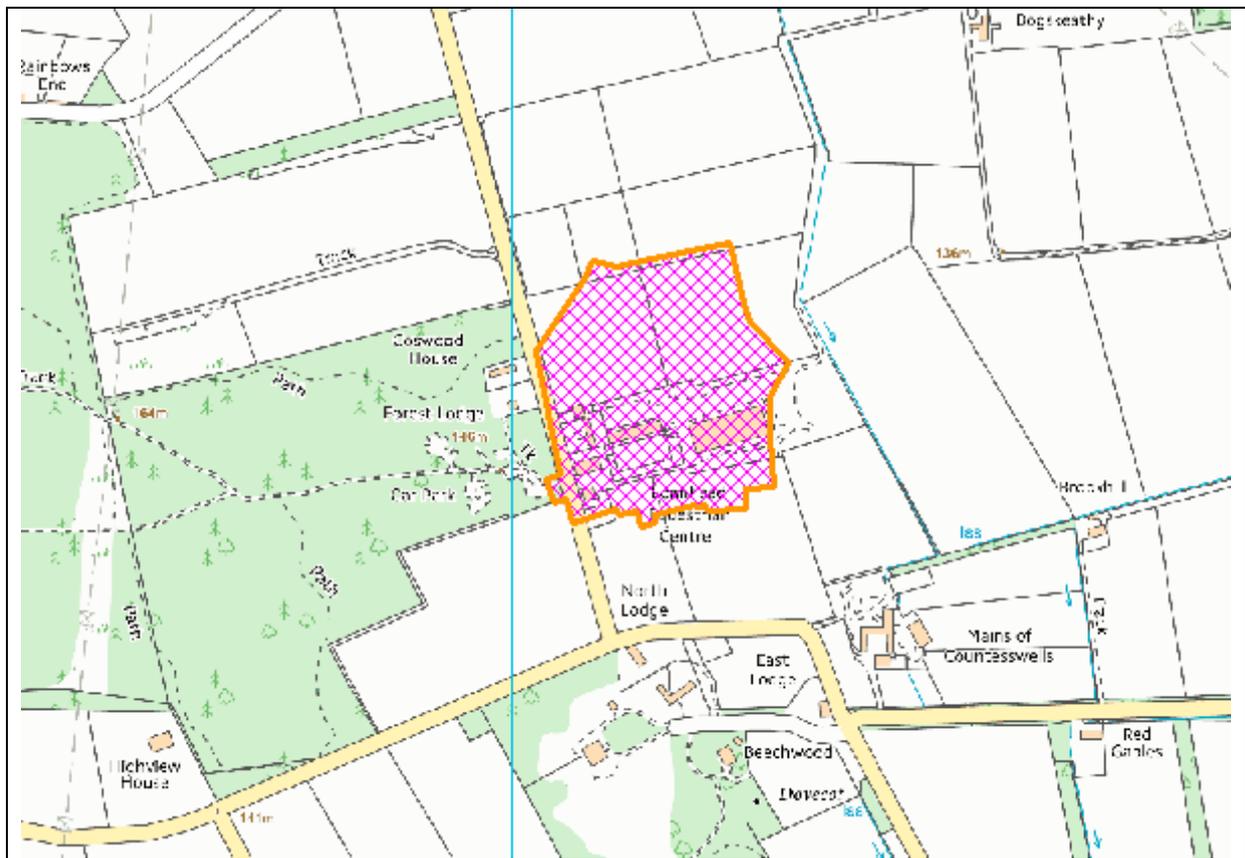


## Planning Development Management Committee Detailed Planning Permission

**140730:** Residential development comprising 124 units & associated new and upgraded access roads, landscaping & ancillary engineering works at Block C1/C2, Kingshill Road, Countesswells, Aberdeen

For: Stewart Milne Homes North

Application Date:	20 May 2014
Officer:	Paul Williamson
Ward:	Lower Deeside
Community Council:	Cults, Bieldside And Milltimber
Advertisement:	Can't notify neighbours
Advertised Date:	04 June 2014



Location Plan

**RECOMMENDATION:** Willingness to Approve, subject to a s75 legal agreement linking this application for detailed planning permission, to the over-arching existing legal agreement for the wider development, and the developer obligations identified therein.

