

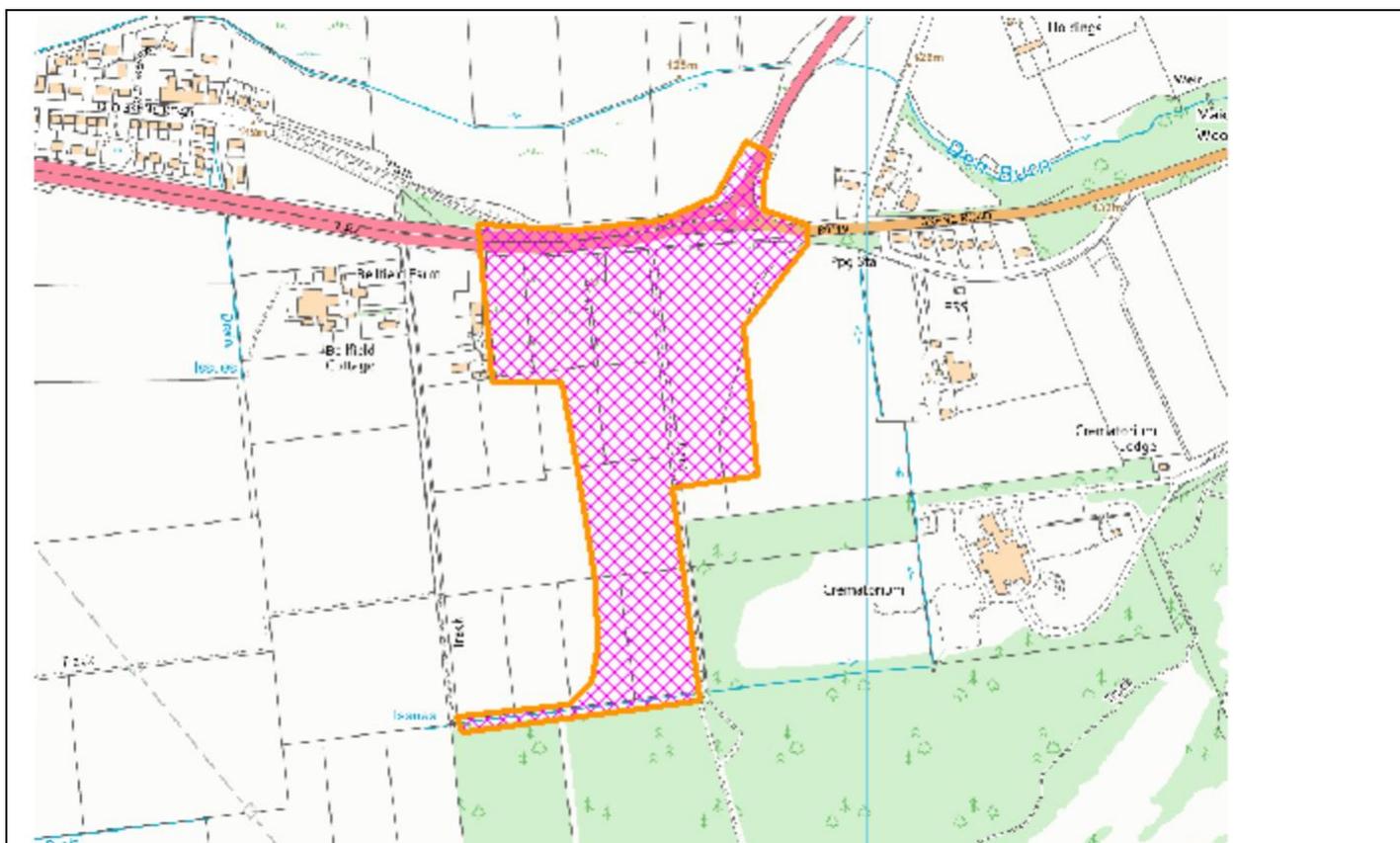


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 9 February 2023

Site Address:	A944 Jessiefield Junction and Land South of A944, at Bellfield Farm, East Middlefield
Application Description:	Variation of condition 10 (requiring Condition 1 to be implemented in full prior to the occupation of the 1001st house constructed) of planning application ref. P141888
Application Ref:	200536/S42
Application Type	Section 42 (Variation to Conditions)
Application Date:	12 May 2020
Applicant:	Countesswells Developments Ltd
Ward:	Lower Deeside
Community Council:	Cults, Bieldside and Milltimber
Case Officer:	Dineke Brasier



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application site is an area extending to c.12.25ha and includes the Jessiefield roundabout; a c.400m section of the A944 westwards towards Kingswells; a c.75m section of the A944 northwards towards the Lang Stracht; and a c.75m section of the B9119 Skene Road eastwards towards Hazlehead. It also includes agricultural fields south of the roundabout leading towards the north eastern edge of the wider Countesswells development.

