

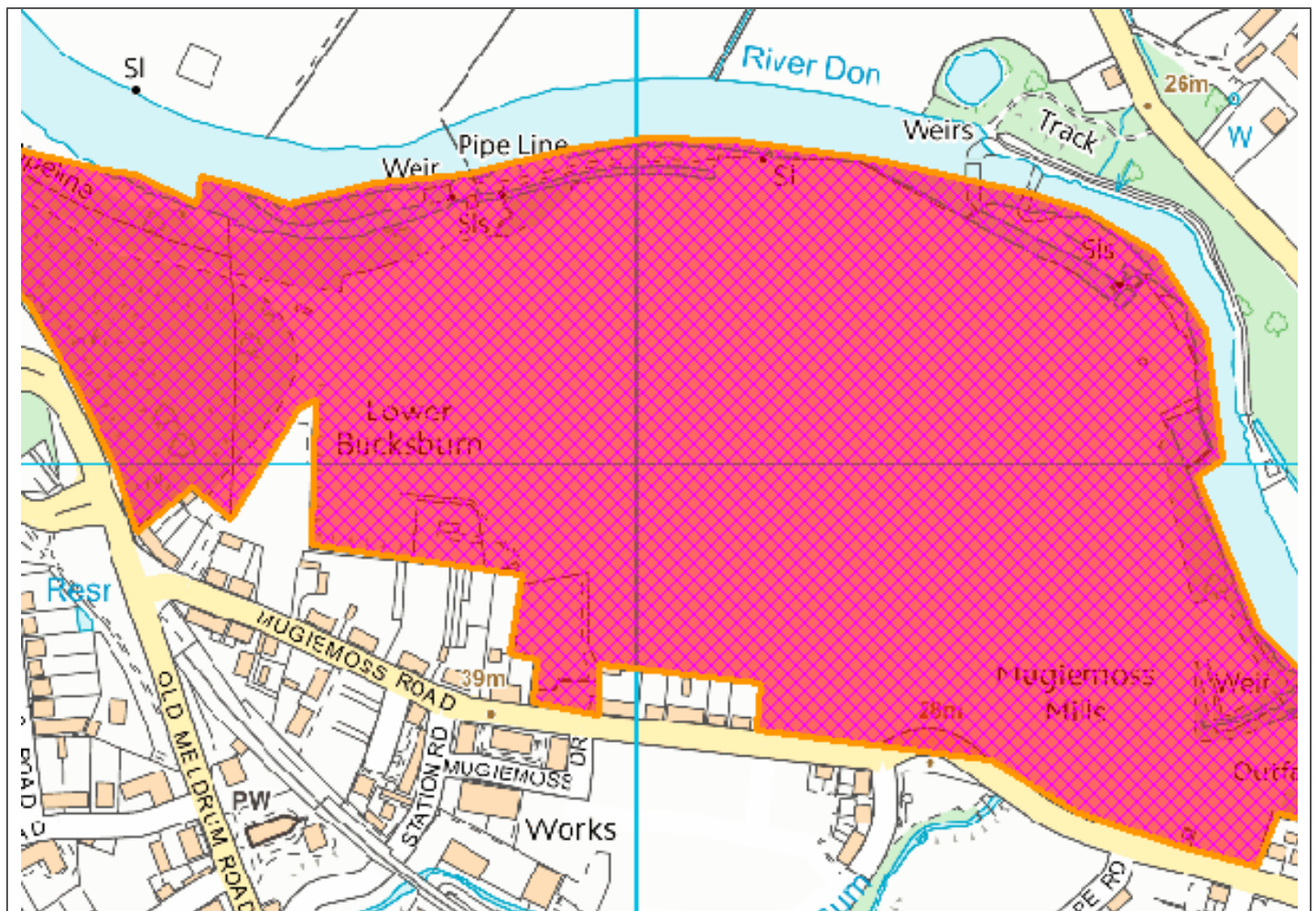


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 6 December 2018

Site Address:	Barratt Development, Mugiemooss Road , Aberdeen, AB21 9NY
Application Description:	Modification of Planning Obligation (to allow additional applications/ variations) of Planning Permission in Principle Ref: 110786 for a sustainable mixed use community, for approximately 900 residences, business and community facilities, with associated infrastructure including footpath and cycle links to the river as well as a new spine road with access from the A947.
Application Ref:	181688/MPO
Application Type	Modification of Planning Obligation
Application Date:	25 September 2018
Applicant:	Barratt North Scotland
Ward:	Dyce/Bucksburn/Danestone
Community Council:	Bucksburn And Newhills
Case Officer:	Dineke Brasier



RECOMMENDATION

Approve Modification

APPLICATION BACKGROUND

Site Description

The site comprises c.37 hectares to the north of Bucksburn comprising OP16 'Former Davidsons Mill/Mugiemoss Road', as allocated in the 2017 Aberdeen Local Development Plan. Boundaries are roughly: the River Don to the north and east; Goodhope Road and the A96 to the south; and Old Meldrum Road and A947 to the west. The site effectively sees 'northern' and 'southern' parts divided by Mugiemoss Road, which runs centrally from east-west. The Bucks Burn also passes from south-west to north-east discharging to the River Don.