## **SITE DESCRIPTION**

The application site covers 4.94 hectares of predominantly agricultural land between Kingswells to the north and Cults to the south, approximately 6 km from the City Centre.

To the west, the site is bounded by Kirk Brae (C128C) and Countesswells Wood. To the south and east, the site comprises open fields which lead towards the Blacktop Road and Hazlehead Wood respectively. To the north are further open fields towards Newton of Countesswells Farm.

Until last year, the site was partially occupied by the buildings which were formerly home to the Loanhead Equestrian Centre. However those buildings were demolished as part of the wider development proposals.

Also within the site are a number of pockets of trees and woodland, together with a section of the Cults Burn, drainage ditches and dykes. A core path also links the Countesswells Wood and Hazlehead Woods cutting west to east through 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 or Craigiebuckler. The land to the north of the site is slightly more elevated than that to the south.

## **RELEVANT HISTORY**

A parallel application for planning permission in principle (Ref: 140438) for the overall 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, was considered by Members at Full Council on 8 October 2014, then again on 24 October 2015. Members were minded to accept the officer recommendation for a willingness to approve planning permission subject to a s75 legal agreement, and a number of planning conditions. The application was subsequently approved on 1 April 2016.

Detailed Planning Permission (Ref:140435) was approved conditionally on 7 November 2014 for the provision of infrastructure, including access, internal road layout, landscaping and drainage provision for part of the first phase of the residential led mixed use development. That application is already being implemented.

A subsequent application (Ref: 160420) for matters specified in conditions for the erection of 239 residential units on Development Block N10 (of the Development Framework / Phase 1 Masterplan) was approved on 6 July 2016.

## **DESCRIPTION OF PROPOSAL**

Detailed planning permission is sought for the erection of 124 residential units on Development block C1, and the very northern part of development block C2.

The general form of development centres around a network of outward facing streets towards the soon to be formed new arrangement of streets. Internally, a network of streets (with shared surfaces) would be of a rough grid iron layout to allow manoeuvrability. The scale of properties would vary from two up to a maximum of three storeys (plus attic accommodation served by rooflights and some balconies).

Of the 124 units, proposed, the development would comprise:

33 Apartments: 1 bed x 13; 2 bed x 12; and 3 bed x 8

91 Dwellings: 2 bed x 6; 3 bed x 13; 4 bed x 58; and 5 bed x 14

In respect of materials, a variety would be utilised across the site, including various stone finishes, render, and brickwork. Some elements of upper floor cladding would be incorporated, while roofs would be clad either with red or grey roof tiles, or reconstituted slate tiles. No details for the windows and doors were specified at this time.

## **SUPPORTING DOCUMENTS**

All drawings and supporting documents listed below can be viewed on the Council's website at [www.publicaccess.aberdeencity.gov.uk](http://www.publicaccess.aberdeencity.gov.uk).

- Hard and Soft Landscaping Proposals
- Design and Access Statement
- Drainage Plans
- Refuse Strategy
- Planning Statement
- Pre Application Consultation Report
- Tree Survey Report
- Transportation Assessment
- Floor Plans and Elevations

It should be noted that the parallel application for planning permission in principle (Ref: 140438) required the submission of an Environmental Statement. Some of the component chapters for that ES, have been copied over for this application, although the proposal in this instance would not require as ES on its own.

## **PRE-APPLICATION CONSULTATION**

The proposed wider development was the subject to pre-application consultation from May to October 2012 between the applicant and the local community, as required for applications falling within the category of major developments as defined in the 'Hierarchy of Development' Regulations. The consultation involved:

- Initial public engagement in June 2012 at the respective meetings of: Kingswells Community Council; Cults, Bielside and Milltimber Community Council; and Craigiebuckler and Seafield Community Council. It comprised exhibitions over a period of 6 hours where representatives of the consortium

## APPLICATION REF: 140730

were on hand to provide information on the proposals and encourage public comments. Information leaflets were available at each venue along with a feedback form.

