

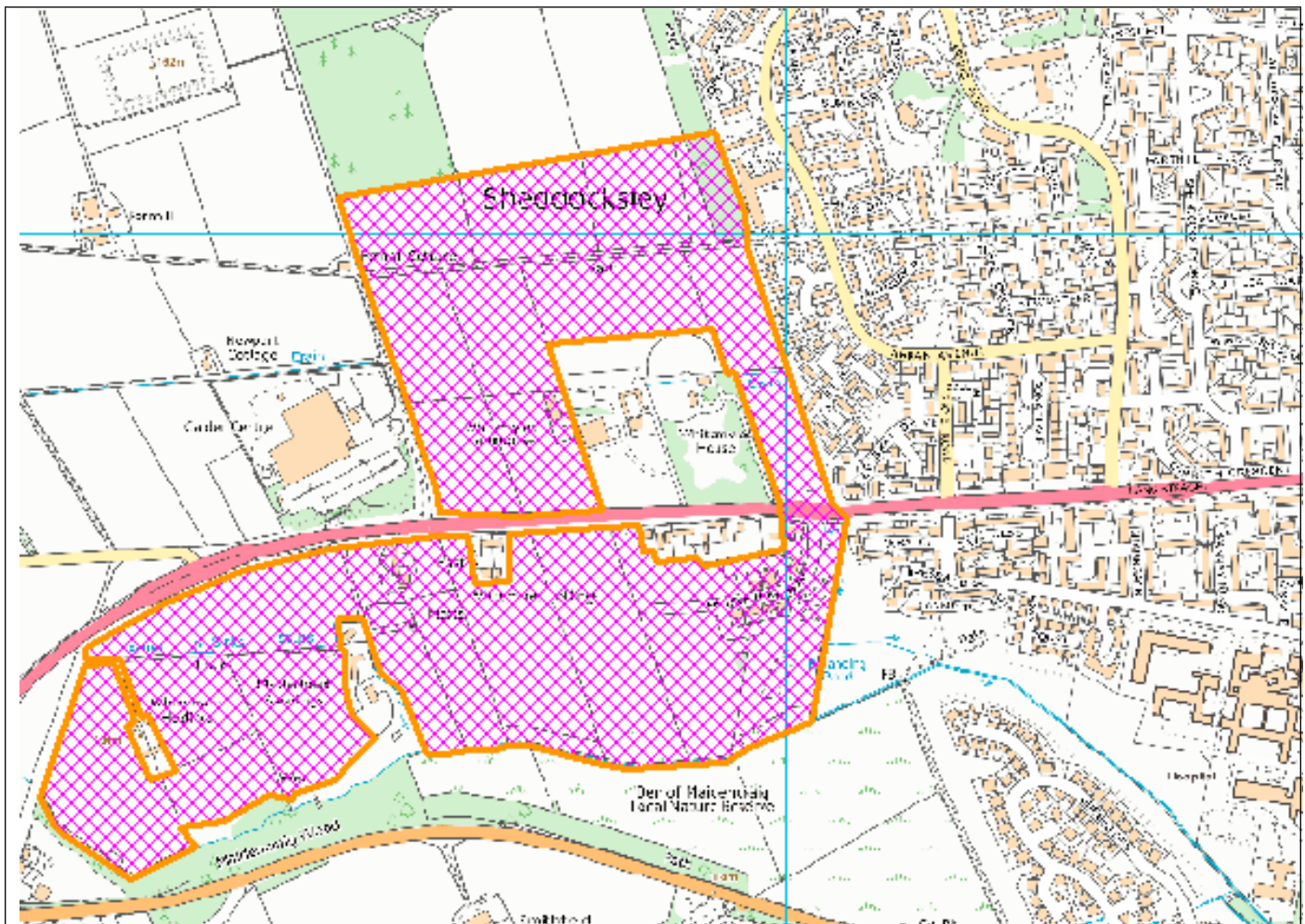


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 20<sup>th</sup> September 2018**

<b>Site Address:</b>	Land at Maidenraig, North & South Of A944, Aberdeen, AB15 6AX.
<b>Application Description:</b>	Variation of Conditions 6 (Eastern Access Details) and 7 (Central and Western Access Details) and 8 (A944 junction improvements, including the A944 / Stronsay Drive junction) of Planning Permission in Principle (Ref: P130265) for a mixed use development incorporating residential, commercial uses, community facilities, open space, landscaping and associated infrastructure to allow for an altered junction layout for the development
<b>Application Reference:</b>	180383/S42
<b>Application Type</b>	Section 42 (Variation to Conditions)
<b>Application Date:</b>	16 March 2018
<b>Applicant:</b>	Bancon Homes
<b>Ward:</b>	Kingswells/Sheddocksley/Summerhill
<b>Community Council</b>	Mastrick, Sheddocksley and Summerhill & Kingswells
<b>Case Officer:</b>	Gavin Clark



## RECOMMENDATION

---

Approve Conditionally & Legal Agreement

## APPLICATION BACKGROUND

---

### Site Description

The application site refers to two specific areas of land located to the west of the city centre. Identified as Maidencraig North East (OP32) and Maidencraig South East (OP31) under the Aberdeen Local Development Plan, which lie to the north and south of the Lang Stracht (A944). The sites provide a combined opportunity for 750 homes. The whole of the site has a southern aspect, sloping from north to south, and in terms of landscaping is generally undefined, with a typically rural identity running through both areas.