The site is located immediately to the north east of OP38 (Countesswells), a land release site allocated for a mixed use development of c.3000 homes and 10ha of employment land in the 2017 Aberdeen Local Development Plan. As part of the Countesswells Development Framework and Phase 1 Masterplan, access from the north towards the development site was shown via two access roads from the A944 – the now complete link road from the Kingswells roundabout and a second proposed link road from the Jessiefield Junction, where the existing roundabout would be replaced with a signalised junction.

Relevant Planning History

The wider Countesswells development opportunity site (OP38) has a long and complex planning history. The following is relevant in relation to the roads network proposed to connect the development and this current application:

- Planning permission in principle (P140438) for a residential-led mixed use development including approximately 3000 homes, employment, education, retail, leisure and community uses and associated new and upgraded access roads, landscaping and ancillary engineering works was approved at Full Council on 19th August 2015. A legal agreement was subsequently agreed and signed, and the planning permission issued on 1st April 2016;
- Planning permissions in principle for upgrades to the Jessiefield junction on the A944 and construction of an eastern access road, footpaths and cycle paths (P141888); and construction of a western access road, footpaths and cycle paths (P141889) from the A944 at the Kingswells roundabout to the Countesswells Development Site were both approved by Planning Development Committee on 17th September 2015. Both planning permissions were issued on 18th September 2015;
- Various applications for matters specified in conditions in relation to the construction of the two access roads have been approved under delegated powers between 2017 and 2019. Those relating to the Kingswells link road have been implemented.

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 of condition 10 of planning permission in principle 141888. Condition 10 relates to the timing of the construction of the proposed Eastern access road into the Countesswells development and reads as follows:

‘That the agreed works pursuant to Condition 1 shall be carried out in their entirety, and to the satisfaction of the Planning Authority, prior to the occupation of the 1001st house constructed on the Countesswells development site as identified in the OP58 designation with the 2012 Aberdeen Local Development Plan.

Reason: In the interests of road capacity and safety.'

Through the current application it is proposed to increase the number of houses that can be occupied before the Eastern Access Road needs to be completed from 1000 to 1250. The proposed amended condition would thus read as follows:

'That the agreed works pursuant to Condition 1 shall be carried out in their entirety, and to the satisfaction of the Planning Authority, prior to the occupation of the 1251st house constructed on the Countesswells development site as identified in the OP38 designation with the 2017 Aberdeen Local Development Plan.

Reason: In the interests of road capacity and safety.'

For clarity, details submitted in relation to condition 1 of P141888 were approved under delegated powers in December 2017 as part of matters specified in conditions application 170510/MSC, and covered all technical matters in relation to levels; drainage; cut and fill operations; details of roads, footpath and cycleways; walls/fencing; and landscaping.

Amendments

In agreement with the applicant, the following amendment was made to the application:

- Additional transport statement submitted. Reduction in proposed number of houses to be built and occupied prior to upgrade of Jessiefield junction from 1500 to 1250. Renotification of neighbours was undertaken as a result.

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=Q9WP7IBZHQV00>

- Technical Note – 125253 TN02: Kingswells Roundabout/ Prime Four Access Junction Analysis by Fairhurst, dated 27th April 2020 providing a justification for the original proposal to alter the number of properties allowed to be occupied prior to construction of the Eastern Access Road from 1000 to 1500;
- Technical Note – 112614 TN01: Jessiefield Junction Traffic Impact Review by Fairhurst, dated 17th December 2020 providing further justification for the original proposal to alter the number of properties allowed to be occupied prior to construction of the Eastern Access Road from 1000 to 1500;
- Technical Note – 147274 TN01: Jessiefield Junction Traffic Impact Review by Fairhurst, dated 3rd October 2022 providing justification for the amended proposal to alter the number of properties allowed to be occupied prior to construction of the Eastern Access Road from 1000 to 1250.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because an objection from the Cults, Bieldside and Milltimber Community Council; and more than six (a total of 23) timeous letters of objection were received.