- 244 people attended over the three days with 96 on day one, 62 on day two, and 86 on day three. 42 feedback comments were received.
- Subsequent meetings with the respective Community Councils in August/September 2012 to update them on progress and address issues raised at the initial consultation events.
- The Development Framework and Masterplan was presented to the Local Community and wider public at public exhibitions on 6-8 September 2012 at the Four Mile House, Kingswells, Airyhall Community Centre, and Cults Academy respectively. The format was similar to those held in June referred to above.
- Meetings with local residents were also held on 26/27 September 2012.
- Following refinement of the development proposals a further round of briefing meetings was held with the Community Council's on 2, 8 and 25 October 2012 respectively.
- In order to encourage participation: personal invitation letters were issued to individuals and organisations, as well as key stakeholders and local residents within notifiable distances; over 10,000 information leaflets were distributed to local homes lying to the west of Aberdeen; press and media releases, and posters promoting local events were distributed in local Community Centres, shops and libraries throughout the area.
- A further meeting was also held with the liaison group on 3 February 2014 to update them on the refinements of this application.

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

The main concerns raised were in relation to-

- Open green spaces and woodland areas;
- Roads and vehicular congestion, and the linkages to the completion of the AWPR;
- Timings of education provision;
- Integrating the development with the countryside;
- Need for affordable housing;
- The need for infrastructure including schools, shops, health facilities, sport/leisure opportunities, recycling facilities, and a community centre;
- The style and size of properties to meet local needs;
- Impacts on existing property owners; and
- Cumulative impacts of Local Development Plan allocations.

The consultation process has directly informed the preparation of the wider proposals for the site with particular regard to:

## APPLICATION REF: 140730

- Creation of a new network of streets running through the development, in accordance with Designing Streets to achieve the aim of reducing speeding traffic on the country roads;
- Provision of the first primary school early in the development;
- Provision of the secondary school close to the centre of the development, which would also include community facilities;
- Inclusion of healthcare, leisure and retail facilities in the town centre;
- Concerns over various pinch points within the development have been addressed through provision of solutions within the site.

## REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because the application has been the subject of eight timeous letters of representation that express objection or concern about the proposal – representing a significant level of opposition to any major development proposal. This figure of eight also includes objections from Kingswells Community Council, and Craigiebuckler and Seafield Community Councils, whose boundaries fall outwith the current application boundary. Furthermore, the application has also been the subject of a formal objection by the Cults, Bieldside and Milltimber Community Council whose boundary covers this application site. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

## CONSULTATIONS

**Roads Projects Team** – No objections subject to the use of planning conditions. The full detail of roads design shall be considered through the Roads Construction Consent (RCC) process.

**Environmental Health** – No objection. Further information shall be required in respect of refuse storage and collections.

**Environmental Health (Waste)** – No objection following the considerations of layout drawings.

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

**Archaeology** – No objection. A planning condition was required to secure the submission of a scheme of archaeology. However, as part of application reference 140435, a scheme of archaeology was conditioned subsequently submitted, and thereafter purified in this regard for the entire Phase 1A.

**Scottish Environment Protection Agency** – No objection. Following the receipt of additional information, issues in respect of flood risk, ground water dependant terrestrial ecosystems, and private water supplies have been resolved. Conditions are required in respect of:

- A detailed scheme for waste water drainage;
- A detailed scheme for surface water drainage (SUDS) on site; and,
- A detailed Construction Environment Management Plan, including waste management proposals, to address all potential pollution prevention and environmental management issues related to construction works.

**Scottish Water** – No comments received.

**Aberdeen International Airport** – No objection. The proposal has been assessed from an aerodrome safeguarding perspective and does not conflict with safeguarding

## APPLICATION REF: 140730

criteria. Require that conditions are attached in respect of: overall height of built form; a bird hazard management; and landscaping.

**Police Scotland** – No objections. Provide comments upon the principles of the layout, design and security.

**Cults Bieldside and Milltimber Community Council** – Raised the following concerns:

- The quality and design of affordable housing should be of a high standard;
- No mention has been made of making opportunities for natural energy in housing design;
- No reference is made in the submitted documents to mitigate disruption on the existing roads network. A suggestion of ensuring the delivery of the link road is made at the earliest opportunity;
- Recommends imaginative travel solutions towards sustainability;
- Nearby committed developments do not appear to have been taken account of;
- The methodology within the traffic modelling appears optimistic; and,
- Queried levels of Ratio of Flow to Capacity for proposed junctions.