Situated adjacent to Sheddocksley on the western edge of the City, OP32 has a gradual slope from the north of the site down to the A944. The area extends to approximately 22.8 hectares and comprises the fields which surround Whitemyres House (Grade B listed) and Old Whitemyres Farmhouse (Grade Cs listed), and Fernhill Farm. The northern section of the boundary with Sheddocksley is defined by a thick tree belt, and the southern section by areas of hedgerow and sporadic tree planting. Further planting forms the northern boundary of the site, which in combination with general topography, screens the site from the north. It should be noted that development has commenced on 36 houses on the eastern-most side of this development site.

OP31, located west of the Summerhill residential area, is much more undulating in nature, extending to 29.8 hectares and encompassing the land from the A944 in the north, dropping steeply to the southern boundary with Den of Maidencraig. Beyond the Den Burn Valley to the south of the site is the Den of Maidencraig Local Nature Reserve, with Queens Road beyond. There is a Tree Preservation Order to the south of the Maidencraig Steadings, which contains 1 Grade Cs listed building, with a further Order covering part of Maidencraig Wood. It should be noted that development is close to completion (with houses now occupied) on 92 houses on Phase 1A on the eastern-most side of the development site.

### Relevant Planning History

*Maidencraig North-East and South-East:* The Maidencraig Masterplan fed into the formulation and submission of P130265, which encompasses the whole of Maidencraig North-East (OP 32) and South-East (OP31) sites. This document was approved as Supplementary Guidance in March 2013.

Planning permission in principle (Ref: 130265) was approved following the conclusion of a legal agreement in October 2017 for a mixed-use development incorporating residential, commercial uses, community facilities, open space, landscaping and associated infrastructure. The proposal seeks to amend conditions associated with this planning permission in principle application.

An associated application for the Modification of Planning Obligation (to allow additional applications/ variations) of Planning Permission in Principle Ref: 130265 is currently pending consideration.

An application (Ref: 181380/MS) is currently pending consideration for the Approval of Matter Specified in Conditions 1a (access), 1b (design), 1c (landscaping), 1d (tree survey), 1e (boundaries), 1f (waste collection), 1g (carbon reduction), Condition 12a (culvert), Condition 13a&b (badger exclusion zone), Condition 14 (pre-construction badger survey), Condition 15 (nature conservation

management plan), Condition 16a&b (waste management), Condition 17 (connectivity), Condition (20a&b bus stops), Condition 21 (SUDs), Condition 23a&b (dust suppression) of Planning Permission in Principle 130265/PPP for the erection of 40 dwellinghouses (part of Phases 1B/2B).

Planning permission (Ref: 131827) was approved following the conclusion of a legal agreement in October 2017 for the erection of 36 affordable houses, formation of access road and associated infrastructure (within Phase 1b), along with landscaping of adjacent site. This consent is in the process of being implemented.

Detailed planning permission (Ref: 130491) was approved under delegated powers in June 2014 (Phase 1a) for the erection of 92 dwellings, formation of access and associated infrastructure. This consent has been implemented, with many dwellings now occupied. Several additional applications associated with this consent have been submitted (such as changes of house type, or advertisement consents).

## **APPLICATION DESCRIPTION**

---

### **Description of Proposal**

The application is submitted under the provisions of Section 42 of the Town and Country Planning (Scotland) Act 1997 and seeks modification to conditions 6, 7 and 8 of planning permission in principle P130265, which was approved in October 2017.

Conditions 6, 7 and 8, as approved, state that:

Condition 6: that, (a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme showing the precise location, layout, design and construction method of the most eastern primary access junction with the A944, including capacity, distribution, signalling, operational flow, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority; (b) no individual residential property hereby approved shall be occupied unless the relevant scheme is fully implemented in accordance with the approved plans, unless the planning authority has given written approval for a variation – in the interests of road safety.

Condition 7: that, (a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme, showing the precise location, layout, design and construction method of both the central and most western primary access junctions with the A944, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. Such details shall include capacity; distribution; signalling; operational flow, and a phasing plan which clearly identifies triggers and timescales for implementation in relation to the overall phasing of the site; (b) no building shall be occupied within any individual phase identified through the phasing plan under part (a) of this condition, unless the necessary roads infrastructure improvements required for that phase have been fully implemented in accordance with the approved plans, unless the planning authority has given written approval for a variation – in the interests of road safety; and

Condition 8: that, (a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme, showing the precise location, layout, design and construction method of A944 junction improvements, including the A944 / Stronsay Drive junction, together with provision of segregated cycle facilities at each, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. Such details shall include a phasing plan which clearly identifies triggers and timescales for implementation in relation to the overall phasing of the site; (b) no building shall be occupied within any individual phase identified through the phasing plan under part (a) of this

condition, unless the necessary roads infrastructure improvements required for that phase have been fully implemented in accordance with the approved plans, unless the planning authority has given written approval for a variation. Reason – in the interests of road safety.