CONSULTATIONS

ACC - Roads Development Management Team –

Initial response – based on Technical Note dated 27th April 2020:

It is noted that this application is for the variation of condition 10 associated with planning permission in principle (PPiP) ref: P141888. The applicant has submitted a 'Technical Note - 125253 TN02' (*dated 27th April 2020*) in order to support the proposed variation of condition which is for the Eastern Access Road and upgrades to Jessiefield Junction to be completed after the 1501st house/unit rather than the current 1001st house/unit constructed.

It is noted that in delaying such upgrades of the Jessiefield Junction by an additional 500 units, this shall increase the impact and volumes at the Kingswells Roundabout (Western Access Road). It is noted and evidenced in the supporting 'Technical Note - 125253 TN02' (*dated 27th April 2020*) that the additional traffic generated and required to use the Kingswells roundabout would still remain below the designed level for which this roundabout can adequately manage and operate. So in this regard, this aspect is considered acceptable.

However, while the Kingswells roundabout would appear to cope with such additional volumes, there shall still be detriment to the existing Jessiefield Junction, given the delay of upgrades as this is already currently operating over capacity during the peak periods, which was partially the reason for the requirement for such upgrades at this junction after 1000 units.

While it may be clear, or can be assumed as such, the applicant has not justified the reasoning behind such a variation of condition and delay of certain previously accepted upgrades.

Second response – following submission of Technical Note dated 17th December 2020:

General

As per the updated 'Technical Note – 112614 TN01' (*dated 17th December 2020*) there is no indication that any traffic generated by the development is lower than the previously approved Transport Assessment (TA) as part of the original application for the overall development (P141888).

Context of Technical Note – 112614 TN01 (dated 17th December 2020)

It is questioned if any surveys have been carried out to ascertain whether the indication that 8% of trips into the city centre would be redistributed via Countesswells Road is actually what is taking place. This is a significant number of vehicles that have just been assumed not to be using the A944 and it is considered that this should be subject to some validation – especially given the scale of this request – adding 50% more units prior to carrying out the agreed junction upgrade works.

The figures indicated within Table 3 and paragraph 9 of the Technical Note – 112614 TN01 (*Dated 17th December 2020*), for the number of additional trips travelling through the junction based upon 500 additional units, appear very low – 41 and 35 during the AM and PM peaks respectively. It is questioned if an approved methodology has been used here.

Although the level of additional vehicles on each arm of the junction, represented as a percentage increase, is very low, it does nonetheless represent a net detriment to the existing situation, which is understood to be the exact thing such processes are to avoid.

Previous observations of this junction's operations indicate that during the evening peak period the traffic queues back along the Lang Stracht close to the junction with Dobbies on a regular basis. With the potential for at least 1 additional signalised junction to be introduced into this area as a

result of the Maidencraig development, any potential increase in traffic using the Jessiefield Junction should be considered very carefully as there isn't scope for adjusting the traffic signal timings to limit any potential detriment. This is likely to result in additional queuing and delays on the Lang Stracht corridor.

Final response – following submission of Technical Note – 147274 TN01 dated 3rd October 2022

It is noted that the applicant has provided an amended 'Technical Note – 147274 TN01' (dated 3rd October 2022) and is now seeking a variation to condition 10 to delay upgrades to the Jessiefield Junction until the 1250th unit rather than the current 1001st unit.

As previously confirmed and stated, the Kingswells roundabout (Western Access Road) could adequately accommodate the increased volume of traffic and associated trips with a delay of upgrades to Jessiefield Junction by 500 units, but it was considered that this was an unnecessary impact to put on this roundabout.

Via discussions with the applicants' consultants, it was advised that a possible reduced delay of upgrades to the Jessiefield Junction in terms of completed units would be preferred from that originally sought and subject to an updated 'Technical Note' which also includes an assessment impact this would have on the existing Jessiefield Junction (pre-upgrades).

Therefore, it is confirmed that the applicant has revised their proposed alteration to Condition 10 for the delay of works/ upgrades to be after the 1250th unit rather than the current 1000th unit. This would be a delay by 250 units.

It is confirmed that previous assumptions had agreed that 82% of the Countesswells development associated traffic would join the network to the north onto the A944 with the remaining 18% to the south and south-west. Therefore, this focus would be on this 82% of the 1250 units as per this amendment.

It was further agreed that, dependent on where a resident / driver may be located within the Countesswells development site, city centre bound traffic would result in a further increase of distribution via the south and Countesswells Road (8%), which would reduce the traffic along the A944 Lang Stracht and Skene Road from the original TA for the site back in 2014.

The applicant has appropriately evidenced that, with the removal of 250 units and the 8% redistribution, the trips generated on the concerned legs of the Jessiefield Junction, along the Lang Stracht and Skene Road, would result in no net detriment from that already accepted.