## REPRESENTATIONS

7 number of letters of representation/objection have been received, with 5 from members of the public (predominantly local residents), and two from the adjacent Community Council's representing Kingswells, and Craigiebuckler and Seafield. One letter of general support was also received, provided there are no changes to the proposed layout or associated infrastructure shown on the submitted plans.

The objections raised relate to the following matters –

- 1) Loss of open space;
- 2) Impacts upon accessibility and linkages through the wider area;
- 3) Additional traffic and cumulative impacts along with Friarsfield development;
- 4) Roads and infrastructure in the area require significant upgrading;
- 5) Potential impacts upon planned gas pipeline;
- 6) The AWPR should be in place before any housing;
- 7) The full site requires to be considered first in its entirety;
- 8) The site is environmentally sensitive;
- 9) Loss of trees;
- 10) Impacts upon education delivery and schooling;
- 11) Phasing needs to be made clear;
- 12) Construction shall impact on existing residential amenity;
- 13) Consideration of the application before the Development Framework is unacceptable.

**Kingswells Community Council** – KCC indicated that it agrees in principle with the development. However, concerns are raised over the following aspects:

- 14) The proposal in this instance is just for homes, with no facilities for residents;
- 15) Impacts upon existing green space;
- 16) linkages of paths and roads to the wider area; and,
- 17) The design and materials are not of the required standard.

**Craigiebuckler and Seafield Community Council** – The comments of CSCC were almost identical to those of KCC above.

The following matters raised in the representations/consultations received are not material planning considerations:

- Has the Treasury Bond been approved? Will it be in place before commencement? Would it be lost following a Yes vote in the independence referendum?;
- What process was adopted to select the Countesswells development for UK Government funding ahead of others?;
- Is there sufficient funding in place to build out the development? If the oil price drops, is there sufficient economic backing?;
- The Jessiefield link road runs close to the garden of remembrance at the Crematorium and should be realigned; and
- Consideration should be given to moving the routing of traffic through the middle of the overall site, and around the perimeter instead.

## **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.

Creating Places (Architecture and Place Policy Statement) – Scotland's new policy statement on architecture and place sets out the comprehensive value good design can deliver. Successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy. The document contains an action plan that sets out the work that will be taken forward to achieve positive change. The statement is in four parts:

1. The value of architecture and place;
2. Consolidation and ambition;
3. A strategy for architecture and place; and
4. Resources, communications and monitoring.

Designing Places (Design Policy) – This planning policy statement was launched in 2001 and sets out government aspirations for design and the role of the planning system in delivering these.

### **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; Population growth; Quality of the environment; Sustainable Mixed Communities; and, Accessibility .

## **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.

### Policy I1 - Infrastructure Delivery and Developer Contributions

### Policy T2 – Managing the Transport Impact of Development

### Policy D1 - Architecture and Placemaking

### Policy D3 - Sustainable and Active Travel

### Policy D6 - Landscape

### Policy H3 – Density

### Policy H4 – Housing Mix

### Policy H5 – Affordable Housing

### Policy NE1 - Green Space Network

### Policy NE4 – Open Space Provision in New Development

### Policy NE5 - Trees and Woodlands

### Policy NE6 - Flooding and Drainage

### Policy NE8 - Natural Heritage

### Policy NE9 - Access and Informal Recreation

### Policy R6 – Waste Management Requirements for New Development

### Policy R7 – Low and Zero Carbon Buildings

## **Supplementary Guidance**

The Countesswells Development Framework and Phase 1 Masterplan (CDF) was considered at the meeting of the Enterprise, Strategic Planning and Infrastructure Committee on 3 June 2014. The Scottish Ministers subsequently confirmed 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

### Landscape Strategy Part 2 – Landscape Guidelines

### Transport and Accessibility

### Trees and Woodlands

## **Proposed Aberdeen Local Development Plan**

### Policy LR1 Land Release Policy

Opportunity Site OP38 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

## **APPLICATION REF: 140730**

periods. The site is identified as opportunity site OP38 and is described as being a large new community covering 165.1 hectares.