The amendments proposed to each of these conditions will be discussed in the evaluation section of this report – as well as whether any additional conditions need to be amended/ added.

### **Supporting Documents**

All drawings and supporting documents listed below can be viewed on the Council's website at: <https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P5MP9ZBZJUP00>.

The following documents have been submitted in support of the application –

*Planning Statement: Bancon Homes: March 2015*: provides a background to the requirement for the current application, the issues associated with the current conditions and an overall conclusion.

*Planning Conditions Transportation Report: Arcadis: February 2018 (updating Technical Addendum submitted August 2018)*: provides an introduction to the proposal, details of the access strategy, an eastern development junction sensitivity test, details of the Lang Stracht junctions and an overall summary/ conclusion. Further information submitted also included an analysis of the results summary, pedestrian connectivity details and details of the modelling undertaken

### **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because the proposal has been subject five or more timeous letters of objection. The proposal therefore falls outwith the Scheme of Delegation.

## **CONSULTATIONS**

---

**ACC – Roads Development Management Team** – following detailed negotiations they have no objection to the proposed development. The response will be discussed in greater detail in the evaluation section of this report.

**Transport Scotland** – does not proposed to advise against the granting of planning permission.

## **REPRESENTATIONS**

---

27 letters of representation have been received (26 letters of objection and 1 neutral letter). The matters raised can be summarised as follows: -

### Neutral Comment

1. The western intersection needs to be signal controlled due to the lack of visibility on either side of the Lang Stracht; consideration should also be given to reduce the speed limit from 40mph to 30mph – it should be reduced further to 20mph if the road becomes a safe route to school.

### Objecting Comments

1. The infrastructure on the southern side of the Maidencraig development is not designed to cope with the traffic from the entire estate;

2. Queries whether an environmental study has been undertaken into the increased volumes of emissions on the nature reserve;
3. Road safety concerns with the proposed access, including impact on the safety of children;
4. Removing the ability to turn right, towards the Lang Stracht is considered unnecessary and will add time onto journeys. The current arrangement reduces the number of cars having to drive through the residential area;
5. Increase in traffic volumes, flow and frequency through the residential area;
6. Increased demand and heavy traffic flow around the two western access points from south and north Maidencraig – see no reason why the eastern access should be changed;
7. Access to convenience stores/ amenities/ hospitals will be impacted upon by increased travel times;
8. Increased impacts on air pollution and road surface wear;
9. The works proposed will be a hazard to road users and residents;
10. There has been a lack of transparency by the housebuilder in communicating the proposed junction change – this arrangement was not highlighted at the time of purchasing the property;
11. Do not understand why the change has been proposed – and have questioned why the Council have accepted this;
12. People will make dangerous manoeuvres (three-point turns etc) from the Lang Stracht onto the new access roads;
13. The wider communities should have been notified of the proposal, as the increased levels of traffic will have an adverse impact on the surrounding road network;
14. The alterations the road network will have an adverse impact on the AWPR;
15. The housing to the south has not been developed to allow alternative exists from the estates. This would need to be completed before any proposed change;
16. Concerns were raised with regards to the principle of residential development on the site, and the impact that this would have on the surrounding area;

## **MATERIAL CONSIDERATIONS**

---

### **Legislative Requirements**

Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) allows for applications for the development of land without complying with conditions attached to an earlier consent. Planning authorities are obliged to consider only the question of the conditions subject to which planning permission should be granted – i.e. the planning authority has no remit to reconsider the principle of the development.

With this type of application, there are two options available: (i) if the planning authority considers that the permission should be granted subject to different conditions from those originally applied, then it may grant planning permission accordingly; and (ii) if the planning authority considers that the planning permission should be granted subject to the same conditions as those originally applies, then it should refuse the application.

### **Aberdeen Local Development Plan (2017)**

- Policy T2: Managing the Transport Impact of Development

### **Supplementary Guidance**

- Transport and Accessibility
- Maidencraig Masterplan

## **EVALUATION**

---

### **Principle of Development**

The issues for consideration in the determination of this application are that of the conditions that were attached to the original permission (Ref: 130265), in particular conditions 6, 7 and 8 in relation to the accesses to the development; specifically, whether circumstances have changed such that the conditions can be amended or deleted. The Planning Authority can also consider whether any other conditions associated with the previous Planning Permission in Principle can be amended/ altered, whether the resultant alterations would impact on residential amenity to an unacceptable degree, and whether the proposal would significantly conflict with the general aims of the approved masterplan. These matters will be discussed in greater detail in the below evaluation.

### **Compliance with Maidencraig Masterplan**

The Maidencraig Masterplan was approved and adopted as Supplementary Guidance in March 2013. The Maidencraig Development Framework was produced prior to the adoption of the Aberdeen Local Development Plan 2017; and was re-adopted on the 4<sup>th</sup> May 2017 (after the adoption of the ALDP in January 2017).