The applicant has provided and evidenced a percentage impact assessment, confirming there shall be no increase of traffic flows on any of the legs of the Jessiefield Junction. This does not therefore, trigger the need for further impact analysis as per ACC guidelines, or a requirement for mitigation proposals of 2% and 4% on strategic or distributor roads respectively.

Therefore, given the accepted re-distribution of trips of residents within the Countesswells development, the later programming of upgrades to the Jessiefield Junction (Eastern Access Road) after occupation of the 1251st unit rather than the 1,001st unit will result in no further detriment from that previously accepted at the outlay of the original Countesswells Development TA.

On that basis, Roads Development Management have no objections to this current application.

Cults, Bieldside And Milltimber Community Council – Objection based on the following:

1. A number of Countesswells residents have expressed concern about a general slippage of

facilities and infrastructure provision (admittedly not always under the control of the developer) compared with what purchasers thought they had been promised. While it is understandable that the developer might wish to rephrase expenditure where possible, the Community Council believes that approving this variation would simply reinforce those concerns;

2. Occupation of the 1000th house is still some time away at the present rate of progress so this proposed variation is premature;
3. The introduction to the Fairhurst Technical Note (*dated 27th April 2020*) suggests that discussions have been held with City Council officers and cites an email trail from 2018. However, it is understood that the Council's Roads Development Department is not aware of any recent discussions;
4. No information is presented on the impact of the 8% decant of traffic onto Countesswells Road. This might be felt at peak times at the Countesswells Road/ Springfield Road traffic lights at Airyhall – already a busy junction.

A further consultation response was received following submission of the third Technical Note (dated 3rd October 2022):

1. The document appears to be intended to support a negotiated agreement between the developer and ACC Roads. However, Countesswells householders clearly feel that they were given a number of undertakings about infrastructure provision when they purchased their properties and that moving from the 1001 figure would break one of these. The Community Council therefore sees no reason to retract their previous objection, particularly on the grounds of point 1 of that letter.

REPRESENTATIONS

Two rounds of neighbour notification were undertaken. The first following receipt of the application in May 2020, with a second renotification following receipt of the final Technical Note (dated 3rd October 2022). The first representation period attracted a total of 13 objections raising the following matters:

1. Most of the promises made by the developer to residents at Countesswells in relation to the delivery of planned infrastructure and amenities at the time of purchase of their home have been unfulfilled and/or delayed;
2. Allowing this extension would set a precedent for future extensions to planning applications which would not be welcome by most residents. The same argument could be used to delay until the 2001st home next time;
3. No consultation was undertaken with the community prior to submission of the application;
4. Proposed delay will not just impact on road users, but also on cyclists and pedestrians as there is currently no footpath linking Countesswells to any other community, with access available through the woods, which is not practical throughout most seasons;
5. The road would provide essential infrastructure for the growing development. Traffic flow has already increased greatly, and construction of this road would help that. Concerns that other roads and junctions would be very busy especially at peak times as the volume of traffic naturally increases with number of homes occupied;
6. Current residents want Countesswells to flourish and become a great place to live. Delay to development and infrastructure being built might put people off moving to the area, and devalue the area;
7. Delay in construction of road could result in increased noise and air pollution for existing residents due to an increase in traffic.

The second notification period attracted a total of 10 objections, including a total of 4 new respondents, raising the following matters:

1. The road is needed for the growing community at Countesswells. The threshold should remain at 1001;
2. Reduction from 1501 to 1251 homes is a step in the right direction but falls short of the original milestone that many people in the community were sold on purchase;
3. The proposed link road will not only disperse traffic routing via the Kingswells roundabout, but will also provide important links for the ever increasing residents who need to access the city whether by car, bike or public transport;
4. Increasing the threshold by 251 homes will likely delay the implementation of vital infrastructure upgrades by many years with no reasonable basis to do so. 1001 homes remains a significant volume of sales;
5. The additional information is based on rerouting 8% of all traffic down Countesswells Road. No consideration is given to the nature of Countesswells Road, which has a narrow width, poor surface and crumbling edges, which would introduce an additional safety risk. Building of the new road would take traffic flow away from the dangerous Countesswells Road.

MATERIAL CONSIDERATIONS

Legislative Requirements

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.

Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires the planning authority in determining the application only to consider the question of the condition(s) subject to which the previous planning permission should be granted. The planning authority has the option to approve the permission subject to new and/or amended conditions or to approve planning permission unconditionally. Alternatively, the planning authority can refuse the application, which would result in all the conditions on the original application remaining in place.