Policy D1 – Quality Placemaking by Design

Policy D2 – Landscape

Policy I1 – Infrastructure Delivery and Planning Obligations

Policy T2 – Managing the Transport Impact of Development

Policy T3 – Sustainable and Active Travel

Policy H3 – Density

Policy H4 – Housing Mix

Policy H5 – Affordable Housing

Policy H7 – Gypsy and Traveller Requirements for New Residential Developments

Policy NE1 – Green Space Network

Policy NE4 – Open Space Provision in New Development

Policy NE5 – Trees and Woodlands

Policy NE6 – Flooding, Drainage and Water Quality

Policy NE8 – Natural Heritage

Policy NE9 – Access and Informal Recreation

Policy R6 – Waste Management Requirements for New Development

Policy R7 – Low and Zero Carbon Buildings, and Water Efficiency

Policy CI1 – Digital Infrastructure

## **EVALUATION**

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

The proposed development is classed a 'major development' in terms of The Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009.

### **Principle of Development**

The site is identified in the Local Development Plan (LDP) as OP58 and under Policy LR1 as land released for housing and employment uses. The parallel application for planning permission in principle was considered by the Full Council and subsequently approved on 1 April 2016 following the completion of a s75 legal agreement, and a number of planning conditions. As such, the principle of development has already been established on site. The Strategic Development Plan illustrates that in light of the location within the City, the site forms part of the Strategic Growth Area., and would therefore meet with the spatial strategy of the SDP. The proposal is considered to comply with the aims and objectives of strategic development plan in this regard, and accords with the general principles contained within the Land Release Policy.

### **Development Framework and Phase 1 Masterplan**

The Countesswells Development Framework and Phase 1 Masterplan (CDF) sets out the principles of the development. This application relates to the second planned

## APPLICATION REF: 140730

block of the wider development. The following design principles are set out as follows:

Predominantly detached properties should address Kirk Brae, with plot boundaries formed by walls reusing stones from field boundaries wherever possible

This is achieved in line with the principles. Insufficient stone was available from existing field boundaries, therefore new stone walling and hedging shall be utilised.

A residential street must connect C1/C2

A residential street does connect the respective blocks in the position indicated within the Development Framework

Streets are to be designed following principles set out in 'Designing Streets' with shared surfaces. Permeable well connected layout, avoiding cul-de-sacs

The layout of the roads shown is considered to align with the layout shown with the Development Framework and Masterplan. Surfaces are largely shown as shared, apart from the linkages with the primary street to the east and north of the site, where segregated footways are shown.

A variety of house types and sizes must be used

The development proposals include 91 dwellings (ranging from 2 to 5 bedrooled properties) and 33 apartments (ranging from 1 to 2 bedrooled properties). As such, the proposals not only meet the requirements of the CDF, but also the requirements of LDP Policy H4 relating to Housing Mix.

Most resident car parking must be provided through integrated parking within property, or to the side or behind buildings

The parking for the dwellinghouses is almost exclusively provided within the curtilage of the properties. The only exceptions are for the A and B3 mews type properties where the parking is adjacent to the building. For the apartments, the parking is provided within courtyards to the rear of the blocks, which generally front onto the Cults Burn Park.

Streets must be overlooked to provide natural surveillance

The layout of the development ensures that frontages are provided towards the street, and thereby provide surveillance of public areas. This was also acknowledged in the response from Police Scotland

A Core Path Link (formed by open space) should connect Blocks C1 and C2 through to the Cults Burn Corridor (with terraced properties)

A generous area of open space is provided between C1 and C2, and provides a distinct connection between Countesswells Wood and the Cults Burn corridor being

formed to the east of the application site. The properties within C2 fronting this area are terraced.