The approved Access Strategy (within the Masterplan) states that:

The Strategy agreed that OP32 (Maidencraig North East) would be served with 2 points of vehicular access from Lang Stracht, while OP31 (Maidencraig South East) would have 3 connections to Lang Stracht. Of the 3 access points agreed, the central one (currently serving Dobbie's Garden Centre) would be formed as crossroads and controlled by traffic signals. *"The other two accesses would be left-in, left-out only junctions. However, whilst the eastern and western junctions were to be left-in/left-out arrangements, there was a necessity to design a temporary all-ways junction for the eastern access point, to be utilised until the central junction is completed, providing an alternative means of access for residents, at which point it would become a left in/left out only junction."* Based on the current phasing plan, the central junction was to be completed in advance of the western junction, which would therefore be constructed as a left-in/ left-out arrangement, with provision for buses.

The revised access strategy of providing only two vehicular accesses on the south side of Lang Stracht, achieved by not providing the originally proposed western junction and by moving the central junction further to the west, would not undermine the general principles of the masterplan in terms of phasing of the development and the development layout and would not result in any substantive change to the positions of buildings or layout of the internal streets, other than the position of the new access. The line of the previously approved central access into the site would become a landscaped pedestrian route. The eastern access would remain unaltered and would revert to a left-in, left-out arrangement following completion of the new joint central/ western junction – which would be located approximately equidistant (160m) between those approved as part of the masterplan. The below assessment, and submitted Transport Statements indicate that there would be no net detrimental impact as a result of the changes proposed, and the access would not greatly impact on the phases of development, or layout of the site, and it is therefore concluded that the proposed development would not detract from the general aims of the masterplan to such a degree that would warrant amendment of its approved details.

### **Condition 6: (Eastern Access Details)**

The applicant is seeking to change the above condition, proposing to:

1. Allow for 300 units to be completed before a second development junction is built (subject to both an additional emergency access being provided, and the consent of the fire service);
2. Allow for 400 units to be occupied before the eastern signalised junction reverts to a left-in / left-out.

In essence, the wording of this condition would not be amended to any great extent. The intention of the condition was always to revert to a left-in/left-out arrangement following the completion of a certain number of dwellinghouses. The matter that will be altered relates to the number of units that can be completed on either side of the Lang Stracht before the central junction (required by Condition 7 of P130265) has to be constructed and implemented.

In terms of the first point, it is normally the case that no more than 100 residential units can be constructed on a housing site unless there are two means of vehicular access. This limitation is in place primarily to ensure that there is appropriate access available for emergency vehicles, in particular fire appliances. Therefore, any change to that normal limitation must be considered in terms of safety for residents. It also requires to be considered in terms of road safety and residential amenity. In justification, the applicant has provided correspondence from the Scottish Fire and Rescue Service intimating that they have no issue with the proposals. However, Roads Development Management finds the correspondence to be ambiguous on whether all of the 300 houses could be constructed on either the south or north side of Lang Stracht. As a temporary secondary emergency service access is proposed for the south side of the road, but not on the north side, in the interests of safety, it is appropriate that the construction of these 300 houses is more heavily weighted to the South until such time as the new additional and permanent junctions for either Maidenraig South East or Maidenraig North East being completed. To this end, it is appropriate to limit, by condition, the number of units accessed solely off the eastern access to a maximum of 184 completed residential units on the south side of Lang Stracht and a maximum of 116 completed units on the north side unless the additional permanent junctions have been constructed; which would also allow for the phases of development to accord with the general aims of the approved masterplan.

In terms of other issues on road safety and amenity; it is acknowledged that there could be some additional impact on the amenity of residents, given that up to 300 units could be occupied before construction of the secondary access (184 on the south – 116 on the north) is commenced. The Transport Assessment with the previous application noted that *“this junction could feasibly accommodate up to 200 residential units until a secondary access point would be required”*. It is acknowledged that in the short-term there would be additional traffic utilising the eastern most junction until such a time as the centralised junctions are completed, which may have a limited additional impact on other road users (pedestrians/ cyclists) arising solely from the extra volume of traffic. No specific road safety concerns on this arrangement have been raised by the Roads Development Management Team and thus from a safety perspective is acceptable for these early phases of the development. Whilst additional traffic will be passing those residential properties near to the eastern access until such time as the centralised junctions are completed, the increased volume of vehicles would not significantly impact on residential amenity. Any impacts that might arise, such as increased noise from traffic, would not be significant and would not warrant refusal of planning consent in this instance.

Regarding the second point, the applicant has provided analysis showing that the Eastern signalised junction can accommodate the traffic associated with 435 units (a split of 219 South and 216 North, representing phases 1a, 1b, 2a, & 2b all utilising the Eastern junction only) with a remaining practical reserve capacity of the junction of 2.2%. As such, waiting until 400 units are occupied to complete the replacement of these traffic signals with left-in / left-out junctions is not concerning (as 400 is less than 435) from a capacity point of view. However, the main factor influencing the timing for the removal of the Eastern junction traffic signals is preventing delay to drivers on the Lang Stracht, as the overall proposal is now for 2 sets of traffic signals at the re-configured central junctions, as well as the Eastern traffic signals being removed. It is therefore necessary to ensure that no more than two sets of traffic signals run concurrently, and that the Eastern signalised junction does not persist past the limits that have been identified above.