National Planning Policy and Guidance

National Planning Framework 4

National Planning Framework 4 (NPF4) was given final Parliamentary approval on 11th January 2023 and is anticipated to be adopted in February 2023. The weight to be given to NPF4 prior to its adoption is a matter for the decision maker. Although NPF4 has not yet been formally adopted it has now been approved by Parliament and is, therefore, now considered to be a significant material consideration in the assessment of planning applications. The relevant provisions of NPF4 that require consideration in terms of this application are –

- Policy 13 (Sustainable Transport)
- Policy 16 (Quality Homes)
- Policy 18 (Infrastructure First)

Development Plan

Aberdeen City and Shire Strategic Development Plan (2020)

The current Strategic Development Plan for Aberdeen City and Shire was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. The SDP is relevant in so far as that the wider Countesswells Development is listed as a 'new community' and the proposal would have the potential to impact its further development.

Aberdeen Local Development Plan (2017)

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within five years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan has been beyond this five-year period. Therefore, where relevant, weight should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: "Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.

The following policies are relevant –

- Policy LR1 (Land Release)
- Policy I1 (Infrastructure Delivery and Planning Obligations)
- Policy T2 (Managing the Transport Impact of Development)

Supplementary Guidance

- Countesswells Development Framework and Phase 1 Masterplan (parts 1 and 2)
- Transport and Accessibility

Proposed Aberdeen Local Development Plan (2020)

The Report of Examination on the Proposed Aberdeen Local Development Plan 2020 (PALDP) was received by the Council on 20 September 2022. All the recommendations within the Report have been accepted and the modifications made to the PALDP were agreed by Full Council on 14 December 2022. The PALDP constitutes the Council's settled view as to the content of the final adopted ALDP and is now a material consideration in the determination of planning applications. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on the relevance of these matters to the application under consideration.

The following policies are relevant –

- Policy LR1 (Land Release)
- Policy I1 (Infrastructure Delivery and Planning Obligations)
- Policy T2 (Sustainable Transport)

EVALUATION

Background

As context for this application, the original Countesswells Development Framework and Phase 1 Masterplan (part 1) (MP) was based on a single access strategy from the north. This focused on the construction of a new road link from the Jessiefield Junction on the A944 to the north east corner of the Countesswells Development Framework with the road running from the Kingswells roundabout to the development site being closed to general traffic. This access strategy formed the basis for the original Planning in Principle Permission for the overall development – P140438, which was ultimately approved on 1st April 2016 following the signing and registration of a legal agreement.

However, while this application for P140438 was being considered, an alternative access strategy was brought forward, which consisted of two access roads from the north – one from the Jessiefield Junction (Eastern) and one from the Kingswells Roundabout (Western). This alternative access strategy formed the basis of Planning in Principle Permissions P141888 (Eastern Access Road - Jessiefield) and 141889 (Western Access Road - Kingswells), which were approved by Planning Development Management Committee on 17th September 2015. Conditions attached to permissions P141888 and P141889 set out trigger points for completion of both the Western (no more than 400 units occupied) and Eastern (no more than 1000 units occupied) Access Roads. The Western Access Road was completed and opened to all traffic in 2020.

Following on from the approval of P141888, Matters Specified in Conditions application 170510/MSA approved the technical details of the construction of the Eastern Access Road, including its alignment; landscaping and drainage. The only matter to be determined as part of this current application is therefore whether an increase in the number of residential units permitted to be completed and occupied prior to completion of the Eastern Access Road can be increased from 1,001 units to 1,251 units.

As part of this assessment, the Planning Service has to consider whether the proposed condition would meet the six tests for planning conditions as set out in Circular 4/1998. This sets out that planning conditions should only be applied where they are:

1. Necessary;
2. Relevant to planning;
3. Relevant to the development to be permitted;
4. Enforceable;
5. Precise; and
6. Reasonable in all other respects.

At the time of the original application, it was considered that the condition was meeting all the six tests.

Principle of Development

The Transport Assessment (TA) submitted at the time of the original applications for the link roads (P141888 - East and P141889 - West) indicated that traffic generated from 400 houses could be accommodated prior to the completion of the AWPR without any changes to either the Kingswells Roundabout or the Jessiefield Junction. This TA further set out that the Kingswells Roundabout should be upgraded following completion of the AWPR to enable housing occupation to rise from 400 to 1,000 occupied units. Thereafter, no further occupations would be permissible prior to completion of the Eastern Access Road along with associated improvements to the Jessiefield Junction. These recommendations were conditioned in the respective planning permissions in principle P141888 and P141889, with the former subject to a condition setting out that no more

than 1,001 units could be occupied prior to opening of the Eastern Access Road, and the latter subject to a condition that the Western Access Road would need to be completed prior to occupation of the 401st unit. This Western Access Road is now complete and open and therefore this last requirement has been met. By October 2022, a total of 592 residential units were completed and occupied across the development.