### **Environmental Impacts**

As part of the assessment of the parallel application for planning permission in principle (Ref: 140438), an Environmental Impact Assessment (EIA) was deemed necessary. The submitted Environmental Statement, the chapters of which have been copied over to this current application for the initial infrastructure, is considered to be sufficient in setting out the likely environmental effects of the development, and demonstrating that the severity of such impacts is not likely to be so significantly adverse as to warrant the refusal of this application, and that appropriate mitigation where effects are likely, can be provided. As no impact on protected species was identified for this specific development block, there was no requirement to consult Scottish Natural Heritage for this application.

Other impacts on the environment through the construction of the development, can be adequately controlled by planning conditions, such as the provision of a site specific Construction Environmental Management Plan (CEMP).

### **Design and Placemaking**

As outlined above, the proposals are already considered to meet with the broad core design principles identified within the CDF. In respect of the actual specifics in relation to the design elements of the dwellings and apartments, it is considered that the developer has taken cognisance of the Council's aims and objectives to improve the quality of design and placemaking. Specifically, the external treatments of the proposed dwellings would step away from the monotony of repeated house types nationally, and would create a unique sense of place. There is a variety of finishes proposed which demonstrate greater imagination than from the use of plain render and tiles. As such, the palette of materials introduces some autumnal shades of stone and brick, which could complement the changing semi-rural character of the locale.

In respect of scale, the proposals range from two, up to three storey (plus attic accommodation), with the latter being the flatted blocks located to the east of the application site overlooking the Cults Burn Park. The provision of two storeys adjacent to the edge of the site is an appropriate edge to this new settlement, with larger scale capable of accommodation towards the more densely populated/used areas.

The CDF indicated that the density would be around 30-40 units per hectare for C1, and 20-30 units per hectare for C2. Over this site of 4.94 hectares, a total of 124 units are proposed resulting in a density of around 25 units per hectare. While slightly below that indicated within the CDF, parts of the site are utilised for the provision of green/landscaped linkages between Countesswells Woods and the Cults Burn Park. As such, proposals of greater density could impinge upon the quality of these areas. As such, the level of development sought for this application is acceptable, and in alignment with the principles of Policy H3 Density of the Adopted LDP.

### **Green Space Network/Landscape**

There are parts of the site adjacent to Countesswells Wood, and the site of the former Loanhead Equestrian Centre, which are zoned as Green Space Network (Policy NE1). Supporting information from the applicant contains site plans from the Development Framework. Development Block C1, (along with N10, C6 and N7) could have a direct impact upon the Green Space Network allocation. However, in light of the significant benefits in enhancing connectivity, and green space linkages throughout the current application site, particularly near the Cults Burn Corridor/Core Path, it is considered that the loss of parts of the aforementioned affected areas, including many of the trees contained therein, can be accommodated without significant detriment to the wider function of the adjacent Green Space Network. The detailed layout of green spaces and associated new and replacement landscaping (including that already approved through application 140435 for Phase 1 Infrastructure works) is considered to mitigate the loss of existing areas, and would result in significant betterment and improved linkages. The development proposals would also see the implementation of a significant scheme of new landscaping. As such the proposal would not be contrary to Policy NE1 of the Adopted Local Development Plan, and would also align with the requirements of Policies NE5 and NE9 relating to trees and woodlands, and access and informal recreation, respectively.

In respect of the landscape impacts on site, and the provision of new landscaping, the detail contained within this detailed application submission illustrates the content of the CDF. It must be acknowledged that the site is allocated for a residential led, mixed use development within the Local Development Plan, and therefore significant change in the landscape shall take place. However, as noted within the parallel ES, the physical characteristics of the site and landscape shall restrict the wider impacts to predominantly the local level (i.e. within 1 km of the site). Accordingly, the development is considered to accord with the principles of Policy D6 relating to Landscape.

### **Vehicular Access / Traffic Impact**

New primary, secondary and tertiary streets have already been approved in parallel applications in alignment with the concept layout within the CDF. The Design and Access Statement also outlines the broad connections that would be created through the site, which would also be in accordance with the CDF.

The general principle of development has already been established through the allocation of the entire site within the Local Development Plan, and through the approval of the parallel application for planning permission in principle (Ref: 140438). As such, detailed analysis of the Transportation Assessment has concluded that the impacts upon the existing road network are acceptable.

