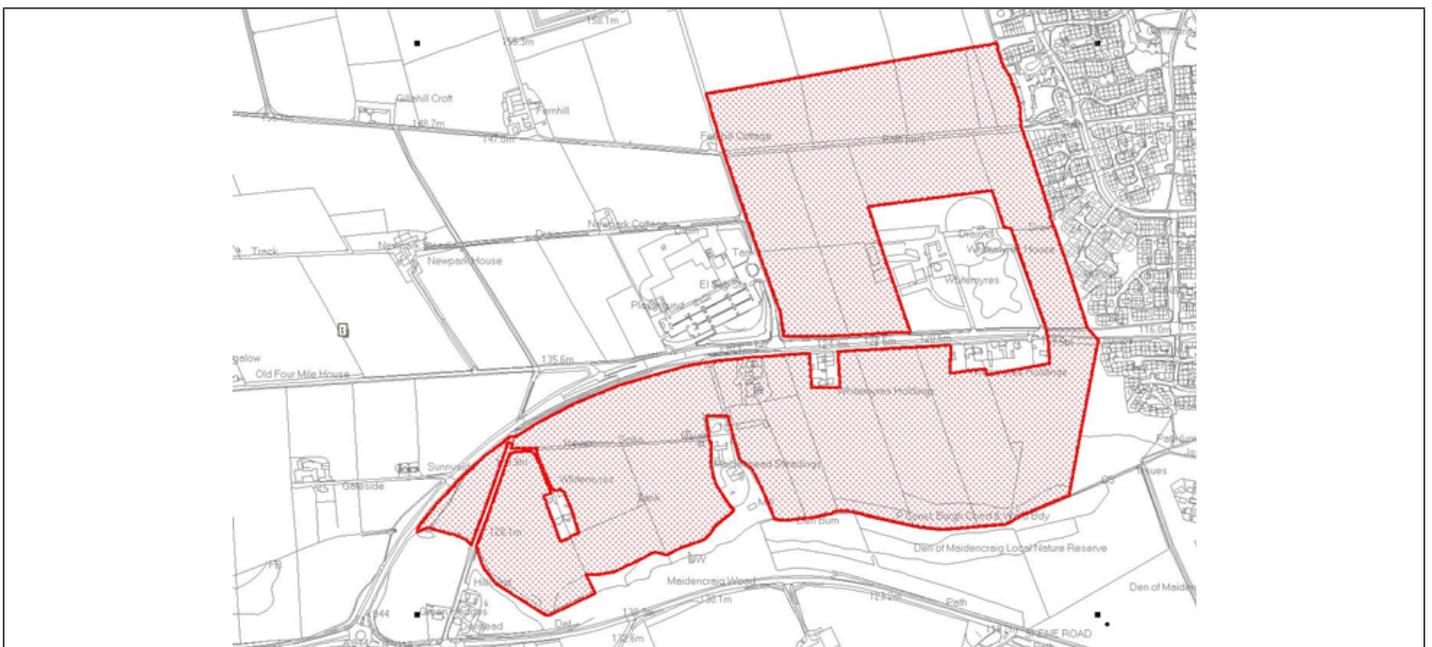


Site Address:	Site at Maiden Craig, North and South of the A944, LDP Sites OP43 & 44, Aberdeen, AB15 6AX
Application Description:	Mixed use development incorporating residential, commercial uses, community facilities, open space, landscaping and associated infrastructure
Application Reference:	130265
Application Type	Planning Permission in Principle
Application Date:	28 February 2013
Applicant:	Bancon Developments Ltd
Ward:	Kingswells/Sheddocksley/Summerhill
Community Council	Kingswells
Case Officer:	Gavin Clark



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RECOMMENDATION

Willingness to approve conditionally, but to withhold the issue of the consent document until the applicant has entered into a Legal Agreement to deliver:

1. Affordable Housing;
2. Developer contributions towards:
 - Primary Education;
 - Community Facilities;
 - Recreation Facilities;

- Library Facilities;
- Core Path Networks;
- Healthcare Facilities;
- Flood Prevention Scheme; and
- Road improvements to mitigate the impact of development;

3. And entitling the Council to acquire land as reasonably required for upgrading/dualling works to the A944.

REASON FOR REPORT

At its meeting on the 29th October 2013 the Committee agreed a willingness to approve this application but to withhold the consent document until the applicant had entered into a legal agreement to secure developer contributions, the transfer of ownership to allow improvements to the A944 and affordable housing. This included financial contributions towards the Strategic Transport Fund (STF).