As part of the original submission, the applicant included further evidence (Fairhurst Technical Note 125253, dated 27th April 2020) seeking to demonstrate that an additional 500 units could be occupied prior to the upgrading of the Jessiefield Junction. It concluded that the Kingswells Roundabout (Western Access Road) could adequately accommodate the additional traffic associated with an increase in 500 units as originally proposed through this S42 application. However, concerns were raised by Roads Development Management regarding the impact the increase in traffic arising from an additional 500 units would have on the Jessiefield Junction itself, and this increase was not considered acceptable.

A further Technical Note (Fairhurst - 147274 TN01, dated 3rd October 2022) was submitted, based on an increase in the additional number of units that can be occupied prior to opening of the Eastern Access Road from 1,000 to 1,250. This evidence is based on a redistribution of traffic, with more cars from the development using Countesswells Road, linked to the southern part of the development (8% of total traffic) to get to and from the city rather than the A944 to the north as was anticipated in the original Transport Assessment submitted as part of the original permissions P141888 and P141889 for the link roads. This reduced the number of cars using the Jessiefield Junction in comparison to that previously calculated, in effect keeping the number of cars using this part of the A944 at the same level, demonstrating that this proposed increase in occupied units would not have a detrimental impact on the capacity of the Jessiefield Junction.

On that basis, Roads Development Management have no objection to the proposal to increase the total number of completed and occupied units prior to the completion and opening of the Eastern Access Road from 1,000 to 1,250. Therefore, the proposal would be in compliance with policies T2 (Managing the Transport Impact of Development) and I1 (Infrastructure Delivery and Planning Obligations) of the 2017 Aberdeen Local Development Plan; policies T2 (Sustainable Transport) and I1 (Infrastructure Delivery and Planning Obligations) of the 2020 Proposed Local Development Plan; and policies 13 (Sustainable Transport), 16 (Quality Homes) and 18 (Infrastructure First) in the draft NPF4; and relevant sections of SDP as it would continue delivery of an approved Opportunity Site, whilst not resulting in an adverse impact on existing transport infrastructure, most notably the existing Jessiefield Junction.

Proposed Aberdeen Local Development Plan

The Report of Examination does not affect policies in a manner that is relevant to this application. The relevant PALDP policies substantively reiterate those in the adopted ALDP and therefore the proposal is acceptable in terms of both plans for the reasons previously given.

Matters raised in Community Council objection

1. General slippage of facilities and infrastructure provision within the Countesswells Development – *As set out above, the Planning Service is required to assess whether the proposed amended condition would meet the six texts for a condition. It is considered that sufficient evidence has been provided to demonstrate this increase in units would be able to be suitably accommodated within the existing road network. Even though the slippage in provision of facilities and infrastructure within the wider Countesswells Development is regrettable, this would not be a material consideration to not allow the proposed variation;*
2. Proposed variation is premature – *Sufficient evidence has been submitted demonstrating the impact of the proposed increase in units prior to construction of the Eastern Access*

Road and the application is thus not considered premature;

3. Discussions between applicant and City Council have taken place – *This is not a material consideration and is common practice before and during the consideration of an application;*
4. No information is presented on the impact of the 8% decant of traffic onto Countesswells Road. This might be felt at peak times at the Countesswells Road/ Springfield Road traffic lights at Airyhall – already a busy junction – *Improvements to the Countesswells/ Springfield Road junction have been implemented as part of the nearby Pinewood/Hazledene development, which took into consideration other committed developments including Countesswells, and it is considered that these junction improvements are sufficient to accommodate the additional traffic arising from the Countesswells Development.*