Subsequently, officers in the Roads Development Management Team have raised no objection to the proposed works providing the following criteria are incorporated into amended conditions:

- Upon completion of 184 units to the South, the Western development junction (signalised T-junction for access to the South) should be completed.
- Upon completion of 116 units to the North, the Central development junction (signalised T-junction for access to the North) should be completed.
- Upon completion of both the Western and Central junctions the Eastern junction should revert to left-in / left-out;
- No more than 219 dwellings to the South and 216 dwellings to the North can be completed before the Eastern access reverts to left-in / left-out.

This is now condition 4, as detailed in the below “conditions” section; and the information within the bullet points above have been incorporated into conditions 6 and 7.

### **Condition 7: (Central and Western Access Details)**

It is acknowledged that the existing “*Dobbies*” priority T-junction was to be upgraded to a signalised four-arm junction to provide the main major access point to both the northern and southern development sites.

The applicant is instead proposing two three-arm junctions. The southern arm of the previous design has been moved west by approximately 160m to create an offset between the northern and southern development access arms. These two access points would form the new central and western development junctions (i.e. the previous left-in / left-out western junction would no longer be part of the application).

Officers in the Roads and Transportation teams have been involved in detailed discussions with the applicant’s transportation consultants with regards to the details of the proposed T junctions. The stance taken was that the Council would not accept an updated junction proposal unless it was a universal betterment when compared to the originally approved design. Through an iterative process, over the course of several months, the applicant has presented a solution that reduces the predicted total delay in both eastbound and westbound directions, during both AM and PM peak times. This was done predominantly through reducing the widths of pedestrian crossings, making junctions more compact (to allow for more efficient operation in terms of pedestrian clearance times and vehicular inter-green time), and also through increasing the right-turn lane storage capacity on the eastern arm of the central junction.

As such, the Roads Development Management Team are content with the proposal to change the central crossroads junctions into two separate T-junctions, approximately 160m apart, serving both the north and south of the development sites. The movement of the southern access from the previous crossroads into a traffic signal junction to the west is therefore acceptable in principle. However, the final details of both junctions (the geometry and the precise location) are to be agreed with the Planning Service, in consultation with officers in Roads Development Management will still be required under the terms of Conditions 5 of this planning permission in principle application.

### **Condition 8: (A944 junction improvements, including the A944 / Stronsay Drive junction)**

The applicants also proposed to change the wording/ requirements of condition 8 as it was argued that, back in 2013, an indicative solution for the junctions on the A944 junction were agreed in principle, and the condition was inserted to agree this formally.

The applicant is seeking to make payments in lieu of actually undertaking the work on 4 of the 5 junctions, justifying that 2 nearby developments (Countesswells & Prime Four) are also responsible for improvements to these junctions. The applicant is still willing to solely upgrade the fifth junction.



Insufficient evidence has been submitted at this time to justify taking cash contributions for the proposed improvements, rather than the applicants undertaking the required works.

It is the view of the Planning Authority that this condition should not be altered at present. At present there is a requirement for the applicant to undertake works in relation to improvements at the A944 (Lang Stracht) junction with Stronsay Drive, which are deemed necessary to address transport impacts arising from the residential development and thus in order for the development to be acceptable. The applicant put forward a case that the legal agreements associated with both the Countesswells and Prime Four developments were also required to provide contributions towards these specific works. However, the legal agreements associated with those developments do not require upgrades to this specific junction and thus it remains necessary for the applicant to carry out the improvements in accordance with the condition. A condition on an application at Prime Four (Ref: P150642) did allow for financial contributions in lieu of implementing the mitigation measures necessary to accommodate the development although these monies have not yet been provided, and there is no guarantee that this will be paid, as a certain threshold of development has to be exceeded before they are due and there is no certainty at this time that this threshold will be exceeded.

This condition is now referred to as Condition 9 below.

### **Matters Raised in Letters of Representation**

#### Neutral Comment:

1. Comments are noted; and will be passed on to officers in the Transportation Team for consideration. Notwithstanding, this matter is not relevant to the determination of this planning application;

#### Objecting Comments:

1. The eastern, western and central junctions have always been proposed; and were designed to cope with the entire building out on both the northern and southern sections of the development. The proposed eastern junction arrangements will not be significantly changing, and the western/ central junction has been amended into one, where it has been adequately demonstrated that there will be no net detriment on the surrounding road network – this matter was discussed in greater detail in the above evaluation;
2. This application does not result in additional traffic overall. Only the access arrangements are changing, not the number of houses/ flats and thus no changes in traffic levels are expected;
3. The proposal has been assessed by officers in Roads Development Management, who have highlighted no major concerns with the proposed development. Matters in relation to pedestrian safety were also considered at the time of the original planning application;
4. This matter has been discussed in greater detail in the above evaluation;
5. As mentioned in Point 2 – the proposal does not result in more traffic overall – the same number of properties are to be build - only the access arrangements are changing, not the number of houses/ flats;
6. This matter has been discussed in greater detail in the above evaluation;