With regard to this current application, Roads Officers are satisfied with the level of detail and layout provided. Ultimate compliance shall be required through the parallel application for Roads Construction Consent.

## **APPLICATION REF: 140730**

A condition can be attached which requires the preparation and agreement of a Residential Travel Pack, which would be provided to all new residents to inform them of the opportunities for utilising sustainable transportation methods, including walking, cycling, and ultimately public transportation connectivity.

As such, the proposal is considered to accord with the principles of Local Development Plan policies T1, and D3, in that the proposals provide infrastructure to facilitate new development, and help to maintain and enhance permeability through the site.

### **Flooding, Drainage and Water Quality**

As part of the assessment of this application, supporting information in the form of the Drainage Impact Assessment has been received. Lengthy dialogue has taken place with both SEPA, and officers within the Council's own Flooding Team. As such, the outcome has been an acceptance of the details submitted, subject to the use of conditions relating to the implementation of the plans submitted, together with the provision of final details relating to SuDS, waste water drainage, and the aforementioned CEMP.

### **Other Issues not already addressed above**

In respect of sustainability and the performance of new built form, while no details are provided at this stage, a restrictive planning condition can prevent the occupation of any of the residential properties, until such time as the actual details relating to low and zero carbon generating technologies, has been submitted to and approved in writing by the Planning Authority, thus complying with Policy R7 of the Adopted LDP.

The developer has also given a commitment to the provision of access to enhanced digital connectivity across the wider development site. As such, there is no specific requirement for further detail, in alignment with Policy C11 of the proposed LDP.

### **Matters raised by the Community Council**

In respect of matters raised by the Cults, Bieldside and Milltimber Community Council which have not already been addressed above:

- There is no affordable housing proposed within this initial block. Instead, provision shall be made throughout the remainder of the development site in line with the requirements of the over-arching s75 legal agreement. Provision has already been included within the parallel application site N10 for the inclusion of affordable housing, and the design and quality meets the expectations of the Council in that regard.
- The application, while submitted at the same time as the consideration of the Development Framework, is not premature, as the determination of this application is after the Adoption of the CDF, and the proposals as set out, accord with the principles of the CDF;
- In respect of roads matters, no objection has been made by Roads Officers. Work is already underway to ensure that the necessary infrastructure is provided to the Council's satisfaction. As such, the developer is striving to ensure that disruption on the roads network, while inevitable, is kept to a

minimum. Furthermore, it is understood that applications shall be submitted in the very near future for the provision of the respective connections to the Kingswells and Jessiefield roundabouts/junctions; and,

- The routing through the middle of the site is considered to accord with that illustrated within the adopted CDF.

### **Matters raised through Representations**

In respect of matters raised through representations which have not already been addressed above, are as follows:

- 1) The fields to which this application relates were not public open space per se, and form part of the planned expansion of Aberdeen identified through the Local Development Plan. While fundamental change shall occur in the development area, significant improvements shall be made to the quality of access through the area, and how it can be enjoyed;
- 3) Consideration has been given to the cumulative effect of other developments upon the existing road network, and appropriate mitigation identified to the satisfaction of Roads Officers;
- 5) Potential impacts upon gas pipelines are a private consideration for the operator and the developer and therefore do not need to be taken into account as part of this application;
- 6) The over-arching planning permission established the parameters of the level of development permissible (1000 units) prior to the opening of the AWPR. With an anticipated completion of October 2017 for the AWPR, and a potential build out rate of 250 dwellings per annum, the development would be very unlikely to breach that threshold;
- 10) With regard to potential impacts upon education delivery and schooling, the over-arching application for planning permission in principle establishes the points at which key infrastructure, including the provision of adequate schools is necessary. This shall ultimately be delivered via the terms of the s75 legal agreement. As such, appropriate provision shall be made for the residents of this application site in the interim to the satisfaction of colleagues in Education.
- 14) While this application for blocks C1 and part of C2 is purely for residential use, the mixed use centres are indicated as being located within development blocks in close proximity to this application site. As such, residents shall have access to a range of facilities in due course. Unfortunately, a critical mass must be established before such facilities can be sustained and retained.