Matters raised in letters of objection

1. Delays in delivery of planned infrastructure and amenities as promised by the developer at point of purchase – *This is a civil matter between the occupiers of the development and the developer;*
2. Proposal would set a precedent for further delays to implementation of essential infrastructure – *Any potential further delays to the construction of the Eastern Access Road would need to be evidenced through further additional evidence and would be subject to a further S42 application, which would again reassess the proposal;*
3. No consultation was undertaken with the community prior to submission of the application – *There is no legal requirement for the developer to consult with the community prior to submission of a S42 application;*
4. Proposed delay will not just impact on road users, but also on cyclists and pedestrians – *There is an existing segregated cycle and footpath between the Countesswells Development and Kingswells Roundabout which links into further existing segregated cycle and walking paths between Westhill and Aberdeen along the A944 and B9119;*
5. The road would provide essential infrastructure for the growing development. Traffic flow has already increased greatly, and construction of this road would help that. Concerns that other roads and junctions would be very busy especially at peak times as the volume of traffic naturally increases with number of homes occupied – *The application is supported by additional information which was assessed by Roads Development Management and any increases of traffic considered acceptable with existing junctions being able to absorb this, and related to 8% of traffic using Countesswells Road ;*
6. Delay in construction of road could result in increase noise and air pollution for existing residents due to an increase in traffic – *The proposed delay would have the potential to create additional traffic use of the Kingswells Roundabout and Countesswells Road. It would not have an impact on traffic flows through the development itself, and thus would not result in an additional increase in noise and air pollution.*
6. Reduction from 1501 to 1251 homes is a step in the right direction but falls short of the original milestone that many people in the community were sold on purchase – *This is a civil matter between the owners and the developer;*
7. The additional information is based on rerouting 8% of all traffic down Countesswells Road. No consideration is given to the nature of Countesswells Road, which has a narrow width, poor surface and crumbling edges, which would introduce an additional safety risk. Building of the new road would take traffic flow away from the dangerous Countesswells Road – *It is considered that, following improvements at the Countesswells Road/Springfield Road junction that Countesswells Road has the capacity to absorb the additional traffic arising*

from the rerouting of traffic from Countesswells down Countesswells Road.

Other conditions

The original decision notice for P141888 included a total of 10 conditions. All conditions attached to that decision notice require to be reconsidered to determine whether they should be amended, deleted or expanded. With that in mind, conditions requesting details of design and specification have been amended to reflect their approval through Matters Specified in Conditions application 170510/MSC, with the wording amended to reflect implementation of approved details rather than seeking additional information. Condition 7 of P14888 requesting submission of a programme of archaeological work has been removed in its entirety as this requirement was met through submission and approval of P171422/MSC and no significant archaeological remains were found. This condition is therefore no longer relevant or necessary. Condition 11 has also been removed as this required the Eastern Access Road to be opened after opening of the Western Access Road. Given the Western Access Road has been completed and is open for use, this condition is no longer relevant or necessary.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

Sufficient evidence has been provided to demonstrate that the proposed increase in completed and occupied residential units from 1,000 to 1,250 would not have a detrimental impact on the capacity of the existing road network, including the Jessiefield Junction and Kingswells Roundabout on the A944 and Countesswells Road. As such, it is considered that the reworded condition would be in compliance with policy I1 (Infrastructure Delivery and Planning Obligations) and T2 (Managing the Transport Impact of Development) of the 2017 Aberdeen Local Development Plan; policies I1 (Infrastructure Delivery and Planning Obligations) and T2 (Sustainable Transport) of the 2020 Proposed Local Development Plan; policies 13 (Sustainable Transport), 16 (Quality Homes) and 18 (Infrastructure First) in the draft NPF4; and relevant sections of the SDP. Other conditions have been amended to reflect the submission and approval of details through relevant MSC applications.

CONDITIONS

1. That the agreed works pursuant to condition 3 shall be carried out in their entirety, and to the satisfaction of the Planning Authority, prior to occupation of the 1251st house constructed on the Countesswells development site as identified in the OP38 designation within the 2017 Aberdeen Local Development Plan

Reason: In the interests of road capacity and safety.

2. That the development hereby approved shall be implemented in accordance with details approved as part of MSC permission 170510/MSC in relation to:
 - a. Detailed levels survey of the site and cross sections showing proposed finished road levels relative to existing ground levels and a fixed datum point;
 - b. Detailed drainage plan, including full details of the proposed means of disposal of surface water from the development, including how surface water run-off shall be addressed during construction, as well as incorporating the principles of pollution prevention and mitigation measures. The final location of Sustainable Urban Drainage Systems (SUDS), including ponds, should be appropriately positioned in accordance with an agreed flood risk assessment;
 - c. Details of all cut and fill operations;

- d. Details of all roads, footpaths and cycleways including tie-ins to existing/proposed roads (including confirmation of control over necessary land);
- e. Details of any screen walls/ fencing to be provided;
- f. Details of all landscaping, planting and screening associated with the development

Reason: To ensure a satisfactory final layout, appearance and to avoid any flood risk.