7. Moving the access further west would in theory increase travel times, but only marginally. As has been mentioned previously, it was always the intention to alter the eastern access when further properties have been built, and therefore this has always been the plan for the overall development;
8. This matter was addressed at the time of the original Planning Permission in Principle (PPiP);
9. This matter was addressed at the time of the original Planning Permission in Principle (PPiP);
10. This matter is not a material planning consideration;
11. The Council has not proposed the changes – they have been put forward and justified (in part) by the applicant (Bancon) – a detailed assessment was thereafter undertaken by the Council, which showed no net-detrimental impact on the surrounding road network. As a result the proposal has been progressed with a recommendation of approval.
12. Road safety is a material consideration, so what needs to be considered here is whether the proposal in itself would result in any dangerous manoeuvres. The proposal has been assessed by officers in Roads Development Management who have no objection to the development from a road safety perspective.
13. The wider transport arrangements were reviewed at the time of the original planning permission in principle application – with appropriate community consultation being undertaken. The proposal has been demonstrated to have no net detrimental impact on the surrounding road network – and correct neighbour notification/ advertisement/ consultation were undertaken; in relation to the current application, correct neighbour notification procedures were undertaken for the proposals. Neighbours were notified on the 20<sup>th</sup> and 21<sup>st</sup> March 2018, and the application was advertised in the Aberdeen Citizen on the 28<sup>th</sup> March 2018;
14. This matter was considered at the time of the original application – the proposal would not have a detrimental impact on the AWPR. This proposal does not change that situation;
15. The junction would not need to be altered until such a time that a certain number of units have been completed on the southern side of the development (as discussed in the above evaluation), with the current solution seen as an appropriate alternative to the previous western/ central junction proposal;
16. The principle of development has been established by the granting of application Ref: 130265.

### **Heads of Terms of any Legal Agreement**

The proposal was previously subject to a Legal Agreement that was eventually concluded in October 2017. This agreement did not provide a clause/ caveat to allow for any future application to be considered under the terms of said agreement. Subsequent to this the applicants have submitted an application to modify the existing legal agreement (Ref: 181453/MPO); which is also under consideration at this Planning Development Management Committee. If granted, this permission cannot be issued until such agreements has been finalised and registered, as the proposals will essentially grant a new planning permission in principle.

### **Amended/ Altered/ Deleted Conditions**

Conditions 2 and 3 of the original consent have been removed because these are covered by a Direction under Section 59(5) of the Town and Country Planning (Scotland) Act (as amended),

whereby the time periods for implementation of the permission automatically applies. Thus including these details in conditions is not appropriate. Condition 19 of the original planning consent has been removed, as it related to Phase 1A of the development site (which has now been completed – and works required from this have been completed). Further to this Conditions 9, 10, 11, 14, 16, 22 and 23 of the original consent have been amended to remove the words “*unless the planning authority has given written approval for a variation*” from each respective condition. Conditions 14, 15 and 20 have also been amended to make reference to the previously approved application. The wording of Condition 4 (now condition 2) has also been amended to allow for small variations to the approved masterplan (such as the revised accesses requested as part of this application) – and to allow some flexibility in relation to the phasing of the overall development.). Three new conditions (6, 7 and 8) as detailed at the end of this report have all been added and refer to further information required in relation to works associated with the proposed accesses.

## **RECOMMENDATION**

---

Approve Conditionally and Legal Agreement

## **REASON FOR RECOMMENDATION**

---

The proposed amendments to conditions 6 and 7 have been adequately justified, and the proposed alterations have been considered acceptable by both Transport Scotland and the Roads Development Management Team. Insufficient justification/ information has been submitted by the applicant to allow for the discharge or amendment of Condition 8. The full implementation of the improvements required at the Lang Stracht (A944)/Stronsay Drive junction is required to address the transport impacts of the development. Therefore, this condition remains unaltered. The proposal would not have an adverse impact on the amenity of residents within the Maidencraig development; and the revised road arrangement would comply with the general aims of the Maidencraig Masterplan. In this instance there are no material planning considerations that would warrant refusal of planning permission.

## **CONDITIONS**

---

- (01) that no individual phase of the development pursuant to the planning permission in principle hereby approved shall be carried out until such time as a further application for that individual phase has been made to the planning authority for approval of the matters specified in this condition and such approval has been granted; unless the planning authority has given written approval for a variation; these matters being details of the:
- a) means of access and car parking, cycle parking and motorcycle parking;
  - b) siting, design and external appearance of the building(s);
  - c) hard and soft landscaping of the site;
  - d) tree survey to show details of all existing trees, and those to be removed, retained and planted, which a scheme for protection of those to be retained on site during construction works;
  - e) site and plot boundaries and enclosures;
  - f) arrangements for the segregation, storage, collection and management of residential, commercial and business waste arising from within that phase; and
  - g) low zero carbon equipment or carbon reduction measures to meet the requirements of the Council’s Supplementary Guidance: Resources for New Development.