Subsequently a legal challenge was lodged at the Court of Session (Inner House) by the Elswick Development Company Ltd and Goodgrun Ltd, against the adoption by the Aberdeen City and Shire Strategic Development Planning Authority (SDPA) of STF Supplementary Guidance. The Inner House issued its decision on 29 April 2016 which allowed the appeal and quashed the STF supplementary guidance. The SDPA has sought leave to appeal and awaits the outcome of this process.

In light of this new material consideration since the committee considered the application, there is now a requirement to refer the application back to committee in order that the matter of the development's impact upon the strategic transport network can be considered in the absence of the STF Supplementary Guidance.

Although the committee is required to re-consider the application in its entirety, the only material considerations to have changed are those in relation to the STF, and the recently adopted Aberdeen Local Development Plan 2017. Therefore this report looks at both of these matters. However a copy of the original report is attached at Appendix 1.

Since the original planning application was considered the Aberdeen Local Development Plan 2017 has been adopted. The policies of this document remain largely unchanged from the 2012 Plan, and the site remains allocated for residential development through OP31 (Maidencraig South-East) and OP32 Maidencraig North-West). Subsequently, the continued recommendation of approval remains appropriate.

A Transport Assessment was submitted and assessed at the time of the original planning application which identified a package of measures in order to mitigate the local impact of the development related to trips on the A944 Lang Stracht corridor. As part of this document the STF contribution was agreed.

Subsequently, the use of the existing STF methodology was quashed. As such, a new mechanism was introduced in order to calculate payments due in lieu of STF. The applicants and the Council have now agreed appropriate mitigation measures and contributions to cover:

- A944 Skye Road / Lang Stracht signalised junction refurbishment;
- B9119 Skene Road – Springfield Road bus priority measures and pedestrian linkages to south end of development;
- Aberdeen City Car Club contribution for 2 vehicles located within the development;

- Cycle share scheme located within the development.

It has been agreed that the total sum of £230,000 is to be allocated between these measures in addition to the provision of 6 Car Club parking spaces (for future expansion) and a Cycle Share area. In addition it has been agreed that the split between each of the above interventions need not be specified at this stage.

Subsequently, Roads Development Management does not object to the application.

A draft legal agreement has been prepared with the only outstanding matter being that of strategic transport contributions. Should the recommendation be agreed the draft legal agreement will be updated to secure the financial contribution before being signed, allowing the planning permission to be released.

CONSULTATIONS

Roads Development Management Team: are satisfied with the content of the traffic analysis. The contributions identified should be for improvements to the surrounding road network; and has been discussed above.

All other consultees are listed in the previous report (see Appendix 1).

RECOMMENDATION

Willingness to approve conditionally, but to withhold the issue of the consent document until the applicant has entered into a Legal Agreement to deliver:

- 1) **Affordable Housing;**
- 2) **Developer contributions towards:**
 - **Primary Education;**
 - **Community Facilities;**
 - **Recreation Facilities;**
 - **Library Facilities;**
 - **Core Path Networks;**
 - **Healthcare Facilities;**
 - **Flood Prevention Scheme; and**
 - **Road improvements to mitigate the impact of development;**
- 3) **And entitling the Council to acquire land as reasonably required for upgrading/dualling works to the A944.**

REASON FOR RECOMMENDATION

Appropriate financial contributions would be secured by legal agreement to mitigate against the impact of the development on the strategic transport network.

CONDITIONS

All conditions proposed are the same as those listed in the previous report, as can be found at Appendix 1.