3. All soft and hard landscaping proposals approved as part of MSC permission 170510/MSC shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of each respective phase of the development or such other date as may be agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of each phase of the development, in the opinion of the Planning Authority is dying, severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason: In the interests of protecting trees and ensuring a satisfactory quality of environment.

4. The details approved as part of MSC permission 170510/MSC in relation to the agreed drainage system, shall be provided in its entirety and maintained thereafter throughout the lifetime of the consent in accordance with the approved maintenance scheme. The details submitted also include the future long-term maintenance of the system covering mattering such as:
 - a. Inspection regime relating to matters such as outlets/inlets;
 - b. Frequency and method of cleaning of filter trenches, removal of silt etc;
 - c. Grass cutting (and weeding) regime for swales;
 - d. Means of access for future maintenance;
 - e. How to ensure that planting will not be undertaken over perforated pipes;
 - f. Details of the contact parties for future factoring/ maintenance of the scheme to protect the water environment and help reduce flooding.

Reason: To protect the water environment and help reduce flooding.

5. That no development pursuant to this planning permission shall commence unless the following has been approved by way of formal application(s) for approval of Matters Specified in Condition:
 - a. A detailed and finalised Construction Environment Management Plan (CEMP) including site specific construction method statements, measures to minimise the risk of sediment entering watercourses on the site and the mechanism for compliance;
 - b. A scheme of noise and dust suppression measures to minimise potential impact during the construction phase; and
 - c. Details of the SUDS scheme, its adoption and maintenance, in order to manage sediments and pollutants from construction and operation of the development have been submitted to and approved in writing by the Planning Authority. The mitigation measures outlined in the CEMP shall be informed by the result of a full ground (water and soil) investigation study.

All works on site must be undertaken in accordance with the approved CEMP unless otherwise agreed in writing with the Planning Authority.

Reason: In order to prevent potential water pollution and to minimise the impacts of construction works on the environment.

6. Prior to commencement of any work in the development, a detailed scheme for the protection and enhancement of the water environment shall be submitted to, and approved in writing by, the planning authority in consultation with SEPA by way of formal application(s) for approval of Matters Specified in Condition. This shall include:
 - a. Confirmation of the location of all existing water bodies on site and demonstration of how they have been positively incorporated into the layout of the development, including appropriate buffer zones between the top of the bank of the watercourse and the development;
 - b. Full details relating to the realignment of the any watercourse on site, including the Cults Burn. Any redesigned watercourses shall be designed to accommodate the 1 in 200 year flow from the whole catchment. This shall include a low flow channel designed to accommodate the 1 in 200 year flow set within a wider channel capable of conveying the 1 in 200 year flow. In addition, appropriate buffer zones shall be included between the edge of the wider channel (i.e. the extent of channel utilised during high flows) and the development;
 - c. Full details relating to any other proposed engineering activities in the water environment, including the location and type of any proposed watercourse crossings. Any proposed watercourse crossings shall be designed to accept the 1 in 200 year flow. All works on site must be undertaken in accordance with the approved scheme unless otherwise agreed in writing with the Planning Authority in consultation with SEPA.

Reason: To protect and improve the water environment and to protect people and property from flood risk.

7. That no development shall take place until details in relation to updated surveys for protected species (red squirrel/bats/badgers) have been submitted through a further Matters Specified in Condition application. Subsequently, no development shall take place unless detailed mitigation measures to safeguard any identified protected species have been submitted to and approved in writing by the Planning Authority. No development shall take place unless the mitigation measures which have been agreed in writing by the Planning Authority are carried out in accordance with the agreed scheme.

Reason: To ensure the protection of protected species.

8. That no development shall take place unless a plan showing those trees to be removed and those to be retained and a scheme for the protection of all trees to be retained on the site during construction works has been submitted through a further Matters Specified in Condition application, and approved in writing by, the Planning Authority, and that any such scheme as may have been approved has been implemented.

Reason: In order to ensure adequate protection for the trees on site during the construction of the development.

9. That no part of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals or the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) has been submitted through a further Matters Specified in Condition application, and approved in writing by the Planning Authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the Planning Authority has given prior written approval for a variation.

Reason: In order to preserve the character and visual amenity of the area.

ADVISORY NOTES FOR APPLICANT

1. The applicant is advised that, during the construction of the Eastern Access Road, the normal hours of operation for all activity audible at the boundary of the nearest noise sensitive premises shall be between 07:00 to 19:00 hours Monday to Friday; 07:00 to 12:00 hours on Saturday, with no working on Sunday.