Reason - to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

- (02) that, the details and phasing of the development shall follow the general principles established in the Maidencraig Masterplan dated April 2013. (as amended by the revised masterplan drawing submitted with planning application 180383/S42 - Drawing Ref: 180383-01). In particular the areas identified as Phases 3a and 4, as indicated on page 54, 'Section 5.1 Phasing' of this document, will show evidence that the location, design and construction of the new housing have taken account of the need to protect residents from potential noise nuisance arising from the proximity to Albion Kennels Reason – to ensure that the agreed design principles and phasing are followed through to the detailed stages of the development, and to protect the amenity of residents.
- (03) that all planting, seeding and turfing, comprised in any scheme of landscaping approved under Condition (1) attached to this grant of planning permission in principle, shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.
- (04) that, (a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme showing the precise location, layout, design and construction method of the most eastern primary access junction with the A944, including design, geometry, capacity, distribution, operational flow, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority; (b) no individual residential property hereby approved shall be occupied unless the relevant scheme is fully implemented in accordance with the approved plans, unless the planning authority has given written approval for a variation Reason – in the interests of road safety.
- (05) that, (a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme, showing the precise location, layout, design and construction method of the second and third development (central) junctions with the A944, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. Such details shall include capacity; distribution; signaling; operational flow, and a phasing plan which clearly identifies triggers and timescales for implementation in relation to the overall phasing of the site; (b) no building shall be occupied within any individual phase identified through the phasing plan under part (a) of this condition, unless the necessary roads infrastructure improvements required for that phase have been fully implemented in accordance with the approved plans, unless the planning authority has given written approval for a variation. Reason – in the interests of road safety.
- (06) That, (a) upon completion of 185th residential unit to south of Lang Stracht (Opportunity Site OP 31 as identified in the Aberdeen Local Development Plan 2017), the development junction (as required by condition 5) (signalised T-junction for access to the south) should be completed; (b) upon completion of 117<sup>th</sup> residential unit to the north, of Lang Stracht (Opportunity Site OP 32 as identified in the Aberdeen Local Development Plan 2017 the development junction (signalised T-junction for access to the north, should be completed; and (c) upon completion of both of these junctions junctions, the eastern junction shall revert to a left-in, left-out arrangement (as required by Condition 4). Reason: in the interests of road safety; and to ensure the development site can adequately function.

- (07) That no more than 219 dwellings to the south of Lang Stracht (Opportunity Site OP 31 as identified in the Aberdeen Local Development Plan 2017) and 216 dwellings to the north of Lang Stracht (Opportunity Site OP32 as identified in the Aberdeen Local Development Plan 2017) can be completed before the eastern access, as required by Condition 4, reverts to a left-in left-out arrangement. Reason: in the interests of road safety; and to ensure the development site can adequately function.
- (08) That prior to the commencement of development on any further phase of development, details of the emergency access to the south of Lang Stracht (Opportunity Site OP 31 as identified in the Aberdeen Local Development Plan 2017), shall be submitted to, and approved in writing by the Planning Authority. Thereafter these details shall be implemented in their entirety on completion of the 100<sup>th</sup> house within this phase of the development site and shall remain in place until such time as the junction required by Conditions 5 and 6 has been completed. Reason: in the interests of road safety; and to ensure the development site can adequately function.
- (09) that, (a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme, showing the precise location, layout, design and construction method of A944 junction improvements, including the A944 / Stronsay Drive junction, together with provision of segregated cycle facilities at each, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. Such details shall include a phasing plan which clearly identifies triggers and timescales for implementation in relation to the overall phasing of the site; (b) no building shall be occupied within any individual phase identified through the phasing plan under part (a) of this condition, unless the necessary roads infrastructure improvements required for that phase have been fully implemented in accordance with the approved plan. Reason – in the interests of road safety.
- (10) that, (a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme showing all elements required to implement and enforce a Prohibition of Driving Order on Core Path 29, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. Such details shall include all physical infrastructure alterations, and a phasing plan which clearly identifies triggers and timescales for implementation in relation to the overall phasing of the site; (b) no building shall be occupied within any individual phase identified through the phasing plan under part (a) of this condition, unless the Prohibition of Driving Order has been fully implemented in accordance with the approved plans. Reason – in the interests of road safety.
- (11) that, (a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme showing a proposed management plan to deal with all access issues through the entire length of the insert road set back to the south of A944, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. Such details shall include provision for emergency access, prohibition orders, all physical infrastructure improvements, and a phasing plan which clearly identifies triggers and timescales for implementation in relation to the overall phasing of the site; (b) no building shall be occupied within any individual phase identified through the phasing plan under part (a) of this condition, unless the management plan has been fully implemented in accordance with the approved plans. Reason – in the interests of road safety.