### **Conclusion**

In conclusion, the proposal complies with the Land Release Policy as the general principle of development on site has already been established through the allocation of the wider site (OP58) within the Adopted Aberdeen Local Development Plan, and the approval of the parallel application for planning permission in principle. The proposal in this instance to built out an initial 124 residential properties with part of the first phase, is considered to accord with the relevant policies of the development plan. The proposal complies with Scottish Planning Policy and the relevant policies within the Aberdeen Local Development Plan relating to Delivering Infrastructure,

## **APPLICATION REF: 140730**

Transport and Accessibility, Promoting High Quality Design, Protecting and Enhancing the Natural Environment, together with supporting the aims and objectives of the Strategic Development Plan.

### Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved for submission for Examination by Scottish Ministers at the meeting of the Communities, Housing and Infrastructure Committee of 27 October 2015. 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 representation and are regarded as unresolved issues to be determined at the Examination; and
- the relevance of these matters to the application under consideration.

Policies and proposals which have not been subject to objection will not be considered at Examination. In such instances, they are likely to be carried forward for adoption. Such cases can be regarded as having greater material weight than those issues subject to Examination. The foregoing can only be assessed on a case by case basis. In this instance, the policies of the Proposed Plan largely reiterate those of the extant LDP, and therefore no new material planning considerations arise which would affect the determination of these proposals.

**RECOMMENDATION: Willingness to Approve, subject to a s75 legal agreement linking this application for detailed planning permission, to the over-arching existing legal agreement for the wider development, and the developer obligations identified therein.**

### **REASONS FOR RECOMMENDATION**

The proposal complies with Policy LR1 Land Release Policy, in that the development proposed forms part of the wider allocation of 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, would satisfactorily mitigate the impact of the development. The proposal also complies with policies: D1 Architecture and Placemaking; T2 Managing the Transport Impact of Development; D3 Sustainable and Active Travel, D6 Landscape, H3 Density, H4 Housing Mix, NE1 Green Space Network, NE5 Trees and Woodlands, NE6 Flooding and Drainage, NE9 Access and Informal Recreation, and R7 Low and Zero Carbon Buildings; within of the Aberdeen Local Development Plan.

**CONDITIONS**

- 1) that no development shall take place unless a scheme detailing all external finishing materials to the windows and doors of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity.
- 2) That none of the units hereby granted planning permission shall be occupied unless a scheme detailing cycle storage and motor cycle parking provision has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme - in the interests of encouraging more sustainable modes of travel.
- 3) that the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission for that specific dwelling or apartment block have been constructed, drained, laid-out and demarcated in accordance with drawing No. 342\_Ph1a\_C1C2\_005 Rev D of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval - in the interests of public safety and the free flow of traffic.
- 4) that no individual development plot shall be occupied unless there has been submitted to, and approved in writing by, the planning authority, a comprehensive Residential Travel Pack for that development plot, setting out proposals for reducing dependency on the private car. This should also include information on external connectivity to key facilities, and, in consultation with local schools and the planning authority, information on safer routes to schools - in order to encourage more sustainable forms of travel to and from the development, to ensure that the amount of private car trips generated by the development does not exceed that identified in the supporting Transport Assessment, and in the interests of the safety of pupils travelling to and from local schools.
- 5) Prior to the commencement of any works on site a detailed scheme for surface water drainage shall be submitted to and agreed in writing by the Planning Authority, in consultation with SEPA. All work shall be carried out in accordance with the approved scheme - To ensure adequate protection of the water environment from surface water run-off.
- 6) Prior to the commencement of any works on site, a site specific Construction Environmental Management Plan (CEMP) shall be 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 full accordance with the approved CEMP unless otherwise agreed in writing with the Planning Authority – In order to minimise the impacts of necessary demolition/construction works on the environment.

- 7) 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.
  
- 8) that the dwellings/apartments hereby approved shall not 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'.
  
- 9) Development 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.
  
- 10) that no part of any dwelling house or flat shall be built above a height of 30 metres Above Ground Level (AGL) - to minimise risk associated with the safe movement of aircraft in the vicinity, and the safe operation of existing radar.