Previously occupied by the Davidson's Paper Mill complex, planning permission in principle (PPiP Ref: 110786), for a residential-led mixed use development of c.900 homes, was approved in December 2011. Details for various phases thereof have been subsequently approved. The residential element to the south of Mugiemoss Road is now nearing completion, with the emphasis of construction moving north thereof.

Relevant Planning History

110786 – PPiP approved in December 2011 for the redevelopment of the former Davidson's Paper Mill to create a sustainable mixed use community, of c.900 residential units, business and community facilities, with associated infrastructure including footpath and cycle links to the river and a new spine road with access from the A947 to Mugiemoss Road.

Following this approval, various applications for matters specified in conditions (MSC) providing further details of the various development blocks were approved, including:

South of Mugiemoss Road

- 120759 approved in January 2013 for the construction of 121 residential units, associated roads and public realm (Block Q);
- 121297 approved in January 2013 for the construction 26 residential units and associated works (Block K);
- 140402 approved in December 2014 for the construction of 30 residential units, parking and associated road (Block O);
- 140403 approved in December 2014 for the construction of 79 residential units, parking and associated roads and landscaping (Block L);
- 141240 approved in December 2014 for the construction of 63 houses and associated infrastructure (Blocks P and part of Q); and
- 151624 approved in July 2016 for the construction of 13 flats (Block K);

North of Mugiemoss Road

- 160602 approved in September 2016 for the construction of 40 dwellings in Phase 2A;
- 151974 approved in April 2016 for the construction of 251 residential units in Phase 2B;
- 151976 approved in November 2016 for the construction of 94 dwellings in Phase 2F;
- 160198 approved in November 2016 for the construction of 45 dwellings in Phase 2G;
- 180705/MSC approved in August 2018 for the construction of 82 dwellings in Phase 2C and part of Phase 2D

A further pending application (Ref: 180079/S42) seeks to amend conditions 8 and 9 of PPiP 110786, allowing for an increase in the number of residential units which can be completed and occupied, from 375 to 470, prior to the opening of the link road through the northern part of the site connecting Mugiemoss Road to the A947 and alterations to the existing Mugiemoss Road/ Old

Meldrum Road junction. However, it should be noted that it cannot be granted without the variation of the legal agreement required by the proposal subject of this report.

APPLICATION DESCRIPTION

Description of Proposal

The application seeks to vary the existing S75 relating to 110786, to ensure that the legal obligations therein carry forward to related new planning permissions associated to the development.

Supporting Documents

All drawings and supporting documents can be viewed on the Council's website at:
<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PFLQ5TBZ01700>

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because it seeks to vary a legal agreement associated to a planning decision determined by the Planning Development Management Committee (minute of meeting of 29th September 2011, at item 9, refers).

CONSULTATIONS

None

REPRESENTATIONS

Applications to vary or discharge planning obligations under Section 75A of the Act are not open for public comment.

MATERIAL CONSIDERATIONS

Legislative Requirements

Section 75A of the Town and Country Planning (Scotland) Act 1997 allows for a party against whom a planning obligation is enforceable to apply to the planning authority to have the obligation either modified or discharged. In determining such requests, the planning authority must consider the application on its own merits and reach each decision in accordance with the term of the development plan, unless material considerations indicate otherwise. Any modification should be considered against the policy tests set out in Circular 3/2012 (Planning Obligations and Good Neighbour Agreements).

The planning authority may determine that the obligation be modified as per the proposed modification or continue in its current form. It cannot determine that the obligation should be subject to any modification other than the modification(s) set out in the application – i.e. the proposed modification is either approved or refused.

National Policy and Guidance

Circular 3/2012 – Planning Obligations and Good Neighbour Agreements

EVALUATION

The legal agreement associated with PPIp ref: 110786 did not include a clause allowing any variations to be granted, whilst carrying forward the obligations therein. By approving this modification any future applications for variations of conditions/ changes of house types, or other associated alterations, the terms of the original legal agreement would relate to those approvals without further legal process. As the terms of the obligations do not raise any new issues or conflict with the parameters associated to planning obligations, the proposal would therefore meet the aims of Circular 3/2012, and as such there are no reasons as to why a modification should not be granted in this instance.

RECOMMENDATION

Approve Modification

REASON FOR RECOMMENDATION

There is a requirement to allow any future applications/ variations (including the pending application 180079/S42) to be determined under the provision of the original legal agreement, associated with planning permission in principle P110786 as this would not raise any new issues or conflict with the parameters associated to planning obligations. The variation to the agreement would allow that to take place.