- (12) that, no more than 182 residential units shall be occupied until the Aberdeen Western Peripheral Route (AWPR) has been constructed – in the interests of road safety and the free flow of traffic.
- (13) that, (a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme showing the design and construction of culverts linking the north and south developments beneath the A944 has been submitted to, by means of a formal application for approval of matters specified in condition and approved in writing by the planning authority. Such details shall include a phasing plan which clearly identifies triggers and timescales for implementation in relation to the overall phasing of the site; (b) no building shall be occupied within any individual phase identified through the phasing plan under part (a) of this condition, unless the culvert scheme has been fully implemented in accordance with the approved plans. Reason – to mitigate the potential risk of flooding which the development poses to the existing communities.
- (14) that, (a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed plan identifying appropriate exclusion zone boundaries for the main and subsidiary badger setts, as identified in the Badger Protection Plan, dated June 2013, submitted under planning application reference P130265, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority; (b) unless the planning authority has given written approval for a variation through consultation with Scottish Natural Heritage, no construction works pursuant to the planning permission in principle hereby approved shall take place within any exclusion zone as identified in the above plan. Reason – to ensure protection of wildlife habitats within the site.
- (15) That, notwithstanding the details contained within the Badger Protection Plan, dated June 2013, submitted under planning application reference P130265, no development pursuant to the planning permission in principle hereby approved shall take place unless a Pre-construction Survey has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. The survey will be undertaken a minimum of 12 months prior to construction commencing; within a radius of 1km around the whole development site and shall include an up to date assessment of badger activity on the development site. It shall also highlight whether any badgers' setts exclusions are required, and if so, consider alternative sets and potential locations, having regard for restrictions arising from the breeding season – to ensure protection of wildlife habitats within the site.
- (16) that no development pursuant to the planning permission in principle hereby approved shall take place unless a Nature Conservation Management Plan, that incorporates the Local Nature Reserve and the Green Space Network, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority – in the interests of retaining and increasing the wildlife of the remaining habitats.
- (17) that, (a) no individual phase of the development pursuant to the planning permission in principle hereby approved shall take place unless a full site waste management plan for the processing of construction and demolition waste for that individual phase has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority; (b) no work shall be carried out within that individual phase unless the management plan is fully implemented in accordance with the approved plans. Reason – to ensure that waste on the site is managed in a sustainable manner.

- (18) that, (a) no individual phase of the development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme showing the precise location, layout and construction method of adequate pedestrian and cycle connectivity from that individual phase to the A944 has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority; (b) no individual residential property hereby approved within that individual phase shall be occupied unless the relevant scheme under part (a) of this condition has been fully implemented in accordance with the approved plans. Reason - in the interests of promoting sustainable connections outwith the site.
- (19) that, (a) no development within the area identified as Phase 1B as indicated on page 54, 'Section 5.1 Phasing' of the Masterplan dated April 2013, pursuant to the planning permission in principle hereby approved, shall take place unless a detailed scheme showing the precise location, layout, design and construction method of pedestrian and cycle connectivity from the eastern side of the development, north of the A944, to the existing residential area to the east, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority; (b) no individual residential property hereby approved within that individual phase shall be occupied unless the relevant scheme under part (a) of this condition has been fully implemented in accordance with the approved plans. Reason - in the interests of promoting sustainable connections outwith the site.
- (20) that, (a) no individual phase of the development pursuant to the planning permission in principle hereby approved shall take place unless a fully detailed SUDS scheme, to comply with the Drainage Impact Assessment, reference B9204, dated 05/09/2013, submitted under planning application reference P130265, for that individual phase has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority; (b) no individual residential property hereby approved within that individual phase shall be occupied unless the relevant scheme under part (a) of this condition has been fully implemented in accordance with the approved plans. Reason – in the interests of protection of the water environment.
- (21) that, (a) no individual phase of the development pursuant to the planning permission in principle hereby approved shall take place unless the implementation of a programme of archaeological work (to include all necessary post-excavation and publication work) has been secured for that individual phase in accordance with a written scheme of investigation that has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by, the planning authority; (b) no work shall be carried out within that individual phase unless the programme of archaeological work has been fully implemented in accordance with the approved plans. Reason – in the interests of protecting the historic heritage of the City.
- (22) that, (a) no individual phase of the development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme in respect of that individual phase, showing suitable dust suppression measures to be incorporated within the procedures for demolition and construction, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. Such details shall include the provision of dust suppression equipment during periods of dry weather, and measures to prevent the potential for mud and/or other debris from vehicular traffic being deposited on the A944 public highway adjacent to the site; (b) no work shall be carried out within that individual phase unless the relevant scheme under part (a) of this condition has been fully implemented in

accordance with the approved. Reason – in order to prevent dust arising on site giving rise to nuisance and to prevent the risk of environmental pollution.

- (23) that no individual employment based development pursuant to the planning permission in principle hereby approved shall be occupied unless a detailed Green Transport Plan for that individual development, which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority - in order to encourage more sustainable forms of travel to the development.
- (24) that no individual residential property on any individual phase of the development pursuant to the planning permission in principle hereby approved shall be occupied unless a comprehensive Residential Travel Pack for that individual phase has been: (a) submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority; and (b) subsequently provided to occupants of each residential property to be occupied. The Pack will set out proposals for reducing dependency on the private car, including information on external connectivity to key facilities, and will provide, in consultation with local schools and the planning authority, information on safer routes to schools - in the interests of promoting sustainable transportation.